In the Matters of

911 Governance and Accountability ) PS Docket No. 14-193
)
Improving 911 Reliability ) PS Docket No. 13-75

COMMENTS OF SPRINT CORPORATION

I. INTRODUCTION

Sprint Corporation (“Sprint”) hereby submits these comments in response to the Federal Communications Commission’s (“FCC” or “Commission”) Policy Statement and Notice of Proposed Rulemaking (“Policy Statement and NPRM”) seeking comment on issues related to 911 Governance and Accountability and Improving 911 Reliability. In the Policy Statement and NPRM, the Commission proposes changes to its resiliency, reliability, and redundancy rules and also proposes to expand the definition of “covered 911 service provider” “… to include all entities that provide 911, E911, or NG911 capabilities, such as call routing, automatic location information (ALI), automatic number identification (ANI), location information services (LIS), text-to-911, or the functional equivalent of those capabilities regardless of whether they provide such capabilities under a direct contractual relationship with a PSAP or emergency authority.”

The proposed changes would extend the definition of “covered 911 service provider” to include Originating Service Providers (“OSP”s), including Commercial Mobile Radio Service (“CMRS”) providers. Under the proposed rules a CMRS provider would be required to certify

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2 Policy Statement and NPRM, 29 FCC Rcd 14208, 14225-14226, par. 42.
with respect to those parts of its network used to process and route 9-1-1 calls, including mobile positioning centers and gateway mobile location centers.

CMRS providers are subject to an extensive list of federal regulatory requirements related to the provision of 9-1-1 service. Several of these requirements, such as text-to-911 and indoor location accuracy requirements, have only recently been adopted by the Commission. CMRS providers are already subject to requirements associated with reporting 9-1-1 outages. Imposing further requirements on CMRS providers will not improve 9-1-1 reliability. The primary concerns discussed in the NPRM are associated with 9-1-1 service providers and their subcontractors, not OSPs. Further review of this issue is needed before the Commission takes action to expand its 9-1-1 resiliency, redundancy, and reliability requirements to include OSPs.

II. DISCUSSION

CMRS providers are already subject to a significant number of 9-1-1 regulatory obligations which ensure that CMRS providers are accountable for reliable 9-1-1 service. Under the FCC’s rules, CMRS providers are required to transmit all wireless 9-1-1 calls, without respect to their call validation process, to a Public Safety Answering Point.\(^3\) CMRS providers are required to provide a caller’s telephone number and location information (within a specified range) for calls placed to 9-1-1.\(^4\) CMRS providers are also required to provide TTY access to 9-1-1 for persons with speech or hearing disabilities.\(^5\) With respect to 9-1-1 outages specifically, CMRS providers must submit a report to the Network Outage Reporting System (“NORS”) for outages lasting at least 30 minutes that potentially impact certain thresholds of service or that potentially impact certain types of facilities.

\(^3\) 47 C.F.R. § 20.18(b).
\(^4\) 47 C.F.R. § 20.18(d-j).
\(^5\) 47 C.F.R. § 20.18(c).
The Commission recently adopted additional regulations that require CMRS providers to provide even more advanced capabilities associated with 9-1-1 service. CMRS providers must now provide the capability to route 9-1-1 SMS text messages to requesting PSAPs and are still in the process of implementing this obligation. In addition, the FCC’s Fourth Report and Order on E-911 Location Accuracy released on February 3, 2015, has just imposed numerous additional requirements and benchmarks on CMRS providers to improve location accuracy for E9-1-1 calls. As a result, CMRS providers will be engaged in significant work in the short term aimed at improving E9-1-1 communications.

In addition to implementing multiple upgrades to improve wireless E9-1-1, CMRS providers already report E9-1-1 outages under Section 4 of the FCC’s rules. The certification requirements of Section 12.4, including the changes proposed in the NPRM, would create a significant burden on CMRS carriers and divert resources from system upgrades, but would do nothing to improve 911 reliability and resiliency. Under Section 4.9(e) of the Commission’s rules, CMRS providers are required to submit a report to the NORS of an outage “on any facilities that they own, operate, lease, or otherwise utilize” lasting at least 30 minutes and potentially affecting certain levels of service including outages that potentially affect: at least 900,000 user minutes of telephony and associated data, at least 1,350 DS3 minutes, any special offices and facilities, or a 911 special facility. These outage reporting requirements ensure the Commission receives important information related to the provision of 9-1-1 service by CMRS providers.

