

**Before the  
Federal Communications Commission  
Washington, DC 20554**

In the Matter of	)	
	)	
9-1-1 Governance and Accountability	)	PS Docket No. 14-193
	)	
Improving 9-1-1 Reliability	)	PS Docket No. 13-75

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

**I. INTRODUCTION AND SUMMARY**

NTCA–The Rural Broadband Association<sup>1</sup> (“NTCA”) hereby submits reply comments in connection with the Federal Communications Commission’s (“Commission”) Policy Statement and Notice of Proposed Rulemaking (“NPRM”) in the above-captioned proceeding.<sup>2</sup> The NPRM proposes new guidelines to ensure the reliability and resiliency of communications infrastructure necessary to support the continued availability of the Nation’s 9-1-1 (“911”) system as the ecosystem transitions to IP-based technology.

As discussed further below, the NPRM proposes several amendments to the Commission’s existing rules to improve 911 call completion reliability that, while certainly well-intended, are in present form overly broad and premature. As NTCA noted in initial comments, and as confirmed by other commenters, the proposed reliability and resiliency requirements

---

<sup>1</sup> NTCA represents nearly 900 rural rate-of-return regulated telecommunications providers. All of NTCA’s members are full service rural local exchange carriers (“RLECs”) and broadband providers, and many of its members provide wireless, cable, satellite, and long distance and other competitive services to their communities. Each member is a “rural telephone company” as defined in the Communications Act of 1934, as amended.

<sup>2</sup> In the Matter of 9-1-1 Governance and Accountability, Improving 9-1-1 Reliability, PS Docket Nos. 14-193 and 13-75, FCC 14-186 (rel. Nov. 21, 2014) (“NPRM”).

appear to arbitrarily blanket the entire 911 ecosystem, regardless of a specific provider's role or function in the completion of a 911 call. In addition, as some commenters state, the NPRM is premature considering that the effect of the 911 Reliability Order<sup>3</sup> adopted in 2013 cannot yet be measured. For each of these reasons, NTCA joins several other parties in urging the Commission to "take a step back" and refer the proposals in the NPRM to the soon-to-be-convened Communications Security Risk and Interoperability Council ("CSRIC") V<sup>4</sup> to create a set of "best practices" that can take advantage of sector-specific experts in this field and craft rules that can achieve the 911 reliability goals of the NPRM in a more measured fashion.

**II. THE RECORD IN THIS PROCEEDING SUPPORTS A REFERRAL TO CSRIC V TO CREATE A SET OF BEST PRACTICES THAT CAN ACHIEVE THE GOALS OF THE NPRM AND ENSURE THAT THE RELIABILITY OF 911 CALLS IS MAINTAINED DESPITE CHANGES IN TECHNOLOGY**

A review of the record in this proceeding reveals unanimous support for the overriding goals of the NPRM: that is, to ensure that the nation's 911 ecosystem is resilient and that 911 calls are rapidly and reliably completed in the event of an emergency or disaster situation. All communications providers as well as state and local officials feel a strong obligation to ensure that Americans can access state-of-the-art public safety services, at all times. As community-based providers, NTCA's members also understand the responsibility associated with connecting 911 callers with public safety assistance. Likewise, NTCA and the many other parties

---

<sup>3</sup> Reliability and Continuity of Communications Networks, Including Broadband Technologies, PS Docket Nos. 13-75, 11-60, Report and Order, 28 FCC Rcd 17476 (2013) ("911 Reliability Order").

<sup>4</sup> FCC Intends to Recharter the Communications Security, Reliability and Interoperability Council for a Fifth Two-Year Term; Seeks Nominations by March 31, 2015 for Membership, Public Notice, DA 15-203 (rel. Feb. 12, 2015) ("CSRIC V Nominations Public Notice").

commenting on the NPRM appreciate the Commission’s diligence to ensure that public safety services are not negatively affected during the IP transition.

Unfortunately, the understandable and shared sense of urgency in this areas has led to proposals that are overly broad, ambiguous, and premature. Commenters representing a wide and diverse segment of the “911 ecosystem” note several deficiencies with the substantive proposals in the NPRM, as well as the timing in seeking to adopt new rules in light of the 2013 911 Reliability Order, the effect of which has yet to be determined. NTCA therefore joins several other parties in urging the Commission to “take a step back” and refer the proposals in the NPRM to the soon-to-be convened CSRIC V<sup>5</sup> to create a set of “best practices” that can achieve the 911 reliability goals of the NPRM.

