

Before the Federal Communications Commission

IN RE

FACILITATING THE DEPLOYMENT OF TEXT-TO-9-1-1
AND OTHER NEXT GENERATION 9-1-1 APPLICATIONS

FRAMEWORK FOR NEXT GENERATION 9-1-1 DEPLOYMENT

ON SECOND FURTHER NOTICE OF PROPOSED RULEMAKING

**REPLY COMMENTS OF THE
NATIONAL EMERGENCY NUMBER ASSOCIATION**

TELFORD E. FORGETY, III

Attorney

Director of Government Affairs

NATIONAL EMERGENCY

NUMBER ASSOCIATION

1700 Diagonal Rd., Ste. 500

Alexandria, VA 22314

(202) 618-4392

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PS Docket Nos. 11-153 / 10-255

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The National Emergency Number Association (“NENA”) respectfully submits the following reply to those comments received by the Commission in response to its *Policy Statement and Second Further Notice of Proposed Rulemaking* released on January 31st, 2014.

COMMENTS

Although there clearly exists some disagreement as to the availability of certain technical solutions to challenges identified by the Commission in the FNPRM, NENA is pleased that, on the whole, none of the challenges identified is universally agreed to be insurmountable. NENA therefore encourages the Commission to hew closely to the Carrier-NENA-APCO agreement as it determines the scope of final rules. At the same time, the Commission should clearly reiterate the public interest in further im-

provements along the lines identified by commenters who assert, with some authority, that the limitations identified in that agreement can be overcome.

I. The record reflects strong and broad-based support for the Commission's Policy Statement on Text-to-9-1-1.

The record in this proceeding is remarkable for the level of agreement achieved among parties with strikingly different interests: Support for the policy statement may be found in the comments of carriers,¹ device manufacturers,² and 9-1-1 solution providers,³ in addition to the public safety community.⁴ Although a majority of the commenters did not directly address the Commission's policy statement, NENA believes that the diversity of the parties which did, coupled with their relative size and importance to the 9-1-1 ecosystem, indicates the emergence of a consensus that the direction established by the Commission in its Statement is, however broadly, the right direction for the 9-1-1 enterprise. For NENA's own part, we reiterate our support for the Policy Statement, even as we explain in detail below our continuing view that SMS to 9-1-1 should be regarded as a temporary, interim solution, prior to the availability of NG9-1-1 compatible text messaging services.

II. The record supports NENA's conclusions with respect to the feasibility of the Commission's proposed timelines.

There is little doubt, based on the record, that a December 31st, 2014 deadline for text readiness is reasonable and feasible for the overwhelming majority of CMRS provid-

¹ AT&T, *Comments* at 1 fn.7; Rural Wireless Association, Inc., *Comments* at 1;

² Motorola Mobility, LLC, *Comments* at 1.

³ See TeleCommunications Systems, *Comments* at 4-5

⁴ NENA, APCO, NASNA, BRETSA

ers. Carriers large and small agree on this point, solution providers stand ready to assist the carriers, and the Public Safety community is unanimous in its support for this timeframe. Further, as with the Carrier-NENA-APCO agreement, clear consensus support for a 6-month implementation window from the first PSAP request provides a further buffer during which any late-discovered kinks can be worked out of individual carrier networks.

As anticipated by NENA's comments, however, the record with respect to interconnected "Over the Top" ("OTT") text service providers is rather more mixed. In particular, there does not appear to be a single clear consensus around the feasibility of applying the same timeframe to interconnected OTT text providers as there does for integrated text providers. Thus, while NENA still believes that a unified roll-out of integrated and interconnected Text-to-9-1-1 services would best serve to prevent consumer confusion and speed text adoption in appropriate circumstances, we must reluctantly recommend that the Commission extend the deadline for interconnected text service providers for a short time. We agree with Comcast, however, that, in so doing, the Commission must provide some backstop date by which a final 6-12 month implementation period must begin. This will ensure that interconnected OTT providers have an appropriate incentive to complete the required work in a timely fashion. A similar process worked well in the context of the Commission's prior Commercial Mobile Alerting Service / Wireless Emergency Alerts context. In NENA's view the chosen date certain should be no later than March 30th, 2015. This would provide OTT providers with nine months to settle on one or more workable interim solutions, or to partner with one or more access network providers to enable an i3-compliant NG9-1-1 service process.

