

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 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 CTIA – THE WIRELESS ASSOCIATION®

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I. INTRODUCTION AND SUMMARY

CTIA – The Wireless Association® (“CTIA”) hereby respectfully submits these comments in response to the Commission’s Policy Statement and Second Further Notice of Proposed Rulemaking (“*Second FNPRM*”), which seeks comment on a range of text-to-911 implementation issues.¹

As CTIA has advised, the Commission can best achieve its interim text-to-911 and long-term NG911 objectives by allowing interested stakeholders to introduce text-to-911 services through voluntary efforts like the December 2012 joint agreement of the nationwide wireless carriers, NENA, and APCO (the “Carrier-NENA-APCO Agreement”). In response to the *Second FNPRM*, CTIA believes that the Commission should:

- Continue to encourage voluntary industry initiatives to support text-to-911 services. The Commission should not codify or attempt to enforce the Carrier-NENA-APCO Agreement. Rather, it should allow stakeholders the flexibility to develop creative, voluntary solutions to evolving text-to-911 issues.
- Carefully consider the technical and economic feasibility of the proposed text-to-911 requirements in light of existing wireless network infrastructure and capabilities and PSAP adoption of text-to-911 before adopting rules.

¹ *Facilitating the Deployment of Text-to-911 and Other Next Generation 911 Applications, Framework for Next Generation 911 Deployment, Policy Statement and Second Further Notice of Proposed Rulemaking, FCC 14-6 (Jan. 30, 2014) (“Second FNPRM”).*

- Limit any regulations it adopts pursuant to the *Second FNPRM* to the parameters of the Carrier-NENA-APCO Agreement.

The wireless industry remains steadfast in its commitment to assisting in all phases of the transition to a Next Generation 9-1-1 system (“NG911”) and collaborating with the public safety community to make text-to-9-11 available in the near-term. CTIA and its member companies are dedicated to working with other interested stakeholders to craft flexible and innovative solutions to implement NG911 and interim text-to-911 services.

The Carrier-NENA-APCO Agreement represents the culmination of the efforts by wireless and public safety stakeholders to bring about an interim text-to-911 solution that is technically feasible, serves the needs of consumers, including the deaf, hard of hearing and speech impaired, and does not inhibit the long-term development and deployment of NG911. The Commission can best achieve the goals outlined in its Policy Statement by continuing to support voluntary efforts to solve the complex technical challenges associated with text-to-911.

In addressing text-to-911, the Commission also must carefully consider current technical and economic realities. Short Message Service (“SMS”)—the technology addressed by the Carrier-NENA-APCO Agreement—is a store-and-forward messaging technology that was never designed nor deployed to support 9-1-1 communications or serve as a primary messaging platform for interconnected text messaging providers. Inserting SMS-based text messaging into a current or next generation 9-1-1 emergency communications system continues to pose significant technical challenges that have been well documented in this proceeding.² As many of

² See, e.g., Reply Comments of CTIA – The Wireless Association®, PS Docket No. 10-255, at 6 (Mar. 14, 2011) (“CTIA March 2011 Reply Comments”) (noting that SMS does not have native functionality to provide automatic location information); Comments of the Association of Public Safety-Communications Officials International, Inc., PS Docket No. 10-255, at 2 (Feb. 28, 2011) (“APCO February 2011 Comments”); Comments of the National Emergency Numbering Association, PS Docket No. 10-255, at 14-15 (Feb. 28, 2011) (“NENA February 2011 Comments”).

these technical challenges should be addressed through the long-term adoption of NG911 and similar services, CTIA believes that the Commission should continue to incentivize voluntary efforts to bring a near-term text-to-911 solution to wireless subscribers. Unlike rigid technical regulatory mandates, which could impair stakeholders' ability to adapt to technical complexities or evolve service offerings, common voluntary commitments permit flexible, innovative solutions to the formidable technical puzzles likely to be faced during text-to-911's near-term and interim implementation. However, should the Commission pursue adoption of additional regulations, any requirements should be limited to the technological scope of the Carrier-NENA-APCO Agreement.

