

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

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In the Matter of:)		
)		WC Docket No. 08-33
Competitive Provision of 9-1-1 Service)		WC Docket No. 08-185
Presented By Consolidated Arbitration)		
Proceedings)		
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COMMENTS OF THE 9-1-1 INDUSTRY ALLIANCE

The 9-1-1 Industry Alliance (“9IA”) respectfully submits comments in response to the Federal Communications Commission’s (“Commission”) request for comments on Competitive Provision of 9-1-1 Service Presented by Consolidated Arbitration Proceedings.¹

9IA represents the emergency communications industry in the development of emergency technology, infrastructure and policy for the good of public safety and the public served by furthering science and technology of emergency communications.²

I. INTRODUCTION

The Commission is seeking public comment on the specific issue of how competition in the provision of the 9-1-1 network and public safety services – delivered to public safety answering points (PSAPs) and other public safety agencies - would impact those agencies as well as competitive carriers, Commercial Mobile Radio Services

¹ *Comment Sought On Competitive Provision of 9-1-1 Service Presented By Consolidated Arbitration Proceedings*, consolidated proceedings WC Docket No. 08-33 and 08-185 (rel. June 4, 2009).

² <http://www.9-1-1alliance.org/>

(CMRS) Providers and others.³ 9IA strongly supports institution of competitive 9-1-1 services and believes any impacts are far outweighed by the benefits.

Every year, approximately 240 million 9-1-1 calls are made in the United States with countless lives and property saved,⁴ yet America's 9-1-1 system "has not evolved effectively as technological change [has] transformed our system of telecommunications."⁵ Today's 9-1-1 system is built on an infrastructure of analog technology that does not support many of the features that most Americans expect are part of an emergency response."⁶

For example, text messaging and instant messaging are becoming a more common method of communication than the traditional two way voice telephone call; pictures and videos from phones and PDAs are being shared instantly with friends and colleagues around the world; video and text based communications are replacing traditional TTY communications for the deaf and hard of hearing; and automobiles are being outfitted with telematics systems that automatically open up a voice call and provide valuable location information and crash data when a car is involved in an accident.

These are all amazing technologies, and citizens increasingly see the need for the capability to contact 9-1-1 with technologies they use to communicate every day. Yet, all of these advancements in consumer communications technology have one important

³ *Ibid.* at page 2.

⁴ NENA, Next Generation Partner Program, *A Policy Maker Blueprint for Transitioning to the Next Generation 9-1-1 System: Issues and Recommendations for State and Federal Policy Makers to Enable NG9-1-1*, page 2, September 2008. Report at [http://www.nena.org/media/File/NG9-1-1PolicyMakerBlueprintTransitionGuide-Final_1.pdf].

⁵ *Health of the 9-1-1 Emergency Network in the United States, 9-1-1 Industry Alliance Summary of 2008 Report on the Health of the Emergency Communications Network*, commissioned by 9IA, authored by Dale Hatfield, Brad Bernthal, and Phil Weiser, page 80. [http://www.9-1-1alliance.org/9IA_Health_of_US_9-1-1%20_2_.pdf].

⁶ Linda K. Moore, *Congressional Research Service Report For Congress, Emergency Communications: The Future of 9-1-1*, November 21, 2008.

characteristic in common: today's legacy 9-1-1 system cannot deliver any of this information to 9-1-1 centers.⁷ Simply put: the 9-1-1 system has not kept up with technology and is badly in need of modernization.⁸ The regulatory environment should encourage modernization and a movement to a digital or IP based 9-1-1 network.

In the broader telecommunications industry, competitive forces and technological innovation have ushered in an era of digital, mobile, and Internet Protocol (IP)-based communication capabilities. At the same time, limited competition in portions of the 9-1-1 system and analog bottlenecks have conspired to restrain the capabilities of today's 9-1-1 systems.⁹

Because the system continues to work and policymakers largely do not appreciate the system's technological complexities and limitations, decision makers not only fail to focus on this challenge, but instead sometimes falsely interpret the 9-1-1 systems' stability as a given and are all too willing to raid state 9-1-1 trust funds as seen in W.I., H.I., N.J., N.Y., and CA, collected for the express purpose of supporting 9-1-1 systems, to put them to other purposes. Accordingly, our emergency communications networks are unable to evolve because they are unable to accommodate what is increasingly viewed as basic functionalities inherent in many of today's advanced technologies.¹⁰

⁷ There is an exception now known following the publication of this statement: on June 9, 2009 at the 2009 national NENA conference, a 9IA member along with other non-ILEC vendors in the 9-1-1 industry successfully demonstrated a new product that will allow wireless phone users to send a text message to a PSAP (natively via the 9-1-1 network) without utilizing specialized communications devices or relay centers. See www.informationweek.com.