III. The Commission’s Text-to-9-1-1 rules should strive to minimize or eliminate competitive harms to incumbent integrated text providers.

NENA supports AT&T’s contention that the Commission’s interim Text-to-9-1-1 rules should not unfairly burden some market participants more than others, and should not create a continuing obligation to offer service through legacy text messaging platforms. Though, as the VoN Coalition notes, this approach could lead to harsh results for entrants that have not yet established a viable financial for the support of their businesses, any alternative risks seriously distorting the market interconnected text origination services. Moreover, a contrary rule will have significant pro-competitive benefits: It would incentivize *both* legacy SMS providers and interconnected text origination service providers to transition to more advanced technologies. Such technologies are more likely to be compatible with the lower-cost, lower-complexity requirements standards-based NG9-1-1 text origination.

IV. Only the use of NANP TNs for addressing should trigger Text-to-9-1-1 obligations.

Though NENA believes the Further Notice to have been clear as-written, the level of confusion demonstrated in the comments as to the precise contours of the Commission’s proposed definition of which services constitute “interconnected OTT text service providers” requires a reply. A number of commenters evidently read the Further Notice to conflate the use of North American Numbering Plan telephone numbers for *addressing* with their use for *user discovery*. NENA believes it was the Commission’s intention to include within the ambit of the proposed rules only the former. This view is consistent with the Commission’s definition of interconnected VoIP, and correctly distinguishes the use of a Telephone Number (TN) for addressing and routing functions from the use of TN *directory*, such as a phonebook or a mobile user’s contact list, to discover information about a TN user. The latter usage, in any event, would more likely run afoul of the

Commission’s jurisdiction as delineated with respect to the PSTN and PSTN resources such as NANP TNs.

V. The Commission should move with dispatch to encourage a rapid transition to standards-based NG9-1-1 services and location provisioning methods.

As nearly every commenter recites, one of the most pressing issues facing the Commission is “Facilitating the Deployment of ... Other Next Generation 9-1-1 Services.” In the text realm, a rapid but orderly transition to NG9-1-1 enabled originating services, access networks, on the carrier / application provider side and NG9-1-1 service systems on the PSAP side is a public safety imperative. For reasons of cost, complexity, standardization, and competition, this is a transition whose time has come. NENA is particularly pleased that, at the Commission’s recent workshop on the IP Transition, rousing support was provided for the roll-out of NG9-1-1 services using NENA’s i3 Standard.⁵ As NENA has repeatedly emphasized, the move to IP-based NG9-1-1 will dramatically reduce the barriers to adoption of 9-1-1 capabilities for originating service providers such as interconnected OTT text service providers, and will also allow support for routing and precise location discovery for *all* communications services, regardless of whether a mobile user is attached to a home network, a roaming network, or a fixed via WiFi, Bluetooth, Ethernet, etc. In that regard, we encourage the Commission to clarify – soon – that solutions premised on legacy network elements and concepts, like pANI and ALI, will not form part of the long-term NG9-1-1 ecosystem. NENA has grown concerned by some industry standardization efforts that appear to extend beyond the internal workings of originating networks to reach the functional elements of NG9-1-1 systems, and, in some

⁵ Remarks of Michael Ernst, AT&T Mobility, and Terry Hall, APCO International (Transcript Forthcoming) GN Docket No. 13-5 (Apr. 14, 2014).

cases, to perpetuate the already-cumbersome pANI model. Though the wheel may be ripe for a reinvention, NG9-1-1 is not. To ensure that future text users – like users of every other originating service – can be found in an emergency, the Commission should be firm and clear that true NG9-1-1 location determination and transmission obligations will eventually apply to access network providers and text originating service providers, respectively. Such a declaration will help to accelerate the deployment of these crucial already-standardized technologies.

A. The industry is diligently working to introduce enhanced location capabilities for interim SMS to 9-1-1, but requiring such capabilities could stymie efforts to deploy standards-based NG9-1-1 location provisioning technology.