II. THE COMMISSION SHOULD NOT CODIFY OR ATTEMPT TO ENFORCE A VOLUNTARY COMMITMENT

CTIA is concerned by the Commission's proposal to transform a voluntary commitment (the Carrier-NENA-APCO Agreement) into rules and to assert enforcement authority over the Carrier-NENA-APCO Agreement and other future voluntary agreements.³ In light of the wireless industry's strong track record of fulfilling its voluntary commitments, such an approach is unnecessary. In fact, codifying or attempting to enforce voluntary commitments risks inhibiting stakeholders' inclination to undertake future voluntary efforts. Moreover, the chilling effect of the Commission's proposed enforcement role would be particularly powerful in situations where, as here, the voluntary agreement involves new services that face unique and challenging technical obstacles to implementation. Rather than stifling voluntary efforts to solve complex technical challenges, the Commission should continue to encourage stakeholders to develop creative solutions that are truly voluntary and allow the flexibility to adapt to new situations as technology evolves.

³ *Second FNPRM* ¶¶ 58-61.

The Carrier-NENA-APCO Agreement represented a key step forward in the efforts to develop an interim text messaging solution for 9-1-1 communications. Specifically, under the agreement, CTIA member companies AT&T, Sprint, T-Mobile, and Verizon committed to voluntarily support text-to-911 from wireless subscribers on their networks by May 15, 2014 for requesting PSAPs.⁴ In particular, the nationwide wireless carriers agreed that text-to-911 will be made available within six months of a valid request from a PSAP after May 15, 2014.⁵ In making this commitment, the nationwide wireless carriers noted that the agreement was “intended to reflect and incorporate much of the important work undertaken by public safety, disabilities and industry stakeholders.”⁶ The Carrier-NENA-APCO Agreement specifically took into account known technical challenges associated with SMS, declined to address roaming, and did not pledge to provide precise location information in the text-to-911 context.⁷ This voluntary agreement established a technically feasible framework to offer text-to-911 services even in the absence of a regulatory mandate.

Embracing the benefits of voluntary industry efforts and avoiding the need for regulatory mandates is consistent with both the Commission’s past practice and current preference. For example, in past proceedings, such as device unlocking, the Commission has declined to pursue rulemaking procedures where collaborative voluntary agreements have obviated the need for regulatory action.⁸ Recently, FCC Chairman Wheeler emphasized “the FCC’s receptiveness to

⁴ Carrier-NENA-APCO Agreement at 1-2.

⁵ *Id.* at 2.

⁶ *Id.* at 1.

⁷ *Id.* at 2-3.

⁸ See FCC, *What is Device Unlocking?*, available at <http://fcc.github.io/device-unlocking/> (extolling the benefits of the voluntary commitment made by mobile wireless service providers

voluntary industry activities” to avoid the need for regulatory action.⁹ The Commission also has noted that it was “particularly pleased” with the Carrier-NENA-APCO Agreement and “encourage[d] CMRS providers and interconnected text providers that are not parties to the Carrier-NENA-APCO Agreement to work with the public safety community to develop similar commitments.”¹⁰ Thus, the Commission has acknowledged the effectiveness of voluntary commitments, both as a general matter and in this proceeding, and has encouraged parties to undertake such efforts to resolve a variety of issues that otherwise may have warranted rulemaking.

With these principles in mind, the Commission should not codify or play any enforcement role over voluntary agreements such as the Carrier-NENA-APCO Agreement.¹¹ As CTIA has explained, the Carrier-NENA-APCO Agreement represents a landmark collaborative effort amongst diverse stakeholders to enable text-to-911 services on wireless networks without the inflexible requirements of a technical mandate.¹² Coming together in an attempt to resolve unique technical hurdles, the wireless industry worked diligently with public safety to agree to enable an interim text-to-911 solution for wireless subscribers. Importantly, the voluntary effort

on standards for unlocking mobile wireless devices); *see also FCC Marks Milestone in Effort to Eliminate ‘Bill Shock,’* Press Release, 2013 WL 1703344 (Apr. 18, 2013) (accepting carriers’ commitment to provide consumer alerts instead of completing a rulemaking proceeding).

⁹ Letter from Tom Wheeler, Chairman, Federal Communications Commission, to Steve Largent, President and CEO, CTIA – the Wireless Association® (Nov. 14, 2013).

¹⁰ *Second FNPRM* ¶ 16.

¹¹ As an ancillary matter, the Commission should not interpret the nationwide wireless carriers’ commitment to report their efforts to the Commission leading up to the May 15, 2014 implementation date as conferring enforcement authority over the voluntary agreement.

