

**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 NTCA–THE RURAL BROADBAND ASSOCIATION

I. INTRODUCTION AND SUMMARY

NTCA–The Rural Broadband Association¹ (“NTCA”) hereby submits these comments in response to the Public Safety and Homeland Security Bureau’s Policy Statement and Second Further Notice of Proposed Rulemaking (“Second FNPRM”) that proposes rules to enable all Americans to send text messages to 911 (“text-to-911”). NTCA commends the Federal Communications Commission (“FCC”) for its continuing efforts to update 911 services with new multimedia capabilities and therefore improve emergency response offered to the general public.

The association supports the December 31, 2014 implementation deadline for wireless carriers to provide text-to-911 service, tied to a six-month window after a Public Safety Answering Point (“PSAP”) declares that it is ready and willing to accept text messages from the public. However, the Commission should make clear in the text of the order that should small carriers have difficulty acquiring necessary equipment, they should be allotted an extension of

¹ NTCA represents nearly 900 rural rate-of-return regulated telecommunications providers. All of NTCA’s members are full service local exchange carriers and broadband providers, and many provide wireless, video, satellite, and/or long distance services as well.

time to ensure that they can comply with the new text-to-911 rules. As detailed in previous comments filed in this docket, PSAPs, likewise, need to upgrade their capabilities to offer new services, and in support of this goal, the Commission should advocate that PSAPs receive an adequate, sufficient, and long-term funding model to recover text-to-911 and future Next-Generation 911 (“NG911”) implementation costs. Additionally, in order to ensure that there are no impediments to text-to-911 service, the Commission must require that all vendor-operated Text Control Centers (“TCCs”) interconnect their databases and services, as specified in industry standards and noted in the Interim SMS Text-to-911 Planning Guide.

II. AS SUGGESTED IN THE SECOND FNPRM, THE COMMISSION SHOULD REFRAIN FROM IMPOSING ANY TEXT-TO-911 SERVICE MANDATES ON WIRELESS CARRIERS UNTIL SIX MONTHS AFTER THE LOCAL PSAPS DECLARE THAT THEY ARE READY AND ABLE TO ACCEPT TEXT MESSAGES

Small rural wireless carriers will be ready as of December 31, 2014 to offer text-to-911 services to local PSAPs within six months of a given PSAP issuing the request for service and stating that it is capable and willing to accept text messages from the public at large. NTCA appreciates the Commission tying the availability of the text-to-911, as provided by the wireless carrier, to a PSAP’s readiness to accept this new service, and the subsequent six-month window provided to wireless carriers to complete the necessary upgrades.

As noted in NTCA’s March 2013 comments in this proceeding, a new text-to-911 service will require small rural wireless carriers to make a substantial investment in new hardware and software in order to route Short Message Service (“SMS”) information to the correct PSAP with its related location information.² Some rural carriers will require, at a minimum, a six-month

² Comments of NTCA–The Rural Broadband Association, *In the Matter of Facilitating the Deployment of Text-to-911 and Other Next Generation 911 Applications, Framework for Next*

window to be able to purchase and install new equipment prior to providing text-to-911 service. The systems are expensive, especially when viewed in light of a small rural wireless carrier's limited operations and resources. Rural carriers would prefer to use a "time to market approach," only purchasing the new equipment once a PSAP has declared that is ready and able to accept text messages from the public. This approach also will enable the small wireless carrier to postpone the investment until the equipment will be put into practice, and, therefore, at the time of need, purchase the newest hardware with the most advanced software. However, if carriers are required to upgrade and purchase new equipment before their local PSAPs have declared that they are ready for text-to-911 service, the service provider will incur a loss for the value of money and the early use of the product warranty. Rural wireless subscribers also will have to prematurely bear the costs of the equipment upgrades, a stiff price if the PSAP is not yet ready to offer the service to the public. As such, NTCA appreciates the Commission's forethought into these issues and its recommendation to tie the availability of text-to-911 service, as provided by the wireless carrier, to a PSAP's readiness to accept such a new service.