⁸ *Ibid*, NENA, Next Generation Partner Program, *A Policy Maker Blueprint for Transitioning to the Next Generation 9-1-1 System*, page 2.

⁹ *Ibid*, *Health of the US 9-1-1 System*, pages 5-6.

¹⁰ *Ibid*, *Health of the US 9-1-1 System*, pages 5-6.

The opportunity to upgrade our system of 9-1-1 communications is not merely a compelling opportunity. It is a national imperative.¹¹

II. DISCUSSION

9IA's members have invested heavily in the solutions that they offer today and that they will offer in the coming months. These are the very solutions that must be brought to market in order to make that migration possible; yet many of 9IA's enterprise members continue to face challenges rooted in a delivery model controlled by incumbent 9-1-1 services providers.

Another challenge is that the public safety community in the United States is comprised of a multitude of state and local government agencies, many of which are represented by several associations¹²... none of whom speak for all parts of the public safety community, including vendors and the government. If they could speak as one, it's highly likely they would agree on at least one principle: 9-1-1 is so important to protecting lives, property, and our homeland security that all stakeholders have a high duty to ensure that Americans are provided with the most reliable, secure, robust, managed emergency communications system possible.

Unfortunately, that principle has not been entirely fulfilled, and the biggest reason for this: the public safety community, united as they might be on a common purpose of saving lives and property, are often hampered by political or statutory constraints, and more notably, they are fractured jurisdictionally and geographically which is particularly

¹¹ *Ibid, Health of the US 9-1-1 System*, page 80.

¹² By way of example only, and not meant as a comprehensive list: The National Emergency Number Association (NENA), The Association of Association of Public Safety Communications Officials (APCO International), The National Public Safety Telecommunications Council (NPSTC).

instructive with respect to the fact that monopoly 9-1-1 service providers often have regional authority. Thus, public safety agencies, as policy makers and purchasers, have difficulty reaching critical mass in order to drive long overdue changes they might otherwise desire.

For years, public safety agencies have had virtually only one choice for 9-1-1 products and services: the incumbent 9-1-1 service provider. Incumbent providers have exercised exclusive, often unilateral discretion as to what those products and services will be and, due to the natural outcomes of rate of return regulation, incumbents have had no incentive to innovate in the 9-1-1 space as they have in other sectors.¹³

As one company's white paper puts it:

“[R]egulation of 9-1-1 networks and related services remains firmly rooted in a regionalize monopoly model in which 9-1-1 call routing, switching, transport, and database management services have been the exclusive domain of the incumbent local exchange carrier...America's 9-1-1 infrastructure has served the nation well, but it is operating on borrowed time. While the promise of the monopoly-based scheme has been and continues to be carried out by many devoted ILEC professionals, it is time for the voice of the public safety community to be heard in the theatre of the competitive market. The public safety community should be given an election of benefits offered by competition and not silenced by an ILEC's pre-determination of what benefits the customer should have. The time has come for regulators and others to encourage the forces of competition and to facilitate the use of 21st century technology in the upgrade of America's 9-1-1 network.”¹⁴

As put another way by the Ohio Chapters of the National Emergency Number Association and the Association of Public-Safety Communications Officials:

It is clear that most incumbent 9-1-1 service providers have abandoned their leadership role in lieu of investment in more profitable, commercial broadband

¹³ *Ibid*, see www.informationweek.com story on development of text-to-9-1-1 solution - - a solution long sought by public safety whose requests to ILECs for this solution fell on deaf ears.

¹⁴ Intrado Communications Inc., *9-1-1 Networks In The 21st Century: The Case For Competition*, Revised 2007, page 3.

applications. And, in the process, incumbents have apparently been content to not only abandon public safety; it seems they also want to interfere with any other provider trying to fill the vacuum they've left behind...¹⁵ By their inaction, incumbents have thrown open the door for regulators and competitors to offer public safety an alternative to a legacy 9-1-1 system migration strategy that is bogged down in an ongoing commitment to the past.”¹⁶

The federal government has become increasingly active in governing emergency communications.¹⁷ Among its many important actions in 2005, the Commission laid out four overarching principles by which the telecommunications industry, generally, must embrace Internet Protocol and broadband technologies.

Regulators and policy makers at all levels of government must be vigilant in preserving these principles which in turn will protect choice and competition in all parts of the network including 9-1-1. The FCC's broadband and related initiatives overlap - and must be integrated - with principles that will ensure the success of a 9-1-1 network architecture of the future, i.e., next generation 9-1-1, a/k/a “Next-Gen 9-1-1.”