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7 47 C.F.R. §4.9(e).
The outages discussed in the Policy Statement and NPRM do not establish a reasonable basis to extend the existing and proposed resiliency, redundancy, and reliability requirements to OSPs, including CMRS providers. The multistate outage and outages involving Next Generation 9-1-1 (“NG911”) implementation did not occur on OSP networks and could not have been identified or corrected by the OSP. The Commission references several outages that occurred during 2014 and states, “… recent events have shown that evolving technology, while providing many benefits to PSAPS and the public, also has introduced new and different risks.”\(^8\) The Commission references the April 2014 outage that impacted 9-1-1 service in seven states (the “Multistate Outage”). This outage was found to be the result of a software coding error at a Colorado-based system service provider’s (“SSP”) 9-1-1 call routing facility, contracted by public safety as part of their NG911 services, not an OSP outage.

The Commission also references multiple disruptions in 9-1-1 service that have occurred since January 2014 in Hawaii, following the installation of an NG911 network and a similar NG911 outage in Vermont in August 2014. The Multistate Outage and the outages in Hawaii and Vermont, to the extent they involved the implementation of NG911, were related to NG911 facilities on the other side of the demarcation point from where OSPs are required to deliver 9-1-1 calls (\(i.e.\) on the public safety side of the demarcation point – the selective router) and did not involve a failure of an OSP’s or CMRS provider’s facilities. OSPs do not have the ability to correct or prevent outages outside of their networks and a reporting obligation will not change that fact. While the Commission also references a single wireless-related 9-1-1 outage, this is the type of outage that would have been reported by the CMRS carrier under existing reporting obligations.

\(^8\) Policy Statement and NPRM, 29 FCC Rcd 14208, 14217, par. 20.
According to the Commission, “A growing number of disruptions to 911 service are caused by software malfunctions, database failures, and errors in conversion from legacy to IP-based network protocols.” Requiring OSPs to meet the requirements of 12.4 would not address these types of failures. In doing so, the Commission would be putting the burden and costs on entities that are not always aware of the outage, bear no responsibility for the outage and are unable to fix the outage. The transition to NG911 services will result in consolidation of PSAP facilities, as the Commission recognizes. It will also introduce additional vendors and service providers into the call path on the public safety side of the demarcation point. This does not, however, signal the need to impose an additional level of regulation on OSPs.

Many of the requirements adopted in the Commission’s 2013 Resiliency Order were based on best practices developed by CSRIC. Before taking action to expand the definition of “covered 911 service provider” to include OSPs, the Commission should involve CSRIC in examining this issue further.

Other aspects of the proposed rule changes also raise concerns. For example, the Commission proposes that a 911 Network Operations Center (“NOC”) provider be designated in each jurisdiction to act as the clearinghouse for information on major 911 outages. According to the Commission, in many cases it anticipates this role would be assumed by the incumbent LEC. It is likely, however, that confidential and proprietary information will be involved and carriers should not be required to provide such information to competing carriers. The Commission also proposes new requirements requiring entities that seek to make major changes in their 9-1-1 network architecture and services to engage in a time-consuming public

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9 Id.
11 Policy Statement and NPRM, 29 FCC Rcd 14208, 14234, par. 66.
notification process 60-days prior to such changes, to provide notice to the Commission and the public. The Commission should not extend this requirement to OSPs. This requirement would impact a carrier’s ability to make necessary changes, including improvements and enhancements, in a timely manner. For example, adopting such a requirement could impede the implementation of requirements described in the FCC’s recently adopted 4th R&O on 9-1-1 location accuracy. In addition, if carriers are required to submit proprietary company plans for enhancements and improvements which might impact 9-1-1 service prior to testing and implementing these improvements, this would create a competitive disadvantage in a very competitive environment.

III. CONCLUSION

The Commission should refrain from expanding the definition of “covered 911 service provider” to OSPs and should consider enlisting CSRIC for further study and review of the issues discussed in the NPRM.

Respectfully submitted,

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