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**By Electronic Delivery**

December 3, 2012

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

**Re: *GN Docket No. 11-117; WC Docket No. 05-196; PS Docket Nos. 11-153, 10-255, and 07-114***

The Telecommunications Industry Association<sup>1</sup> (“TIA”) hereby submits this communication to the Federal Communications Commission (“Commission”) to expand on our stated positions regarding next generation text-to-911.<sup>2</sup> TIA is a longtime supporter of the Commission’s efforts to improve emergency communications comprehensively. The development of an IP-based network where public safety answering points (“PSAPs”) can receive diverse forms of communication will greatly benefit each citizen of the United States, particularly disadvantaged populations. TIA’s member companies develop, manufacture, and supply the equipment used in the Nation’s communication networks, and are invested in the policies adopted towards the realization of a next generation 9-1-1 (“NG9-1-1”) system. In this letter, we specifically encourage the Commission to [1] ensure that it considers the entirety of issues associated with the transition of the Public Switched Telephone Network (“PSTN”) to an all- Internet

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<sup>1</sup> TIA is a Washington, DC-based trade association and standard developer that represents the global information and communications technology (ICT) industry through standards development, advocacy, tradeshows, business opportunities, market intelligence and world-wide environmental regulatory analysis. For over eighty years, TIA has enhanced the business environments for broadband, mobile wireless, information technology, networks, cable, satellite, and unified communications. TIA’s hundreds of member companies’ products and services empower communications in every industry and market, including healthcare, education, security, public safety, transportation, government, the military, the environment, and entertainment. TIA is an accredited standard development organization for the ICT sector by the American National Standards Institute (ANSI).

<sup>2</sup> See, e.g., Comments of TIA, Docket No. 07-144 (filed Oct. 3, 2011).

protocol (“IP”) network in its examination of extending 9-1-1 obligations to over-the-top (“OTT”) applications by, for example, refraining from making any tentative conclusions in its forthcoming rulemaking regarding text-to-9-1-1; and [2] ensure that any decisions made incorporate technical feasibility and avoid mandates that would result in retrofitting of existing infrastructure and systems or other affects adverse to the public interest.

First, we strongly urge the Commission to ensure that a holistic approach which appreciates the complexity and diversity of issues associated with the transition of the PSTN to an all-IP network. The consideration of this transition has been ongoing for some time,<sup>3</sup> and has seen Commission examination of location accuracy capabilities and legal and statutory issues for NG9-1-1.<sup>4</sup> Most recently, we have seen submissions from significant constituencies requesting that the Commission undertake a comprehensive review of its regulations to help enable this transition.<sup>5</sup> Finally, TIA member companies regularly work with operator providers as they upgrade their networks based on hyperlocal requirements and needs.

TIA believes that the issues in each of these existing efforts and dockets should be fully incorporated into the Commission’s consideration of regulatory changes. Any mandates from the Commission should also respect the need of manufacturers and operators to make informed on-the-ground decisions about equipment replacement in networks. As TIA has noted for the Commission previously, these operators and their vendors are the only parties in a position to make the most appropriate priority determinations for operators’ facilities as they improve their networks.<sup>6</sup> We also note

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<sup>3</sup> See FCC Technical Advisory Council, *Status of Recommendations*, at 11, 15-16 (Jun. 29, 2011), available at <http://transition.fcc.gov/oet/tac/TACJune2011mtngfullpresentation.pdf>.

<sup>4</sup> See *In the Matter of Wireless E911 Location Accuracy Requirements; E911 Requirements for IP-Enabled Service Providers*, Further Notice of Proposed Rulemaking and Notice of Inquiry, PS Docket No. 07-114, WC Docket No. 05-196 (rel. Sept. 23, 2010); see also *Public Safety and Homeland Security Bureau Seeks Comment on the 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 Inquiry, PS Docket Nos. 10-255, 11-153, and 12-333 (Nov. 13, 2012)..

<sup>5</sup> See, e.g., AT&T, Inc., *Petition to Launch a Proceeding Concerning the TDM-to-IP Transition* (filed Nov. 7, 2012), available at [http://www.att.com/Common/about\\_us/files/pdf/fcc\\_filing.pdf](http://www.att.com/Common/about_us/files/pdf/fcc_filing.pdf).

<sup>6</sup> See, e.g., *Comments of TIA*, PS Docket Nos. 11-60, 10-92, EB Docket No. 06-119 (filed Jul. 7, 2011) at 5-6.

that, as recommended by the Commission's Communications Security, Reliability and Interoperability Council's ("CSRIC") working group on best practices for reliable 9-1-1 and enhanced 9-1-1 services, the availability and adherence to industry standards and best practices will bring about a successful implementation of 9-1-1 and enhanced 9-1-1.<sup>7</sup>

The diversity of stakeholders affected by the PSTN-to-IP transition noted above by the increasing number of industry-led groups, filings with the Commission, and items issued by the Commission related to the topic also illustrate why it is important that the Commission refrain from making tentative conclusions in its forthcoming item regarding OTT text-to-9-1-1, particularly those of a technical nature. Presumptions of this kind by the Commission in a proposed rulemaking inherently shape the conversation of those who engage in the Commission's process, and any tentative conclusions could well have the effect of limiting stakeholder input.

