

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
)	
Facilitating the Deployment of Text-to-911 and Other Next Generation 911 Applications)	PS Docket No. 11-153
)	
Framework for Next Generation 911 Deployment)	PS Docket No. 10-255
)	

COMMENTS OF THE TELECOMMUNICATIONS INDUSTRY ASSOCIATION

Danielle Coffey
Vice President, Government Affairs

Mark Uncapher
Director, Regulatory and Government Affairs

TELECOMMUNICATIONS INDUSTRY ASSOCIATION
1320 Court House Road
Suite 200
Arlington, VA 22201
(703) 907-7700

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I. INTRODUCTION AND SUMMARY

The Telecommunications Industry Association¹ (“TIA”) offers these comments in response to the Federal Communications Commission’s (“Commission”) Policy Statement and Second Further Notice of Proposed Rulemaking (“FNPRM”) in the above-referenced dockets.² In the FNPRM, the Commission advances proposed rules intended to enable the public to text critical emergency information to public safety answering points (“PSAPs”).

TIA strongly supports the Commission’s efforts to comprehensively improve emergency communications. We concur that the development of a NG911, IP-based network with which PSAPs could receive diverse forms of communication will greatly improve public safety. Our member companies develop, manufacture, and supply the equipment used in the Nation’s communication networks, and are committed to accelerating the realization of a next generation 9-1-1 (“NG911”) system. TIA is additionally an accredited standard development organization for the ICT sector with an extensive history with public safety communications.³

¹ TIA is a Washington, DC-based trade association and standard developer that represents the global information and communications technology (“ICT”) industry through standards development, advocacy, tradeshows, business opportunities, market intelligence and world-wide environmental regulatory analysis. For over eighty years, TIA has enhanced the business environments for broadband, mobile wireless, information technology, networks, cable, satellite, and unified communications. TIA’s hundreds of member companies’ products and services empower communications in every industry and market, including healthcare, education, security, public safety, transportation, government, the military, the environment, and entertainment.

² *See Facilitating the Deployment of Text-to-911 and Other Next Generation 911 Applications*, PS Docket No. 11-153, et al., Policy Statement and Second Further Notice of Proposed Rulemaking, FCC 12-149 (rel. January 31, 2014).

³ TIA publishes a publicly-available annual report that includes the latest actions taken by each respective TIA engineering committee toward the development of standards for the advancement of global communications.

We urge the Commission to recognize the significant barriers to extending text-to-911 capabilities past native SMS.⁴

TIA has previously joined with the Alliance for Telecommunications Industry Solutions (“ATIS”) in cooperating on the development of a joint standard for the delivery of text-to-911. We believe that voluntary and consensus-based standards should be used as safe harbors to compliance (not the requirements themselves). As this effort concludes, TIA recommends that the Commission seriously consider it for use as a safe harbor. Finally, we emphasize to the Commission the importance of consumer understanding and continued education for the public. Particularly during the transitional period, such effort will ensure not only that public expectation remains realistic but that PSAPs can handle the text-to-911 messages they receive.

II. TIA ENDORSES A FLEXIBLE APPROACH TO IMPLEMENTATION THAT PROTECTS INNOVATION

TIA concurs with regard to the benefits outlined in the FNPRM for enhanced communications that text-to-911 can provide.⁵ Nevertheless, any Commission mandates should reflect the needs of the public safety community, manufacturers, and operators to make balanced investment decisions, consistent with available resources. These are the best parties to make the most appropriate priority determinations. We applaud the continuing activity of the Commission’s Communications Security, Reliability and Interoperability Council’s (“CSRIC”)

See TIA, Standards & Technology Annual Report 2011-2012 (September 2012), available at http://www.tiaonline.org/standards/about/documents/STAR_2012_Web.pdf.

⁴ The FNPRM appropriately makes note of the technical barriers associated extending the requirements to OTT Text providers, at 20

⁵ FNPRM at 12.

on best practices for reliable 9-1-1 and enhanced 9-1-1 services. The availability and adherence to industry standards and best practices will bring about successful implementation of 9-1-1 and enhanced 9-1-1.⁶ The Commission’s approach in this matter should also reflect the degree of convergence of IP-enabled services, as the Commission has recently acknowledged,⁷ along with the overall transition from the Public Switched Telephone Network to an all-Internet Protocol (“IP”) network.⁸

TIA members believe that regulations should reflect the most effective and efficient means of developing the current national 9-1-1 infrastructure into the conceptualized NG911 network. This would best be accomplished through the continuation of technology neutral, light-touch regulations that consider distinctive geographic, radio frequency, and technology feasibility characteristics particularly as NG911 deployment occurs through a phased-in approach. The Commission should also ensure that its actions do not derail any ongoing efforts through the adoption of new rules that would negatively impact that work.