Implementing Next-Gen 9-1-1 will require not only the development of a reliable, IP-enabled emergency communications architecture but will also entail changes in

¹⁵ See Petition For Rulemaking, *In the Matter of the Petition of the NENA/APCO Joint Task Force Requesting the Commission to Promulgate Rules and Set Standards Governing Next Generation 9-1-1 in a Competitive 9-1-1 Market*, Attachment A, page 2, Public Utilities Commission of Ohio, case No. 08-___-TP-UNC.

¹⁶ *Ibid*, page 2, Petition For Rulemaking, *In the Matter of the Petition of the NENA/APCO Joint Task Force Requesting the Commission to Promulgate Rules and Set Standards Governing Next Generation 9-1-1 in a Competitive 9-1-1 Market*, Public Utilities Commission of Ohio, case No. 08-___-TP-UNC

¹⁷ See for example FCC dockets C.C. Docket No. 94-102; WC Docket No. 04-36; WC Docket No. 05-196; WC Docket No. 08-171; PS Docket No. 07-114; PS Docket No. 08-51; GN Docket No. 09-40; See also NET 9-1-1 Improvement Act of 2008 (P.L. 110-283) — requires the preparation of a National Plan for migrating to an IP-enabled emergency network. The plan is to be prepared by the E-9-1-1 Implementation Coordination Office (ICO), created to meet requirements of an earlier law, the ENHANCE 9-1-1 Act of 2004 (P.L. 108-494). ICO is co-administered by the National Telecommunications and Information Administration and the National Highway Traffic Safety Administration of the U.S. Department of Transportation (DOT). E-9-1-1 Implementation Coordination Office (ICO) was instituted to participate in the efforts to improve 9-1-1 systems; The ENHANCE 9-1-1 Act of 2004 (P.L. 108-494) directed NHTSA to serve as co-administrator with the National Telecommunications and Information Administration (NTIA) in establishing and directing the ICO. See also The NET 9-1-1 Improvement Act of 2008 gave the E9-1-1 ICO the further responsibility of creating the National Plan for the transition to an IP-enabled emergency communications network.

operational procedures, training, funding models, regulations and laws.¹⁹ These consolidated arbitration proceedings provide an important opportunity for the Commission to serve the public interest by using its authority to advance the science and technology integral to America's 9-1-1 infrastructure through ensuring innovation, promoting competition and maintaining high standards for 9-1-1 service delivery. To accomplish this, the FCC should ensure access to - and interoperability with - the 9-1-1 network as well as an open, non-proprietary, standards-based architecture.

As for possible impacts of the presence of competitive 9-1-1 service providers: PSAPs and other public safety agencies, along with the public they serve, would enjoy a number of benefits: a constant stream of innovative products and services available to choose from, and as a buying consumer, public safety and homeland security would have an ongoing voice in the development of future products and services; and competition should lead to unbundling of incumbents' 9-1-1 tariffs which would give agencies an ability to buy 9-1-1 network and related elements *a la carte* including elements offered by incumbents.

Competitive carriers including CMRS providers would also ultimately benefit. While a model that involves multiple 9-1-1 service providers could drive some initial non-recurring costs to "re-home" inbound circuits (access to selective router)²⁰, those costs will diminish, be offset, and eventually reduced as a result of implementing a NextGen 9-1-1, IP-based network architecture,²¹ i.e., decreased number of circuits

¹⁹ *Ibid*, Linda K. Moore, *Congressional Research Service Report For Congress*.

²⁰ The costs would not be duplicative since there is only one 9-1-1 service provider serving a given PSAP.

²¹ Voice Over Internet Protocol ("VoIP") providers of telephone-like services already utilize this architecture and enjoy a cost structure for inbound selective router access that is less than competitive LECs or CMRS providers.

needed and decreased costs to interconnect and interoperate with another IP-based system²² (as compared to costs in a legacy environment).

III. CONCLUSION

For far too long it has been well understood that America must migrate to an IP-based emergency communications network. The real issue confronting our nation - and the Commission - is how to cause that migration to happen quickly, efficiently, fairly and safely. Clearly, competitive services are central to how this can - and should - be done.

The Commission should use the full weight of its authority to swiftly and unequivocally remove barriers facing qualified competitive 9-1-1 service providers whose innovative solutions can deliver to public safety agencies and others better choices for serving America's emergency communications needs.

Respectfully submitted,

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²² Competitive carriers and CMRS providers either already using or will be migrating to IP-based capability, and the interconnection/interoperability would be with a technologically compatible environment.

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