¹² Comments of CTIA – The Wireless Association®, PS Docket No. 11-153, PS Docket No. 10-255, at 2-3 (Mar. 11, 2013) (“CTIA March 2013 Comments”).

provides signatories with the flexibility to adapt to new, unforeseen technical issues that may arise when text-to-911 services are rolled out. In addition, the Carrier-NENA-APCO Agreement grants parties the opportunity to provide subscribers with greater functionality as wireless technology continues to evolve.

The Carrier-NENA-APCO Agreement thus achieves the Commission’s goal of enabling an interim solution to transmit emergency text messages to PSAPs without inhibiting the development and deployment of the long-term NG911 transition. The Commission’s proposed enforcement authority over the agreement or codification of the agreement would undermine the very values of voluntary efforts that the Commission has lauded in the past: efficiency, flexibility, and creativity.

III. THE COMMISSION MUST BE MINDFUL OF THE TECHNICAL AND ECONOMIC FEASIBILITY AND PSAP ADOPTION OF TEXT-TO-911

The Commission correctly highlighted in the *Second FNPRM* that many aspects of text-to-911 carry technical and/or economic complexities and burdens.¹³ Given these complexities, CTIA suggests that the Commission should encourage voluntary efforts to drive the deployment of text-to-911 services to requesting PSAPs in the near term.. As text-to-911 services are deployed, new technical challenges are bound to emerge. The Commission should encourage all stakeholders to work through such issues together, outside the confines of rigid regulatory mandates that could impede potential solutions. Accordingly, the Commission should

¹³ See, e.g., *Second FNPRM* ¶ 20 (“With respect to interconnected text providers, however, we must also take into account the unique technical complexities they may face in implementing text-to-911.”); *id.* ¶ 52 (acknowledging the technical complexity for routing roaming text-to-911 calls); *id.* ¶ 35 (seeking comment on costs for interconnected text providers in connection with compliance with potential regulation); *id.* ¶ 52 (seeking comment on the cost burden for carriers to make changes to their SMS platforms to support roaming).

not adopt any regulations that have not been proven to be technically and economically feasible, based on existing network infrastructure and capabilities and features.

Moreover, as the Commission considers whether a particular requirement is technically and economically feasible to impose on covered entities, the Commission must simultaneously consider that the availability of text-to-911 is dependent on PSAP adoption. After May 15, 2014, the Carrier-NENA-APCO Agreement will present PSAPs with the choice of whether to request text messages from wireless carriers covering over 90% of wireless subscribers. In fact, the public safety community requested that PSAPs be free to choose whether to support text-to-911 prior to NG911's deployment.¹⁴ The Commission has recognized that "barriers to PSAP implementation of these functionalities remain" due to "significant differences" in readiness.¹⁵ While many PSAPs have already submitted or may be considering requests to receive text messages from the nationwide wireless carriers,¹⁶ the full extent that PSAPs will ultimately request to receive text-to-911 services remains unclear.¹⁷

¹⁴ *Id.* ¶ 40. *See also* Comments of the National Emergency Number Association, PS Docket No. 11-153, PS Docket No. 10-255, at 16 (Mar. 11, 2013) ("NENA March 2013 Comments") (explaining that it was of "critical importance that PSAPs retain the ability to elect not to receive non-PSTN-originated text messages *at all* until traffic engineering, staffing, and systems analyses have been completed to the satisfaction of local center managers, and their recommendations implemented") (emphasis in original); Comments of Fairfax County, Virginia on Sections Other Than III.A, PS Docket No. 11-153, PS Docket No. 10-255, at 2 (Mar. 11, 2013) ("Fairfax County March 2013 Comments") ("Therefore, the County strongly supports the Commission's decision to leave to PSAPs the decision whether to accept text-to-911 messages ...").

¹⁵ *Second FNPRM* ¶ 40.

¹⁶ *See* Letter from Steve B. Sharkey, Senior Director, Chief Engineering and Technical Policy, Federal Regulatory, T-Mobile USA, Inc. to Admiral David Simpson, Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission, PS Docket No. 11-153 (Apr. 1, 2014) (noting that T-Mobile has received 22 requests for text-to-911 service covering 194 PSAPs); Letter from Jamie M. Tan, Director, Federal Regulatory, AT&T, to Marlene H. Dortch, Secretary, Federal Communications Commission, PS Docket No. 11-153, at 2 (Apr. 1, 2014) ("AT&T has received 32 requests for text-to-911 service covering approximately 105

As set forth in the Carrier-NENA-APCO Agreement, PSAPs and providers should share the ability to individually determine the technical and economic feasibility of implementing and accepting text-to-9-1-1. Instead of moving forward with regulatory mandates on providers to support an interim text-to-911 solution, the Commission should await the results of PSAP adoption under the Carrier-NENA-APCO Agreement to determine whether such mandates are necessary or technically and economically feasible.

