

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Public Safety and Homeland Security Bureau	)	PS Docket No. 21-479
Seeks Comment on Petition for Rulemaking	)	
Filed by the National Association of State 911	)	
Administrators	)	

**REPLY COMMENTS  
OF  
NTCA–THE RURAL BROADBAND ASSOCIATION**

NTCA–The Rural Broadband Association (“NTCA”)<sup>1</sup> hereby submits these reply comments to address parties responding to the Public Notice<sup>2</sup> released by the Federal Communications Commission’s (“Commission”) Public Safety and Homeland Security Bureau. The Public Notice seeks comment on a Petition for Rulemaking/Notice of Inquiry (“*Petition*”) filed by the National Association of State 911 Administrators (“NASNA”).<sup>3</sup> The *Petition* seeks the initiation of a rulemaking or notice of inquiry proceeding to “[e]stablish Commission authority over originating service providers’ (OSPs)...delivery of 911 services through IP-based emergency services,”<sup>4</sup> and a declaration that the delivery of traffic to demarcation points set by the Commission “is the responsibility of the OSPs, except where cost-recovery is provided by state law or regulation.”<sup>5</sup> The *Petition* also seeks the Commission establishment of “NG911 cost

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<sup>1</sup> NTCA–The Rural Broadband Association represents approximately 850 independent, community-based companies and cooperatives that provide advanced communications services in rural America and more than 400 other firms that support or are themselves engaged in the provision of such services.

<sup>2</sup> *Public Safety and Homeland Security Bureau Seeks Comment on Petition for Rulemaking Filed by the National Association of State 911 Administrators*, PS Docket No. 21-479, Public Notice, DA 21-1607 (rel. Dec. 20, 2021).

<sup>3</sup> *Petition for Rulemaking; Alternatively, Petition for Notice of Inquiry*, National Association of State 911 Administrators CC Docket No. 94-102 and PS Docket Nos. 18-64, 18-261, 11-153, and 10-255 (fil. Oct. 19, 2021) (“*Petition*”).

<sup>4</sup> *Id.*, p. 2.

<sup>5</sup> *Id.*, pp. 2-3.

demarcation point or points, for allocating costs [for instances] when the parties cannot agree on the appropriate demarcation points(s).”<sup>6</sup>

NTCA is joined by other parties in noting that the relief that NASNA seeks as an end-result here could harm rural consumers and that the relief in any case is not demonstrably necessary to achieve petitioner’s goals for NG911. In initial comments, NTCA stressed that even as it strongly supports steps to advance the transition to NG911 in rural and urban areas alike, the *Petition* raises problematic issues that the Commission must account for even as NASNA does not.<sup>7</sup> First, the NASNA proposal would impose significant and disproportionate new transport costs on smaller rural carriers and ultimately the rural customers they serve for the delivery of NG911 traffic. Second, critical policy issues that underlie those raised by the *Petition* do not arise in a vacuum, and these questions are more properly addressed in a comprehensive proceeding that examines them both within and beyond the context of NG911. Rather than adopting “one-off” piecemeal changes to interconnection rules that may apply in *some* instances of IP voice traffic exchange but not in others, the Commission should as a matter of good process and public policy consider such questions holistically by reinitiating its broader examination of such “network edge” issues.

Like NTCA, the South Carolina Telephone Coalition (“SCTC”) recognizes the problematic results implicated by NASNA’s narrow request – as the coalition notes, connections to “NG911 ESInets...are not located in the same places as the meet points where the [incumbent local exchange carriers (“ILECs”)] are currently transporting their customers’ 911 calls”<sup>8</sup> but

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<sup>6</sup> *Id.*, p. 3.

<sup>7</sup> Comments of NTCA–The Rural Broadband Association (“NTCA”), PS Docket No. 21-479 (fil. Jan. 19, 2022), pp. 3-6.