As NTCA has acknowledged, text-to-911 service within a local service territory is now technically feasible, but this challenge should be distinguished from the inability to successfully acquire equipment to support the new service. Some rural carriers may have difficulty acquiring the necessary equipment within the allotted six-month window. As evidenced by past experience, small rural carriers are often last in line to receive access to new hardware. If a small operator finds that it cannot obtain the necessary equipment before the given deadline, the company should be able to apply for and obtain a waiver from the Commission for additional

Generation 911 Deployment, Notice of Proposed Rulemaking, (PS Docket Nos. 11-153, 10-255), (Mar. 11, 2013), ("NTCA Comments"). *Also see* Reply Comments of NTCA–The Rural Broadband Association, (Apr. 9, 2013), ("NTCA Reply Comments").

time to comply with the new text-to-911 rules. In support of this anticipated obstacle, the Commission should ensure that the waiver standard for wireless carriers is meaningful, simple, and streamlined, and does not create an onerous process or threshold for operators to qualify for waivers. The Commission should make clear in the text of the order that should small wireless operators have difficulty acquiring equipment by the given deadline, they should be granted an extension of time to ensure that they can comply with the new text-to-911 rules.³

III. THE COMMISSION SHOULD RECOMMEND THAT CONGRESS ESTABLISH AN ADEQUATE AND LONG-TERM FUNDING MECHANISM TO SUPPORT NEW TEXT-TO-911 AND FUTURE NG911 SERVICES

As NTCA has noted in previous comments, the current 911 funding model is broken and ineffective at supporting existing 911 services, let alone advanced capabilities.⁴ Currently, the methodology and rates for imposing 911 funding charges are governed by a patchwork of regulations. This results in inconsistent funding mechanisms and total amounts collected for 911 services, which vary across jurisdictional boundaries.

CCA calls attention to a Communications Security, Reliability and Interoperability Council Working Group Report, which notes that “[c]oncern for adequate funding of future 911 systems is widespread and the increasing burden on wireless and IP-based providers to maintain the 911 system is troubling.”⁵ TracFone agrees that there are “significant problems with the

³ See FNPRM, ¶57 in regard to a waiver standard. *Also see* FNPRM Appendix B: Initial Regulatory Flexibility Analysis, ¶39.

⁴ See NTCA Comments at 4-7; NTCA Reply Comments at 7-8; and Reply Comments of National Telecommunications Cooperative Association, *In the Matter of Legal and Statutory Framework for Next Generation 9-1-1 Services Pursuant to the Next Generation 9-1-1 Advancement Act of 2012, Notice of Information*, (PS Dockets Nos. 10-255, 11-153, 12-333), (Jan. 14, 2013) at 4.

⁵ Comments of CCA at 4, *quoting* Communications Security, Reliability and Interoperability Council – Working Group 4B, *Transition to Next Generation 9-1-1 Final Report* 42-45 (2011).

existing 911 funding mechanisms because these mechanisms vary by state and often fail to require contributions from all customers of telecommunications service that are able to access 911 services.”⁶ Further, it is widely known that some states utilize collected 911 funds for non-911 purposes, and previous efforts to curb this process have proven ineffective.⁷

In regard to implementing a new text-to-911 service, NTCA agrees with the Blooston Rural Carriers that “at this point in time and for the foreseeable future, PSAPs are not equipped (and will not be equipped) to process SMS text-to-911 transmissions, and the costs associated with the PSAP upgrades needed to achieve this capability are apt to be great.”⁸ For a point of comparison between rural and urban areas, NTCA members report that several rural PSAPs are unable to accept E911 Phase 2 information.

Looking forward, Motorola asserts that funds are needed “to support the entire range of initial and ongoing expenses related to NG9-1-1 and text-to-9-1-1 deployment, including training and other expenses beyond the core network, such as the various peripheral devices, processes, and applications necessary to support and utilize the new functionality.”⁹ NTCA also agrees with Motorola that the federal government has an important role to play in coordinating and providing structure for the state and local implementation efforts.¹⁰

In support of this, NTCA urges the Commission to work with Congress to broaden the base of contributors to 911 funding to more accurately reflect the benefits derived from public safety services, and ensure that the funds collected and appropriated for 911 are only used for 911-related operations and deployment. Before the Commission issues a new regulation to

⁶ Comments of TracFone at 3.

⁷ Federal Communications Commission, Legal and Regulatory Framework for Next Generation 911 Services, Report to Congress and Recommendations, § 4.1.4.1 (Feb. 22, 2013) at 36.

