INITIAL COMMENTS OF THE TEXAS 9-1-1 ALLIANCE
TO THE NOTICE OF PROPOSED RULEMAKING

The Texas 9-1-1 Alliance respectfully submits the following brief initial comments to the Federal Communications Commission (the “Commission”) Notice of Proposed Rulemaking (“NPRM”) seeking comments on approaches to ensure the reliability and resiliency of the communications infrastructure necessary to ensure continued availability of the nation’s 9-1-1 system particularly during times of emergency.

A. Entities Subject to Proposals and Improved PSAP Notification Under Commission Rule 4.9

The 9-1-1 emergency service system has been transitioning since the mid-1990s. Initially, there were state public utility commissions that regulated rates and requirements for one telephone company in each service area, one Selective Router (“SR”) provider in each service area, one Automatic Location Identification (“ALI”) provider in each service area, etc. These single, regulated providers had established service obligations and provider of last resort

1 The Texas 9-1-1 Alliance is an interlocal cooperation entity composed of 24 Texas Emergency Communication Districts with E9-1-1 service and public safety responsibility for approximately 53% of the population of Texas. These emergency communication districts were created pursuant to Texas Health and Safety Code Chapter 772 and are defined under Texas Health and Safety Code § 771.001(3)(B).

obligations, and their rates for services to both end user customers and 9-1-1 governmental entities had guaranteed rates of reasonable return in exchange for meeting those regulatory obligations. However, over time, regulatory and technological changes have introduced various levels of competition and greater aspects of deregulation for wireline, long-distance, wireless, Signaling System 7, Voice over Internet Protocol, broadband, data centers, data information and geographic information systems.

Now, as the transition to Next Generation 9-1-1 ("NG9-1-1") begins and as the initial transition from the public switched telecommunications network ("PSTN") is in its early beginning stages, there are many different types of originating service providers, access network service providers, third-party information service providers, and state, regional, and local governments that are mostly not subject to rate regulation at the state level, although some of those providers may have state certification requirements for at least certain types of technologies or services. For example, separate from the routing performed from the traditional legacy SR, a portion of 9-1-1 routing may be performed currently using a pseudo Automatic Number Information ("pANI"). This type of routing may also be done in the context of NG9-1-1 prior to a 9-1-1 call reaching the ESInet. To a large extent, the 9-1-1 emergency system has become much like the automobile industry in some respects. While there are some minimum basic service safety standards that a participant must meet to be a part of the automobile industry, the types, sizes, and features beyond those basic requirements are often dependent on competing policies, costs and benefits, requested features by the 9-1-1 governmental entity customer, and available funding and resources. In March 2013, the Communications Security, Reliability and Interoperability Council ("CSRIC") attempted to further address these broader types of changes.
and participants within network and industry by adopting new “critical” best practices WG-8-2-1 and WG-8-8-2.³

A broad and overly inclusive definition of “9-1-1 service provider” as suggested in the NPRM⁴ is reasonable and prudent in the context of notification of 9-1-1 impacting outages, and implementing such broad notification should be accomplished quickly. As suggested in the NPRM, this should include notifying the 9-1-1 authorities and PSAPs,⁵ and should also include notifying anyone with a documented reasonable interest for needing the information. Initial and update notification obligations as well as the form of notification (e.g., e-mail, text broadcast, personal phone) may reasonably vary based on the severity and the length of the outage incident.

B. Implementation Approaches and Bureau Recommendations for Improving 9-1-1 Network Reliability

In the NPRM, the Commission mentions the following four potential types of implementation approaches that may be considered individually and in combination: (1) reporting, (2) certification, (3) reliability requirements, and (4) compliance review and inspections.⁶ For some minimum requirements, there should be a reasonable review and balance between cost and benefits, the competitive marketplace, and costs burdens on end users and the 9-1-1 governmental entities. Additional consideration should be given for how soon governmental entities and/or originating, access, and data providers may be transitioning any component of the system towards NG9-1-1 and away from the legacy SR and PSTN systems.

⁴ NPRM at ¶ 23.
⁵ NPRM at ¶¶ 67-74.
⁶ NPRM at ¶¶ 24-31.
For example, to date there has not been legacy “dual 9-1-1 SR” diversity anywhere in Texas. But in central Texas, the new ESInet NG9-1-1 system that will be implemented later in 2013 will have additional diversity, will require compliance with National Emergency Number Association (“NENA”) and industry standards, and will require meeting specific Service Level Agreements (“SLAs”) and agreement requirements. Under such circumstances, at the present time new additional reliability requirements for physical diversity and redundancy for the current legacy SR and new additional requirements on backup power for the current legacy SR during the interim period before transition to the new ESInet NG9-1-1 system in central Texas might not reflect the most appropriate balance. This is especially the case when the new ESInet NG9-1-1 system will be located in “data centers” and not located in the traditional legacy SR central office, perhaps making the data center the appropriate focus point going forward.

In the contexts of the Bureau’s recommendations on routine circuit auditing, sufficient backup power at central offices, and robust network monitoring capabilities, the Commission seeks specific comment on how, in discharging its responsibilities to ensure that emergency communications promote safety of life and property, the Commission can best work in cooperation with state, tribal, and local governments that are the “primary administrators” of the 9-1-1 system.\(^7\) One way to best work with the applicable 9-1-1 authorities in a state is to make sure that transition effort at the Commission level complements and supports ongoing efforts and coordination within the states by 9-1-1 authorities. As noted above, if 9-1-1 authorities are now in the process of transitioning from the current legacy SR, new requirements for the current legacy SR on routine circuit audits, sufficient backup power, and robust network monitoring systems may not be appropriate when additional money and effort may be better used towards

\(^7\) NPRM at ¶32-66.
near term ESInet NG9-1-1 system deployment. Similarly, the Commission should promote the cooperative joint efforts recommended as “highly important” in the March 2013 CSRIC Report between the networks, industry, and public safety. Furthermore, in cases where 9-1-1 authorities are seeking to deploy ESInet NG9-1-1 system components, such as a Location Validation Function (“LVF”) and Geographic Information Systems (“GIS”) for network routing, the Commission should promote that the same broad 9-1-1 service provider group required to notify PSAPs of network outages is also equally required to work in good faith and in cooperation with 9-1-1 authorities within a state to properly deploy and transition to the use of such components for applicable ESInet NG9-1-1 systems.

C. Conclusion

The Texas 9-1-1 Alliance appreciates the opportunity to provide these initial comments, and respectfully requests that the Commission take action consistent with its initial comments.

Respectfully submitted,

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On behalf of the Texas 9-1-1 Alliance

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8 March 2013 CSRIC Report, WG-8-2-9 and WG-8-2-10.