IV. ANY REGULATION ADOPTED PURSUANT TO THE *SECOND FNPRM* SHOULD BE LIMITED TO THE PARAMETERS OF THE CARRIER-NENA-APCO AGREEMENT

As CTIA noted in its initial comments, nationwide wireless carriers together with NENA and APCO have already committed to implementing an interim-text-to-911 framework.¹⁸ Importantly, the Carrier-NENA-APCO Agreement represents the mutual acknowledgement between carriers and public safety of the features and technical parameters of the interim text-to-911 solution using existing network infrastructure and capabilities. Since its adoption, the Carrier-NENA-APCO Agreement has resulted in considerable efforts by wireless providers,

individual PSAPs and 4 statewide operations”); Verizon Wireless, Fourth Voluntary Text to 911 Quarterly Status Report, PS Docket No. 11-153, at 2 (Apr. 1, 2014) (providing a list of 60 jurisdictions in which Verizon has already deployed text-to-911 as of March 31, 2014 and explaining that deployment in several other markets is ongoing); Letter from Ray Rothermel, Counsel-Legal/Government Affairs, Sprint Corp. to Marlene H. Dortch, Secretary, Federal Communications Commission, PS Docket No. 11-153, at 2 (Apr. 1, 2014) (listing several public safety entities that inquired about Sprint’s text-to-9-1-1 services).

¹⁷ See, e.g., U.S. Department of Justice, *Nondiscrimination on the Basis of Disability in State and Local Government Services; Accessibility of Next Generation 9-1-1*, Advance Notice of Proposed Rulemaking, DOJ-CRT-2010-0006, RIN 1190-AA62, 75 Fed. Reg. 43446 (July 26, 2010)(“ANPRM”).

¹⁸ Comments of CTIA – The Wireless Association®, PS Docket No. 11-153, PS Docket No. 10-255, at 2-3 (Jan. 29, 2013) (“CTIA January 2013 Comments”).

public safety organizations, standards bodies, and other industry stakeholders to make text-to-911 services available to wireless subscribers.¹⁹

Indeed, the wireless community is already moving toward implementing an interim text-to-911 solution without the imposition of a regulatory mandate. CTIA believes that the Carrier-NENA-APCO Agreement's voluntary framework will serve the Commission's public policy goals with respect to transmitting emergency text messages to PSAPs without inhibiting the development and deployment of the long-term NG911 transition. However, as CTIA has explained, enshrining the Carrier-NENA-APCO Agreement into the Commission's rules and imposing that framework on other service providers will only frustrate the ability to address technical challenges in the interim text-to-911 service and inhibit the deployment of NG911.

If the Commission nevertheless concludes that it is necessary to adopt regulations stemming from the *Second FNPRM*—which CTIA does not believe are necessary at this time—the Commission should not expand the technological scope of the Carrier-NENA-APCO Agreement. Specifically, the Commission should not adopt regulations that contemplate capabilities that were explicitly excluded or implicitly omitted from the Carrier-NENA-APCO Agreement. Rather, to the extent the Commission wishes to implement regulations governing the interim text-to-911 solution, such rules should be limited to the vision of text-to-911 set forth in the Carrier-NENA-APCO Agreement.

For example, the Commission should not consider adoption of regulations regarding the provision of Phase II equivalent location information at this time. The Carrier-NENA-APCO Agreement provides that, as an interim solution, only coarse location information should be used

¹⁹ See, e.g., Comments of Verizon and Verizon Wireless, PS Docket No. 11-153, PS Docket No. 10-255, at 3 (Mar. 11, 2013) (“Verizon March 2013 Comments”) (underscoring efforts by industry and public safety to coordinate text-to-911 deployment and describing collaborative initiatives to amicably resolve technical issues).

for text-to-911 purposes and the Commission should not impose additional burdens on carriers.²⁰ The Carrier-NENA-APCO Agreement did not address the provision of Phase II equivalent location information for good reason. The FCC’s Emergency Accessibility Advisory Committee (“EAAC”) has advised that significant modifications to wireless network standards and infrastructure would be necessary to address the location information issue, and, as a result, requiring this degree of location accuracy could delay near-term implementation of text-to-911 services.²¹ In addition, the FCC’s Communication Security Reliability and Interoperability Council (“CSRIC”) is currently reviewing available technologies and solutions that may provide location information for text-to-911 services that, from a PSAP perspective, are more akin to Phase II E-9-1-1 wireless location information. The Commission should not prejudice the feasibility of enhanced location information for text-to-911 services before CSRIC has completed its report and submitted its recommendations. Rather, CTIA agrees with commenters who have stated that the Commission should “leave the development of precise location

