

**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 APCO
IN RESPONSE TO
SECOND FURTHER NOTICE OF PROPOSED RULEMAKING**

The Association of Public-Safety Communications Officials-International, Inc. (“APCO”) hereby submits the following comments in response to the Commission’s *Policy Statement and Second Further Notice of Proposed Rulemaking*, FCC 14-6 (released January 31, 2014) (“*Second FNPRM*”), in the above-captioned proceedings.

Founded in 1935, APCO is the nation’s oldest and largest public safety communications organization. Most APCO members are state or local government employees who manage and operate communications systems -- including Public Safety Answering Points (PSAPs), dispatch centers, radio networks, and information technology -- for law enforcement, fire, emergency medical, forestry conservation, highway maintenance, disaster relief, and other public safety agencies. APCO has long been involved in Commission proceedings regarding 9-1-1 capability and other aspects of public safety communications.

APCO supports the Commission’s *Policy Statement* issued with the *Second FNPRM* and the proposed rules to require the delivery of text-to-9-1-1 messages to PSAPs. As APCO has previously stated,

text-to-9-1-1 capability will substantially improve the ability of individuals to seek emergency assistance when a voice call is not feasible. In particular, text-to-9-1-1 capability will be invaluable for individuals with speech or hearing disabilities, in rare situations where a voice call to 9-1-1 might be dangerous (*e.g.*, a hostage situation), or when voice calls are being blocked due to unusual network congestion.¹

The Commission's *Policy Statement* encourages relevant stakeholders in industry and public safety to "develop implementation details" regarding text-to-9-1-1 capability "on a consensual basis."² APCO stands ready to engage in those discussions and is hopeful that the desired consensus can be obtained. However, if the obstacles to consensus are too high, the Commission must assume its statutory role and adopt necessary regulations to ensure that the public has full access to 9-1-1 through text and other new communications vehicles. In that regard, and as discussed below, APCO supports adoption of the timelines and related requirements contained in the Commission's proposal.

Timeframe for Implementation

The Commission seeks comment on a proposed requirement that all text providers make text-to-9-1-1 available no later than December 31, 2014. The four major wireless carriers have already committed to providing text-to-9-1-1 by May 15, 2014. As discussed in the *Second FNPRM*, it appears that other Commercial Mobile Radio Service (CMRS) carriers would be able to follow in their footsteps and comply by the end of this year.³ There are already Text Control Center (TCC) providers working with the four major carriers and there is now an ATIS/TIA Joint Standard (J-STD 110) for SMS. Thus, the road is paved for easier implementation by small and rural carriers. A uniform regulatory deadline for all carriers would also benefit the

¹ Comments of APCO in response to Further Notice of Proposed Rulemaking, March 11, 2013.

² *Second FNPRM* at ¶15.

³ *Id.* at ¶19.

public by preventing confusion over service capability. Combined with additional requirements described below (such as location information and roaming), it would also encourage PSAPs with available funding to make the necessary upgrades to their systems to receive and process text messages.

The FCC's rules for text-to-9-1-1 implementation should also include a timeframe by which carriers must begin delivering texts following a PSAP request.

Over-the-Top Applications

Providing text-to-9-1-1 through "over-the-top" (OTT) text applications does pose additional challenges that may justify a two-tiered regulatory approach. However, as APCO stated previously, "there should nonetheless be firm dates established to ensure meaningful progress and ultimate compliance."⁴ The Commission should review the record and move forward with aggressive, but reasonable, dates for OTT compliance. In particular, fully integrated text providers that support sending or receiving text messages to or from telephone numbers need to provide text-to-9-1-1 capability as soon as possible, as such services are quickly becoming the most prevalent means of texting.⁵ As noted below, consumer education will be particularly important for OTT text providers.

The Commission seeks comments on several models for delivery of OTT text-to-9-1-1. While the details will need to be resolved by the Commission and the relevant industries, we urge that the selected approach be technically viable and relatively easy to implement by December 31, 2014, or as soon as possible thereafter. The CMRS network-based model would appear to meet those criteria, though some technical issues may still need to be considered.

⁴ Comments of APCO in response to Further Notice of Proposed Rulemaking, March 11, 2013.

⁵ *Second FNPRM* at ¶ 6.

Subject to proposals permitting reasonable compensation⁶ and eventual carrier transition from SMS to new technology platforms,⁷ we also agree in principle with the Commission’s proposal to prohibit CMRS carriers from blocking “access to capabilities that would enable interconnected text providers to provide consumers using their OTT applications to send texts to 9-1-1.”⁸

Regardless of which OTT delivery model is selected, the approach should provide integration into existing call routing and location infrastructures, and with the TCC architecture required to support the interim SMS solution as defined in J-STD 110. Consideration must be given to both the short term need for OTT applications to provide text-to-9-1-1 as soon as possible, and a roadmap for implementing long-term, IP-based, multimedia solutions for future applications that are integrated with Next Generation 9-1-1 solutions. Thus, while the CMRS model might be best to pursue for today’s purposes, APCO would encourage development of other solutions including the other options proposed, so that OTT texting can be enabled smoothly as PSAPs adopt IP-based technology and SMS technology wanes. This will facilitate the creation of a uniform approach needed for PSAPS (or at least compatible approaches that are transparent to PSAPs). With their limited funding and staffing, PSAPs cannot afford to integrate a plethora of different solutions and interfaces, which would also pose the risk of confusion and delays in call responses.

PSAP Implementation

The Commission also seeks comment on PSAP implementation, and asks if there are steps that “may encourage more rapid uptake by PSAPs”⁹ of text-to-9-1-1 and NG 9-1-1

⁶ *Second FNPRM* at ¶ 28.

⁷ *Id.*

⁸ *Id.* at ¶29.