<sup>8</sup> Comments of the South Carolina Telephone Coalition (“SCTC”), PS Docket No. 21-479 (fil. Jan. 19, 2022), p. 2.

rather are “often much farther away than the current 911 meet points, outside of the ILECs’ service areas, and can even be located out of state.”<sup>9</sup> As SCTC notes, the ultimate end result of what NASNA requests “would be an unfair burden on rural carriers and their customers to impose such additional costs for 911 transport.”<sup>10</sup>

As NTCA noted in its initial comments, this result is in fact much more than simply an unfair burden – it would set significant and consequential precedent as the costs of transporting NG911 traffic to these distant points would, *for the first time*, be transferred to, imposed upon, and recovered *entirely* from small rural customer bases. Such an outcome raises substantial public policy concerns because, depending upon the scope of costs at issue locally and nationwide, it could put at risk the continued affordability of voice service, potentially undermining the universal service mandates of Section 254 of the Communications Act of 1934, as amended by the Telecommunications Act of 1996 (“the Act”). And even as the discussion need not be repeated in its entirety here, it would also run afoul of Commission precedent interpreting the Act and many of its provisions.<sup>11</sup> In short, the request here is not as simple and straightforward as the petitioner suggests, falling instead against a broader and more complex backdrop that implicates a number of public policy issues that cannot be ignored or breezed past.

Moreover, there is no indication that the treatment requested by NASNA is even necessary to promote the proliferation of NG911. As the Minnesota Telecom Alliance (“MTA”)

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<sup>9</sup> *Id.*

<sup>10</sup> *Id.*, p. 5.

<sup>11</sup> NTCA, pp. 4-5 (stating that “[i]nterconnection under the Act, as previously interpreted by this Commission, is to occur on carriers’ networks, and states in turn have the authority to establish rules surrounding interconnection as long as they set those consistent with the Act’s provisions. For example, rural telephone companies are not required to agree to interconnect at points outside of their network unless and until a state commission determines that doing so ‘is not unduly economically burdensome, is technically feasible, and is consistent with section 254 of this title’” and further stating that “the Commission has, in another context, acknowledged that ‘a carrier has no legal obligation to agree to unilateral attempts to change network interconnection points.’”) (Internal citations omitted).

correctly points out, the Petition fails to identify any real controversy or substantial need for a rulemaking here.<sup>12</sup> After noting that existing meet points for the traffic at issue here have already been established in the state of Minnesota, MTA says:

NASNA appears to go beyond limited relief for isolated and unresolved 911 cost allocation disputes when it claims that “establishing a demarcation point(s) for cost allocation addresses the critical component, and biggest regulatory roadblock, to transitioning to NG911 services” (NASNA petition, p. 6). NASNA offers no evidence of substantial – much less, widespread – disputes between OSPs and state/local 911 authorities over NG911 cost allocation, nor any indication how or why existing 911/E911/NG911 meet point and cost allocation arrangements should be abandoned or changed significantly at this time with respect to the ongoing NG911 transition.<sup>13</sup>

Indeed, NASNA offers no evidence with respect to debates or disputes across the nation regarding the costs at issue here such that the Commission needs to intervene and potentially remake the rules and responsibilities of who covers what transport costs. MTA goes on to note that “the NG911 transition can continue to proceed expeditiously if established OSP meet point and cost allocation arrangements remain in place”<sup>14</sup> – and NTCA observes that NASNA does not in its *Petition* discuss how or why this is not the case and why the foisting of transport costs to distant points entirely on originating service providers is necessary to further the NG911 transition.

CTIA’s comments are instructive as well on the point that the relief requested is unnecessary, stating that, “[t]he fact that states and jurisdictions have launched as many ESInets as they have shows that stakeholders are able to work through complex issues, including demarcation points, and indicates that demarcation points are not an obstacle to NG911

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<sup>12</sup> Comments of the Minnesota Telecom Alliance (“MTA”), PS Docket No. 21-479 (fil. Jan. 19, 2022), p. 3.

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

deployment.”<sup>15</sup> CTIA also helpfully point out that NASNA even admits “[t]he NG911 transition ‘is happening now.’”<sup>16</sup> Thus, as MTA and CTIA jointly demonstrate, the underlying premise of the *Petition* – that originating service providers’ reluctance to blindly accept significant new transport costs is somehow impeding the NG911 transition and that Commission intervention is therefore needed – is unsupported.