As perhaps the most notable example, commenters note important deficiencies with the proposed expansion of the definition of “Covered 911 Service Provider.” Verizon argues that applying certification requirements to providers that do not provide services to Public Safety Answering Points (“PSAPs”) could be confusing and could actually undermine accountability.<sup>6</sup> Specifically, Verizon notes that in NG911 systems currently being developed, “network providers play a secondary role vis-à-vis a system integrator. That integrator will ultimately determine (jointly with the state or local government entity procuring its services) whether there is a diversity requirement from one carrier or whether they intend to obtain that diversity through multiple carriers.”<sup>7</sup> As for network providers, Verizon further states that they, “may not have

---

<sup>5</sup> CSRIC V Nominations Public Notice.

<sup>6</sup> Comments of Verizon, PS Docket No. 14-19, PS Docket No. 13-75 (fil. Mar. 23, 2015), pp. 7-8.

<sup>7</sup> *Id.*, p. 7.

visibility to uses or users of their networks [and] a prime contractor directly serving a PSAP (whether an incumbent provider, integrator, or another entity responsible for the PSAP’s routing and re-routing capabilities) should be responsible for compliance with all Commission rules and certifications.”<sup>8</sup>

Similarly, AT&T argues that the “focus of this endeavor ought to be on those either in direct privity with the PSAP (e.g., the 911 system service provider) or those in indirect privity...that provide critical 911 databases to provide routing and location services).”<sup>9</sup> AT&T goes on to state, “it is these providers that are in the best position to detect, mitigate, and resolve outages in the 911 ecosystem, as well as keep critical 911 stakeholders apprised of the status of networks and databases.”<sup>10</sup> AT&T’s overarching point is that imposing additional obligations on providers that merely originate 911 calls may not solve the issues that led to this NPRM, as those providers may be “incapable of providing situational awareness for outages occurring on third-party networks and databases and cannot provide PSAPs with critical information on mitigating the effects of those outages.”<sup>11</sup>

In short, these commenters, like NTCA, recognize that the NPRM’s proposals arbitrarily blanket the entire 911 ecosystem, rather than taking account and tailoring accountability to a specific provider’s role or function. The Commission should, instead, take a more measured

---

<sup>8</sup> *Id.*, pp. 7-8.

<sup>9</sup> Comments of AT&T, PS Docket No. 14-19, PS Docket No. 13-75 (fil. Mar. 23, 2015), p. 10.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.* See also, comments of the Alliance for Telecommunications Industry Solutions (“ATIS”), PS Docket No. 14-19, PS Docket No. 13-75 (fil. Mar. 23, 2015), pp. 4-5 (stating, as to the definition of “Covered 911 Service Provider” that “definition is far too expansive and must be appropriately focused to avoid imposing overly broad and unnecessary burdens on 911 stakeholders.”).

approach to crafting new rules that begins by identifying each provider in the ecosystem and its specific, unique role with respect to public safety services. *Only then* can the Commission design and implement the obligations that should apply specifically to each.

The NPRM proposal to create “911 NOC Coordinators” gives rise to comparable concerns. ATIS, for example, states that “it is not reasonable or even feasible for one carrier to monitor, control, or repair another carrier’s network, particularly given the number of PSAPs serviced by many large service providers.”<sup>12</sup> ITTA similarly questions, “how the NOC provider can maintain real-time situational awareness regarding the operational status of 911 service throughout the 911 network when there are other covered 911 service providers in the call completion chain.”<sup>13</sup> ATIS further notes that one consequence of the NOC Coordinator proposal is that “[e]ven when it has no actual knowledge of any problem, a 911 NOC Coordinator could be subject to a substantial FCC penalty for failing to monitor another Covered 911 Service Provider’s 911 network [or] failing to recognize an outage or significant disruption in 911 service caused by another provider’s network.”<sup>14</sup> This reinforces the main deficiency of the NPRM, namely, that it is overly broad in sweeping every possible entity under an umbrella of responsibility and potential liability without a thorough and thoughtful consideration of whether such action will indeed improve 911 reliability and the practical ability of individual actors to live up to such measures of accountability.

---

<sup>12</sup> ATIS, p. 8.

<sup>13</sup> Comments of ITTA – The Voice of Mid-Size Communications Companies, PS Docket No. 14-19, PS Docket No. 13-75 (fil. Mar. 23, 2015), p. 5.