We reiterate our belief that the Commission should allow for and encourage the development of voluntary, consensus-based standards.<sup>8</sup> These efforts will include thorough study in such areas as interoperability, portability, and security, among others. As with many other areas, such as network reliability,<sup>9</sup> a market incentives-based method centered on standards and best practices will also most efficiently bring about a successful NG9-1-1 ecosystem. In the long-term, it will also be critical for the Commission to continue on its mission to reduce regulatory barriers to investment and innovation through such actions as use of technology neutral regulations that reflect unique feasibility characteristics particular to certain jurisdictions. This is important because NG9-1-1 deployment will have to occur in phases, and turn on local decisions and funding. Providing clarity on liability to the providers of NG911 services is also important. Finally, the Commission should undertake a long-term consumer outreach effort that utilizes the same model as the existing public-private partnership working to

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<sup>7</sup> See CSRIC, Working Group 4A, Best Practices for Reliable 9-1-1 and E9-1-1, Final Report at 3.

<sup>8</sup> See Comments of TIA, PS Docket No. 11-153, PS Docket No. 10-255 (Dec. 12, 2011) at 3-4.

<sup>9</sup> See, e.g., National Security Telecommunications Advisory Committee, *NSTAC Report to the President on Communications Resiliency* (rel. Apr. 19, 2011) at 14 (noting that "market incentives will remain the fundamental driver of industry practices and standards").

increase broadband adoption, which we understand to already be under consideration within, among other groups, the Commission’s Emergency Access Advisory Committee, which TIA co-chairs.

Second, we believe that in evaluating how best to deploy a NG911 network as soon as technically feasible, the Commission should be mindful of the need to develop technologies that will facilitate such a network. We agree with other stakeholders that there are a number of significant technical issues that remain to be resolved before a 9-1-1 obligation is extended to nascent IP applications including OTT text,<sup>10</sup> notably in the area of location accuracy information.<sup>11</sup> The ICT manufacturer base represented by TIA has recommended that the decision to move forward and subject nascent services to 911 obligations is not the correct decision for the Commission yet, and that the Commission should instead create an advisory committee to ensure that cross-industry and public safety concerns and expertise are considered, and to encourage continued dialogue on how best to empower carriers, vendors, and other stakeholders to provide further advanced 9-1-1 technologies.<sup>12</sup>

In addition, if the Commission does move forward with extending 9-1-1 obligations to new NG9-1-1 services in the immediate future, another crucial consideration the Commission must keep in mind is the unfeasibility of adopting requirements that would have the effect of negatively impacting product design cycles and investment, or of forcing operators to retrofit existing infrastructure and equipment.

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<sup>10</sup> See Notice of Oral Ex Parte from Kim Robert Scovill, TeleCommunications Systems, Inc., to Marlene H. Dortch, Secretary, Federal Communications Commission, PS Docket Nos. 11-153 and 10-255, (Nev. 9, 2012) at 2 (noting that it cannot be authoritatively concluded that all OTT messaging applications “rely on underlying SMS technology to manage the messaging process” and that this “may change in the future.”). We also note for the Commission that the lack of resolution of these technical issues is reflected by the divergence of opinions on whether to address NG9-1-1 OTT SMS applications in the same rulemaking as “native” SMS. See, e.g., Letter from Grant B. Spellmeyer, Esq., Executive Director – Federal Affairs & Public Policy, United States Cellular Corporation, to Marlene H. Dortch, Secretary, Federal Communications Commission, PS Docket Nos. 11-153 and 10-255 (Nev. 6, 2012) at 2.

<sup>11</sup> See Letter from Glenn S. Richards, Executive Director, Voice on the Net Coalition, to Marlene H. Dortch, Secretary, Federal Communications Commission, GN Docket No. 11-117; WC Docket No. 05-196; PS Docket Nos. 11-153, 10-255, and 07-114 (Nev. 14, 2012).

<sup>12</sup> See Comments of TIA, PS Docket No. 07-114 (Oct. 3 2011) at 5-7.

These considerations should be intertwined with our recommendations above about the need for the Commission to ensure that any move forward with NG9-1-1 obligations incorporate issues and concerns related to the larger issue of transitioning the PSTN to an all-IP network.

We reiterate our support for a NG9-1-1 system in the United States, and look forward to working with the Commission as it examines policies that can expedite the realization of such a system.

Respectfully submitted,

**TELECOMMUNICATIONS INDUSTRY ASSOCIATION**

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