The Commission should therefore reject calls to establish broad jurisdiction over originating service providers here and transfer broad swaths of responsibility (and cost) specifically to these entities.<sup>17</sup> As some have noted, 911 services, and the policy issues implicated, are a “shared responsibility” with each participant in the process having distinct but cooperative roles.<sup>18</sup> No party commenting on the *Petition* offers justification for jettisoning this sharing of responsibility. Indeed, the fact that the “FCC’s limited jurisdiction with respect to delivery of services beyond those considered legacy 9-1-1 or E9-1-1 has long been a source of frustration for the 9-1-1 industry”<sup>19</sup> is not a reason to upend this federal/state partnership – or to implicate far broader and sweeping legal and policy debates over interconnection and network edges. Indeed, even if the policy arguments of NASNA and NENA had merit, the Commission must address the legal questions of how interconnection is to be achieved and structured under the Act. The frustration of certain parties in limited and unidentified circumstances does not provide sufficient basis to adopt new policies that would foist significant new costs on

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<sup>15</sup> Comments of CTIA, PS Docket No. 21-479 (fil. Jan. 19, 2022), p. 5.

<sup>16</sup> *Id.*, citing *Petition*, p. 4.

<sup>17</sup> See Comments of Comtech Telecommunications Corp, PS Docket No. 21-479 (fil. Jan. 19, 2022), p. 2.

<sup>18</sup> See Reply Comments of NENA: The 9-1-1 Association (“NENA”), PS Docket No. 10-255, et al., (fil. Jan. 14, 2013), p. 2 (stating that in the proceeding at issue “there is a clear consensus that states will play a central role in the deployment of NG9-1-1, and that the Federal government’s chief role will be facilitation, rather than control”).

<sup>19</sup> Comments of NENA: The 9-1-1 Association, PS Docket No. 21-479 (fil. Jan. 19, 2022), p. 1.

originating service providers or sidestep the requisite statutory analysis needed to underpin such action.

In lieu of a rulemaking, evidence of how the transition to NG911 is proceeding (or not) could perhaps be better developed through a NOI – indeed, this seems the more logical starting point for the Commission to get a better understanding of where the transition stands, where roadblocks may exist, whether they exist at a scale that merits the agency’s intervention, and what kinds of intervention might be considered. But should the Commission take that route, it must seek comment on NG911 progress and barriers more broadly, as the issues that facilitate or hinder NG911 adoption and implementation almost certainly go far beyond the demarcation point/cost allocation issues raised here.

Finally, as NTCA noted in initial comments, the proper allocation of interconnection costs has long been the subject of significant debate and has emerged as critical in other important contexts. One prominent example is where this serves as a barrier to rural carriers’ adoption of caller-ID authentication technology<sup>20</sup> – thus, any consideration of “cost demarcation points” should not and cannot proceed in a vacuum. Addressing the cost allocation issue only in the narrow NG911 context could lead to piecemeal rules that govern in some IP traffic exchange scenarios and not in others, creating confusion and inefficiency. On the other hand, NTCA continues to believe that addressing “network edge” issues more broadly and for all IP traffic exchange would better serve *all* stakeholders and be consistent with the Act. In particular, NTCA continues to believe that generally applicable “rules of the road” to govern IP traffic

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<sup>20</sup> NTCA, pp. 2-3 (noting how the absence of any simple “rules of the road” to help manage IP voice traffic exchange has limited NTCA members’ ability to exchange voice traffic in IP). *See also*, Comments of NTCA, WC Docket No. 17-97 (fil. May 15, 2020), pp. 5-10 (discussing how IP interconnection for voice traffic could, if larger operators have their way, result in significant and unrecoverable transport costs being imposed on small rural customer bases).

exchange consistent with the Act and Commission precedent should operate as a “default” and set interconnection points as is in the absence of otherwise mutually agreed upon terms and conditions.<sup>21</sup> This more holistic, comprehensive, and informed approach would help to resolve the universal service concerns discussed above, while providing all parties a clear path and clear incentives to enter into IP interconnection agreements for the exchange of voice traffic, NG911 or otherwise against a settled regulatory backdrop.

Respectfully submitted,



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February 4, 2022

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<sup>21</sup> *Id.*