⁶ See CSRIC,

⁷ See *Reliability and Continuity of Communications Networks, Including Broadband Technologies*, PS Docket No. 11-47, *Effects on Broadband Communications Networks of Damage or Failure of Network Equipment or Severe Overload*, PS Docket No. 10-92, *Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks*, EB Docket No. 06-119, *Notice of Inquiry*, FCC 11-55 (rel. April. 7, 2011) at ¶ 28 (observing that “...three major industry sectors are converging on ever more extensive use of broadband technologies: public safety, commercial communications, and utilities.”).

⁸ Comments of TIA, PS Docket Nos. 10-255, 11-153, and 12-333 (filed Dec. 13, 2012) at 13-16.

A. Constraints Extending Text-to-911 Regulations to Over-the-Top Services

In the FNPRM, the Commission discusses extending obligations to non-native SMS, or over-the-top (“OTT”), text-to-911 applications and services.⁹ TIA, as a representative for ICT manufacturers and suppliers, remains fully dedicated to the principle of technology neutrality and believes that the Commission appreciates this core principle’s value across the communications sector in facilitating competition.¹⁰ However, we remain cautious regarding proposals to reach OTT text-to-911 applications, including interconnected OTT, in with the same obligations proposed for other SMS text-to-911.¹¹ As the Commission notes, technical issues can prevent PSAPs from receiving necessary critical detail from these services.¹² For example, broadband access reliant OTT messages are less dependable than SMS texts carried over existing standards-based SMS architectures.¹³ Significant and well-documented technical challenges associated with OTT SMS (such as latency, lack of reliability, and location accuracy challenges) constrain its reliability for contacting 9-1-1 emergency services. These persistent technical

⁹ FNPRM at 20.

¹⁰ For example, as far back as 1997, the Commission has stated that “Technological neutrality will allow the marketplace to direct the advancement of technology and all citizens to benefit from such development. By following the principle of technological neutrality, we will avoid limiting providers... to modes of delivering that service that are obsolete or not cost effective. *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report and Order, 12 FCC Rcd 8776 (1997), ¶ 49.

¹¹ FNPRM at 20 notes “Commenters indicate that interconnected text providers will likely have to resolve other issues, such as OTT client identifiers that would enable “callback” from PSAPs, IP addressing, security challenges, and operating system (OS) service layer access to enable routing 911 texts through different functional components in the existing SMS architecture.”

¹² FNPRM at 20-22.

¹³ The ATIS Interim Non-Voice Emergency Services Incubator, of which TIA was a member, concluded that the limitations of SMS for transmission of emergency calls to a PSAP will only be appropriate after considerable industry standards work when it is clear that industry efforts are better spent on the development of a new IP protocol that is better adapted to the demands of emergency calls. *See, e.g.*, ATIS Interim Non-Voice Emergency Services Report and Recommendations (Rel. Dec. 12, 2011), available at <http://www.atis.org/docstore/product.aspx?id=26035>.

problems must be addressed prior to a text-to-911 obligation being extended to nascent IP applications including OTT text.¹⁴

B. The Commission Should Adopt the Joint ATIS/TIA Native SMS to 9-1-1 Requirements and Architecture Specification as a Safe Harbor for Compliance with Text-to-911 Regulations

The development of voluntary, consensus-based standards will most efficiently ensure that the Commission reaches its goals for text-to-911 (and the realization of a successful NG911 system). These would include detailed study to ensure that interoperability, portability and security (among other) concerns are fully addressed.