<sup>14</sup> ATIS, p. 8

Commenters also note that the NPRM is premature. As these parties highlight,<sup>15</sup> in the wake of the 2012 derecho, the Commission adopted the 2013 911 Reliability Order, and the initial certifications as to providers' progress toward meeting that Order's new requirements are not due until October 2015. These initial certifications should provide the Commission with valuable insight into 911 circuit diversity, central office backup power, and diverse network monitoring that can form the basis of any additional rules that might be necessary. While it is true, as the NPRM notes, that the April 2014 "sunny day outage" was an event far different from the 2012 derecho and that as a result preventing a recurrence may necessitate additional rules, the 911 Reliability Order was not yet effective when this outage occurred. Yet, the Commission has not even had the opportunity to evaluate the effectiveness of that Order,<sup>16</sup> and thus it is premature to decide at this time that future "sunny day outages" could not be prevented by rules adopted by the 911 Reliability Order.

In light of the issues raised above, NTCA concurs with the large number of commenters that urge the Commission to refer the proposals in the NPRM to the CSRIC V federal advisory committee.<sup>17</sup> Industry groups such as CSRIC have served the Commission well in the past, and

---

<sup>15</sup> Comments of the United States Telecom Association ("USTelecom"), PS Docket No. 14-19, PS Docket No. 13-75 (fil. Mar. 23, 2015), pp. 7-8; ITTA, p. 4; AT&T, p. 1.

<sup>16</sup> ITTA, p. 4.

<sup>17</sup> ITTA, pp. 4-5; USTelecom, p. 3; Verizon, pp. 12-13; AT&T, pp. 8-9; Comments of CTIA, PS Docket No. 14-19, PS Docket No. 13-75 (fil. Mar. 23, 2015), p. 6; Comments of Sprint, PS Docket No. 14-19, PS Docket No. 13-75 (fil. Mar. 23, 2015), p. 5; *See also*, Comments of the National Emergency Number Association ("NENA"), PS Docket No. 14-19, PS Docket No. 13-75 (fil. Mar. 23, 2015), p. 3 ("While NENA fully supports the Commission's policy statement with respect to 9-1-1 governance and reliability reform, we are aware of concerns among both the public and private sectors about the feasibility of some specific proposals. Consequently, we urge the Commission to consider an alternative, consensus proposal, should one be achieved by relevant stakeholders.").

there is no reason to assume that CSRIC cannot do so here. Indeed, as CTIA correctly notes, the 2013 911 Reliability Order was based, in part, on best practices identified by CSRIC.<sup>18</sup> Most importantly, the sector-specific experts that will likely populate CSRIC V<sup>19</sup> will have the opportunity to review the 911 reliability certifications due in October 2015, address the many issues raised by commenters in this proceeding, as well as generally include the input of the numerous stakeholders involved in the 911 ecosystem. As the NPRM notes, there are multiple parties involved in the completion of a 911 call, in addition to the fact that technology in this area is rapidly changing. CSRIC generated best practices can take account of each of these issues and the roles that each of the many stakeholders play and create a set of best practices that can achieve the goals of the NPRM.

---

<sup>18</sup> CTIA, p. 6, citing the 2013 911 Reliability Order, ¶ 4 (“The measures we adopt today are based on best practices developed by the Communications Security, Reliability, and Interoperability Council (CSRIC), with refinements designed to add clarity and specific guidance regarding how those practices should be implemented in the context of 911 networks. The certification standards we adopt today are based on best practices identified by CSRIC as critical<sup>3</sup> or highly important,<sup>4</sup> indicating that they significantly reduce the potential for a catastrophic failure of communications or – at a minimum – improve the likelihood of emergency call completion.”). *See also*, Sprint, p. 5 (“Many of the requirements adopted in the Commission’s 2013 Resiliency Order were based on best practices developed by CSRIC.”).

<sup>19</sup> *See*, CSRIC V Nominations Public Notice (stating that “[m]embers of the Council will be appointed from among federal, state, tribal, and local government agencies and organizations; organizations representing users of communications systems, including the Internet; and other private-sector organizations to balance the expertise and viewpoints that are necessary to effectively address the issues to be considered. Selections will be made on the basis of factors such as expertise and diversity of viewpoints that are necessary to address effectively the questions before the Committee.”).

### III. CONCLUSION

For the above discussed reasons, NTCA concurs with the large number of commenters that urge the Commission to refer the proposals in the NPRM to the CSRIC V federal advisory committee.

Respectfully submitted,



By: /s/ Michael R. Romano  
Michael R. Romano  
Senior Vice President – Policy  
[mromano@ntca.org](mailto:mromano@ntca.org)

By: /s/ Brian J. Ford  
Brian J. Ford  
Regulatory Counsel  
[bford@ntca.org](mailto:bford@ntca.org)

4121 Wilson Boulevard, Suite 1000  
Arlington, VA 22203  
703-351-2000 (Tel)

April 21, 2015