²⁰ See Verizon March 2013 Comments at 7 (explaining that text-to-911 location accuracy should be limited to transmitting “coarse” information); Comments of T-Mobile USA, Inc., PS Docket No. 11-153, PS Docket No. 10-255, at 3 (Mar. 11, 2013) (“T-Mobile March 2013 Comments”) (“SMS, by itself, is not capable of providing more granular location information akin to E911 Phase II data”); Comments of AT&T, Inc., PS Docket No. 11-153, PS Docket No. 10-255, at 2 (Mar. 13, 2013) (“AT&T March 2013 Comments”) (urging the Commission to reject suggestions that interim text-to-911 should provide Phase II location accuracy information); Comments of the Rural Telecommunications Group, Inc., PS Docket No. 11-153, PS Docket No. 10-255, at 3 (Mar. 11, 2013) (“RTG March 2013 Comments”) (stating that requiring Phase II equivalent location information would be “overly burdensome for small wireless carriers”).

²¹ EAAC, *Report of Emergency Access Advisory Committee (EAAC) Subcommittee 1 on Interim Text Messaging to 9-1-1*, at 2 (Mar. 1, 2013) (“EAAC March 2013 Text Messaging Report”).

information capability for text-to-911 to further product application development and related standards work using LTE and NG911 technologies.”²²

For these same reasons, the Commission should not adopt any text-to-911 rules regarding roaming. The Commission has indicated a desire to require text-to-911 services for roaming subscribers.²³ However, the Carrier-NENA-APCO Agreement intentionally declined to include roaming.²⁴ As CTIA has explained, the economic and technical feasibility of roaming in the text-to-911 context raises substantial questions.²⁵ There is ample record evidence before the Commission that makes clear that text-to-911 in the roaming context requires further technical study and development before any rules can be adopted.²⁶ Accordingly, the Commission should leave roaming issues for further development and assessment by appropriate technical experts and standards setting organizations at this time.

At this juncture, adopting text-to-911 rules would be premature. Rather than enacting rules—even rules without a date certain for implementation—the Commission should continue to allow text-to-911 deployment to continue organically. In particular, the Commission should allow technical experts, standards bodies, and other stakeholders to explore issues that were not part of the Carrier-NENA-APCO Agreement. Such groups should first have the opportunity to

²² *Second FNPRM* ¶ 42.

²³ *Id.* ¶ 48.

²⁴ Carrier-NENA-APCO Agreement at 3 (“SMS-to-911 will not be available to wireless subscribers roaming outside of their home wireless network.”).

²⁵ *See* CTIA March 2013 Comments at 12-13.

²⁶ *See* EAAC March 2013 Text Messaging Report at 10 (recommending that the Commission, appropriate standards organizations and other stakeholders study and consider the roaming issue to determine whether it can be resolved prior to the completion of the NG911 transition without significant modifications to existing capabilities).

determine whether capabilities in addition to those contemplated by the Carrier-NENA-APCO Agreement are technically and economically feasible in the near-term before any rules are implemented. Instead of serving the public interest, adopting regulatory mandates with these existing challenges and uncertainties would only frustrate the ability to address technical challenges in the interim text-to-911 service and inhibit the deployment of NG911.

V. CONCLUSION

CTIA applauds the Commission for embracing voluntary industry efforts as an alternative to regulatory action. Without the need for a regulatory mandate, CTIA member companies representing more than 95 percent of subscribers have already made substantial efforts to voluntarily enable text-to-911 services on their networks by May 15, 2014. Understanding the importance of ensuring that wireless subscribers can access emergency communications when they need them most, the wireless industry has worked diligently to enable an interim text-to-911 solution, expending considerable resources along the way. If anything, the Carrier-NENA-APCO Agreement confirms that voluntary commitments are the appropriate model to address challenging technical issues and meet the needs of wireless consumers. The Commission should allow the collaborative voluntary process to develop

organically and efficiently, without resorting to unnecessary regulations that may ultimately stifle the transition to NG911.

Respectfully submitted,

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