Because NENA believes the focus of the Commission, the industry, and the public safety community should be on the deployment of true NG9-1-1 capabilities, and because the Carrier-NENA-APCO agreement was clearly premised on the use of “coarse” or “cell-sector-centroid” location, NENA believes, from the outset, that Commission mandate for enhanced text location capabilities would, at this juncture, be premature. Moreover, such a mandate may prove redundant, as NENA is aware that multiple industry stakeholders have already begun developing solutions to enable more precise location capabilities for their text subscribers. Too, these developments could lead to valuable roaming capabilities, at least between cooperating carriers, a benefit that could prove crucial for small or rural carriers who are likely to lag the broader market to the IP and NG9-1-1 transitions. While the Carrier-NENA-APCO Agreement does not contemplate such an arrangement, its introduction on basis of commercial agreements would be beneficial. In the future, if progress on deployment of true NG9-1-1 location determination and transmission capabilities is not satisfactory, the Commission can always revisit this question, and count on NENA’s support for action at that time.

VI. The Commission's waiver regime should be simple, but limited.

NENA agrees in part with the comments of Vtel Wireless that greenfield LTE deployments that will support only consumer broadband services – without *any* associated originating services (e.g., voice or text) should be exempted from the Commission's text requirement: That is, carriers that never had a text platform of any kind to start with shouldn't be required to add one to their offerings. However, in such circumstances, NENA would encourage the Commission to require that such service providers make available, on a reasonable timeframe not to exceed one year, NG9-1-1 ready Location Information Servers to support consumer use of interconnected OTT text originating services. This approach would provide a valuable early transition benchmark for all-IP service.

Otherwise, NENA generally reiterates our prior support for a simple, but extremely limited waiver regime. For example, if the equipment availability impediments identified by some small or rural carriers do materialize, NENA would support a limited waiver until such time as equipment can be shown to be available on a competitive basis. This principle should be backstopped with a presumption that such equipment is available after a period not to exceed 12 months.

A. Decommissioning networks should receive special waiver consideration.

NENA agrees with T-Mobile that networks scheduled for prompt decommissioning should be exempted from the requirement to deploy Text-to-9-1-1 capabilities. However, we disagree as to the precise mechanism that should attend such an exemption. The timeline proposed by T-Mobile (18 months) is reasonable, but NENA believes that carriers ought to at least be required to give the Commission prior notice of their intent to decommission a given network generation so that the 18 month timeframe does become an evergreen proposition. Then, if a carrier *does not* turn down a network within the declared time, it

could be held to an automatic show-cause standard to remediate the unavailability of Text-to-9-1-1 for certain of its subscribers.

VII. NENA has never supported the nationalization of 9-1-1.

Though loath to expend ink on matters beyond the purview of the Commission and moreover of this particular proceeding, NENA is compelled to include one final point to correct a factual error inserted in the record: At no time has NENA stated “that 9-1-1 service should be nationalized [or] that the FCC should exclusively regulate 9-1-1.”⁶ To the contrary, NENA has always insisted on the primacy of state and local authorities in the regulation and operation of 9-1-1 systems. We have noted, in one instance, that transitional “default” rules for NG9-1-1 service deployment may be necessary to provide needed certainty as to the responsibility for regulating certain aspects of NG9-1-1 service (e.g., interconnection requirements). Even in that limited context, however, NENA made clear our preference that states resolve these thorny issues for themselves,⁷ and that even those states that failed to do so initially should be permitted to subsequently escape the default rules by enacting NG9-1-1 enabling rules of their own.⁸ To insist that NG9-1-1 progress should be encouraged by the Commission in such a limited way is surely no “betrayal.”⁹ Rather, it is a recognition that our members have little remaining patience for the sort of regulatory intransigence that has, in some states, left them captive to an expensive, proprietary, and often non-competitive market for legacy products and services from

⁶ BRETSA, *Comments* at 2-3.

⁷ *In re Legal and Statutory Framework for NG9-1-1 Deployment* NENA, *Comments* at 10-12 (PS Docket Nos. 10-255, 11-153, 12-333) (Dec. 2012).

⁸ *Id.*

⁹ BRETSA, *Comments* at 3 fn.2.

which they are eager to transition away. Let the record so reflect.

CONCLUSION

The Commission should materially hasten the transition to standards-compliant NG9-1-1 originating services and location protocols.

TELFORD E. FORGETY, III
Attorney

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