⁸ Comments of Blooston Rural Carriers at 2.

⁹ Comments of Motorola at 4.

¹⁰ Comments of Motorola at 5.

further upgrade 911 services, the Commission should ensure that all PSAPs throughout the nation are able to accept E911 information, and an adequate, sufficient, and long-term funding model is in place to recover traditional 911 services, expanding text-to-911 services, and future NG911 implementation costs.

IV. TO ENSURE THAT THERE ARE NO IMPEDIMENTS TO TEXT-TO-911 SERVICE, THE COMMISSION SHOULD MANDATE THAT ALL TEXT CONTROL CENTERS INTERCONNECT WITH ONE ANOTHER

To enable E911 and text-to-911 services, most rural carriers will elect to contract with a third-party vendor, a Text Control Center (“TCC”) that will serve as a central aggregation point for voice calls and SMS messages bound for the PSAPs. The TCC maintains connections to various PSAPs within the carrier’s native service territory, serving as a middleman between the wireless carrier and the PSAP, relaying call routing and location accuracy information.

Unfortunately, as noted in T-mobile’s March 18, 2014, *ex parte* filing, there is no mandate for TCCs to interconnect themselves.¹¹ Local PSAPs may choose to interface with different TCCs than the vendors selected by the wireless carriers in the same area, and, if this occurs in a wireless carrier’s local service territory, the carrier then will be required to connect to multiple TCCs to provide text-to-911 service.¹² This is a costly endeavor for any wireless operator, but especially for small rural wireless carriers with extremely limited subscriber bases and resultant revenues over which to spread the costs. The Commission should require that all TCCs interconnect with one another to ensure that there are no impediments to text-to-911

¹¹ See *Ex parte* of T-Mobile USA, Inc., *In the Matter of Facilitating the Deployment of Text-to-911 and Other Next Generation 911 Applications, Framework for Next Generation 911 Deployment, Notice of Proposed Rulemaking*, (PS Docket Nos. 11-153, 10-255), (March 18, 2014), (“T-Mobile *ex parte*”).

¹² T-Mobile *ex parte*.

service. As T-Mobile notes, TCC interconnectivity is an important attribute provided for in the revised ATIS industry standard for text-to-911¹³ and described in the Interim SMS Text-to-911 Planning Guide.¹⁴

V. CONCLUSION

As suggested in the Second FNPRM, small rural wireless carriers support the December 31, 2014 implementation deadline for interconnected text providers to offer text-to-911 services to local PSAPs that are ready and able to accept text messages within six months of the PSAP issuing the request for service. Some rural carriers may have difficulty acquiring necessary equipment within the six-month allotted timeframe. As such, the Commission should ensure that the waiver standard for wireless carriers is meaningful, simple, and streamlined, and does not create an onerous process or threshold for operators to qualify for waivers.

¹³ T-Mobile *ex parte* quoting ATIS, Supplement A to J-STD-110, Joint ATIS/TIA Native SMS to 9-1-1 Requirements and Architecture Specification, J-STD-110.a (Nov. 2013).

¹⁴ Ad Hoc National SMS Text-to-911 Service Coordination Group, “Interim SMS Text-to-911 Information and Planning Guide, Version 1” (Feb. 2014), *available at* http://c.ymcdn.com/sites/www.nena.org/resource/resmgr/Docs/SMS_Text_Info_and_Planning.pdf.

Current 911 funding mechanisms are insufficient to support current 911 services, let alone new emergency response capabilities. The Commission should recommend that Congress establish an adequate funding mechanism for text-to-911 and future NG911 services. Finally, to ensure that there are no impediments to text-to-911 service, the Commission must require that all vendor-operated TCCs interconnect their databases and services, as provided for in industry standards and the Interim SMS Text-to-911 Planning Guide.

Respectfully submitted,



By: /s/ Jill Canfield
Jill Canfield
Director – Legal & Industry

/s/ Jesse Ward
Jesse Ward
Industry & Policy Analysis Manager

4121 Wilson Boulevard, Suite 1000
Arlington, VA 22203
jcanfield@ntca.org
703-351-2000 (Tel)
703-351-2036 (Fax)

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