⁹ *Id.* at ¶40.

capability. As the Commission appears to recognize, the most significant barrier to PSAP implementation is funding. The technical issues from the PSAP perspective are solved or solvable, and the desire is clearly there to upgrade PSAP facilities to provide state-of-the-art capabilities. Funding is the problem, made worse by the growing number of consumers moving away from telecommunications services subject to 9-1-1 fees, as well as the overall tightening of state and local government budgets. The Commission's proposed requirements that carriers make text-to-9-1-1 available by December 31, 2014, will be helpful. Absent such a date certain, some state and local governments would be reluctant to dedicate scarce public funds for PSAP system upgrades that may be unnecessary for an extended time period. Even more helpful will be eventual requirements that include accurate location information, roaming, and inclusion of OTT applications, as those steps will further enhance the usefulness of the text-to-9-1-1 capability for PSAPs.

Location Information

APCO continues to believe that text-to-9-1-1 service must ultimately include Phase II equivalent (or better) location information. Currently, coarse (cell sector) information is available, which facilitates call routing to the correct PSAP, but is of limited value in actually locating the source of the emergency text. APCO remains highly supportive of CSRIC and ATIS as the best vehicles to develop methods and standards for more precise location identification, and this requires active participation by industry to drive timely and achievable results. Substantial work is being done on NG9-1-1 location issues and the entire industry, including OTT providers, public safety, carriers, and location technology companies, need to be full participants.¹⁰ More specifically, the "thin-client" smart phone applications noted in the *Second*

¹⁰ APCO agrees that a "re-bid" by PSAPs may well be needed to obtain the necessary information from providers, especially for any near-term solutions.

FNPRM may also hold promise as a method to achieve a viable solution in the near-term.

APCO does not have sufficient information to recommend a specific timeframe by which text-to-9-1-1 capability should be required to include at least interim means of obtaining location information. The Commission should gather information submitted in response to the *Second FNPRM* and then proceed to identify aggressive but reasonable deadlines.¹¹

Roaming

Text-to-9-1-1 for consumers who are roaming continues to be a concern. The *Second FNPRM* seeks further information on this issue, and we urge that carriers' responses be reviewed carefully to ensure that the inability to provide roaming is a function of technical limitations, and not simply business plans. The Commission also needs to commit to annual reviews and updates to ensure that roaming is included in text-to-9-1-1 as soon as it is technically feasible. It should also adopt rules to eliminate confusion over terms such as "home network" which mean little to the average consumer or PSAP. APCO also encourages wireless service providers to continue to seek a better solution for text-to-9-1-1 while roaming to ensure the safety of the general public and the ability of public safety entities to provide assistance when and where it is needed, regardless of whether the consumer seeking such assistance is roaming.

Waivers

The Commission seeks comments regarding the use of waivers in the context of rules adopted for text-to-9-1-1. While APCO acknowledges that rule waivers may be appropriate in limited circumstances, there must be a very high hurdle for any service provider to overcome before it can be relieved of obligations intended to protect the safety of life and property.

¹¹ While location identification for texts poses some unique issues, the record in PS Docket No. 07-114, regarding "Wireless E911 Location Accuracy Requirements," may also include relevant information.

Waiver requests from commercial entities based solely on financial issues are particularly suspect and should not be granted in most cases.

Voluntary Agreements

Comments are also sought regarding the treatment of voluntary agreements, such as the agreement between APCO, NENA and the four national carriers referenced in the *Second FNPRM*. APCO generally favors collaborating with interested stakeholders to forge agreements that are achievable and serve the interests of public safety. From APCO's perspective, such agreements can be a method to streamline the often lengthy rulemaking process and implement meaningful advancements at the earliest possible date. Voluntary agreements thus provide a pathway for compliance by all industry participants and eventual FCC rules following codification of the agreements. The safe harbor suggestion in the *Second FNPRM* may also be an option in limited circumstances. In any event, it is important that there be FCC enforcement options as public safety parties will have few independent avenues to enforce voluntary agreements, other than in the "court of public opinion."

Text Outages

APCO recommends that the Commission adopt a requirement that carriers notify relevant PSAPs of text service outages, just as they are required to provide notification of voice service outages. Such a requirement will become more important with increased availability of texting as a means to reach 9-1-1.

Public Education

Public education is critical now that text-to-9-1-1 is becoming a reality. Consumers must understand when and where text-to-9-1-1 is available and, most importantly, that a voice call to 9-1-1 is almost always better than a text. They also need to understand the limitations of

text-to-9-1-1. There is currently no actionable location information associated with a text, limited roaming capability, and no ability to send other media with the text (as is otherwise possible with some OTT applications). APCO will help educate PSAPs and will cooperate with the FCC and industry on wider public education. However, the carriers and service providers have more direct lines of communication with consumers, and should bear the primary responsibility for public education. As the Commission stated long ago in the context of wireless E9-1-1 services:

We believe that covered carriers have an obligation to inform their customers regarding the scope of their services, including any such technical limitations of current wireless services in providing access to basic and E911 services, so that customers will be able to determine rationally and accurately the scope of their options in accessing 911 services from mobile handsets, and available alternatives.¹²

CONCLUSION

APCO urges the Commission to proceed with rules to require all text service providers to deliver 9-1-1 texts to PSAPs, consistent with the comments set forth above.

Respectfully submitted,

/s/

Robert M. Gurss
Senior Regulatory Counsel
APCO International
(202) 236-1743 (m)
gurssr@apcomail.org

April 4, 2014

¹² Revision of the Commission's Rules To Ensure Compatibility with Enhanced 911 Emergency Calling System, *Report and Order and Further Notice of Proposed Rulemaking*, CC Docket No. 94-102 (released July 26, 1996), ¶150.