As we have previously detailed for the Commission in our joint comments filed with ATIS,¹⁵ TIA and ATIS have joined forces to develop an industry standard – *Joint ATIS/TIA Native SMS to 9-1-1 Requirements and Architecture Specification* (“J-STD-110”) – that will define the requirements and architecture for text messaging to 911 emergency services using native wireless operator Short Message Service (“SMS”) capabilities. In addition, this standard

¹⁴ See as noted in the FNPRM at 22, see Letter from Glenn S. Richards, Executive Director, VON Coalition, to Marlene H. Dortch, Secretary, Federal Communications Commission, GN Docket No. 11-117, WC Docket No. 05-196, PS Docket No. 11-153, PS Docket No. 10-255 (Jun. 27, 2012). See also Notice of Oral Ex Parte from Kim Robert Scoville, TeleCommunications Systems, Inc., to Marlene H. Dortch, Secretary, Federal Communications Commission, PS Docket Nos. 11-153 and 10-255 (Nov. 9, 2012) at 2 (noting that it cannot be authoritatively concluded that all OTT messaging applications “rely on underlying SMS technology to manage the messaging process” and that this “may change in the future.”). See also, e.g., Letter from Grant B. Spellmeyer, Esq., Executive Director – Federal Affairs & Public Policy, United States Cellular Corporation, to Marlene H. Dortch, Secretary, Federal Communications Commission, PS Docket Nos. 11-153 and 10-255 (Nov. 6, 2012) at 2 (noting the lack of resolution of these technical issues is reflected by the divergence of opinions on whether to address NG9-1-1 OTT SMS applications in the same rulemaking as “native” SMS. See, , Letter from Glenn S. Richards, Executive Director, Voice on the Net Coalition, to Marlene H. Dortch, Secretary, Federal Communications Commission, GN Docket No. 11-117; WC Docket No. 05-196; PS Docket Nos. 11-153, 10-255, and 07-114 (Nov. 14, 2012).

¹⁵ See Joint Reply Comments of ATIS and TIA, PS Docket Nos. 11-153 and 10-255 (filed Feb. 8, 2013) (“Joint TIA-ATIS Reply Comments”).

will contain a definition, assumptions, and requirements for the bounce-back message, which will be aligned with the voluntary industry agreement that was jointly announced on December 6, 2012, by AT&T, Sprint Nextel, T-Mobile USA, Verizon, APCO International and NENA – The 9-1-1 Association.¹⁶

TIA has long advocated that the use of industry-developed technical standards as a safe harbor for compliance where necessary, and not as a substitute for more general performance objectives, can be an effective tool to ensure consistency and transparency. Given the above-described industry effort, we believe that J-STD-110 reflects an appropriately-tailored solution to interim text-to-911 and fits the bill. We very strongly support the Commission adopting J-STD-110, as a safe harbor for compliance to text-to-911 regulations.

III. THE IMPORTANCE OF CONSUMER EXPECTATIONS, AND CONTINUED AND COORDINATED OUTREACH FROM STAKEHOLDERS

The ICT manufacturer and supplier community is prepared to work in partnership with the Commission, other Federal and state agencies, and other stakeholders to raise public attentiveness to text-to-911 and to educate the public on its abilities and limits. . We recognize that even before text-to-911 is available, a concerted public education effort will be required to help consumers understand what the system can and cannot do. As we note above, system conversions are dependent on a number of factors and deployment schedules will differ. In order to address inevitable situations during this transition, such as the case where a consumer moves

¹⁶ See Letter to FCC Chairman Julius Genachowski, Commissioner McDowell, Commissioner Clyburn, Commissioner Rosenworcel and Commissioner Pai, from AT&T, Sprint Nextel, T-Mobile USA, Verizon, APCO International and NENA – The 9-1-1 Association, filed December 6, 2012, in PS Docket Nos. 10-255, 11-153 (“Carrier-NENA-APCO Agreement”).

in and out of areas that have text-to-911 capability without realizing it, we encourage the Commission to coordinate with the various stakeholders, such as the EAAC, in finding ways to address these unfortunate realities associated with transitional periods through coordinated public education campaigns. This campaign should also look to reach PSAP stakeholders, who must be ready for the handling of text messages. PSAPs will have to cultivate and train to a common practice to enable the smoothest transition possible.

IV. CONCLUSION

For the foregoing reasons, TIA urges the Commission to take into consideration its views in this proceeding.

Respectfully submitted,

TELECOMMUNICATIONS INDUSTRY ASSOCIATION

By: /s/ Danielle Coffey

Danielle Coffey
Vice President, Government Affairs

Mark Uncapher
Director, Regulatory and Government Affairs

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Suite 200
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