

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

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

**REPLY COMMENTS OF THE ALLIANCE FOR
TELECOMMUNICATIONS INDUSTRY SOLUTIONS**

The Alliance for Telecommunications Industry Solutions (ATIS), on behalf of its Network Reliability Steering Committee (NRSC), hereby submits these reply comments in response to the Federal Communication Commission’s *Notice of Proposed Rulemaking (NPRM)* in the above referenced docket, released November 21, 2014. ATIS notes that there is significant opposition among the commenters to many of the Commission’s proposals, particularly the proposed establishment of designated 911 Network Operations Centers (NOC). ATIS shares the view of many commenters that the proposed 911 NOC role is unworkable and should not be implemented. As an alternative to regulatory mandates, ATIS supports an industry-driven, consensus-based approach and would be willing to help support this approach through its industry committees, including in particular ATIS NRSC. If the Commission nonetheless decides to implement new rules, ATIS urges the Commission to consider incorporating the changes recommended by ATIS in its comments to ensure that the rules are technically feasible and appropriately tailored to promoting reliable 911 service.

I. Comments

ATIS notes that there is broad opposition to many of the Commission’s proposals, particularly the proposed establishment of 911 NOCs that would have primary responsibility for situational awareness and information sharing during major 911 outages. ATIS believes that the Commission should carefully consider the problems associated with the proposed rules and instead look to the industry-led, consensus-based initiatives to provide guidance on how to achieve the Commission’s goals of promoting 911 reliability and encouraging coordination among stakeholders.

A. Many Commenters Share ATIS’ Concerns with the Proposed New Rules

ATIS notes that many commenters state that the new rules, as proposed, are overly broad and ambiguous, will impose significant burdens on the industry, thwart NG911 innovation, decrease collaboration between stakeholders, deter competition and could reduce the efficiency and effectiveness of the emergency response system.¹ Of particular concern to many commenters, including ATIS, is the Commission’s proposal for the establishment of 911 NOCs. ATIS opposes the establishment of these 911 NOCs and this view is shared by many commenters.

AT&T notes that the proposed establishment of 911 NOCs would be “costly and unworkable, and it raises questions concerning both tort and contract liability and concerning disclosure of carrier proprietary information.”² CenturyLink notes that the proposed role of the NOC is “enormous” and requiring a degree of “omniscience” that would require tools that may

¹ *See, e.g.*, Comments of the Industry Counsel for Emergency Response Technologies (iCert) at p. 1; *See also* Comments of National Cable & Telecommunications Association (NCTA) – The Rural Broadband Association at p. 2; Comments of AT&T at pp. 5-7; Comments of Verizon at pp. 2-4; Comments of the Boulder Regional Emergency Telephone Service Authority (BRETSA) on Policy Statement and Notice of Proposed Rulemaking at p. 1.

² Comments of AT&T at p.4.

not be technically feasible.³ The Industry Council for Emergency Response Technologies (iCERT) notes that the Commission’s proposal for a 911 NOC is “unwieldy” and would “no doubt lead to the establishment of duplicative processes and procedures designed to provide the requisite notifications.”⁴ ITTA – The Voice of Mid-Sized Communications Companies (ITTA) states that, when the number of entities and the variety of network partnerships and configurations involved in the 911 ecosystem is considered, the proposed 911 NOC coordinator “would be unreasonably resource intensive and burdensome for affected entities.”⁵ Verizon adds that the “new, omnibus 911 monitoring function to be performed by a newly designated ‘911 NOC Provider’...is so sweeping that it would render compliance difficult and divert attention away from restoring outages.”⁶

Moreover, ATIS shares the concerns expressed by commenters over the sharing of sensitive information that is envisioned under the 911 NOC proposal. The Competitive Carriers Association (CCA) notes in its comments that “providing open access to this sort of detailed network information poses a serious network security concern.”⁷ Sprint also acknowledges that the 911 NOC, as proposed by the Commission, would likely involve the sharing of confidential and proprietary information and believes that carriers should not be required to provide such information to competing carriers.⁸ Intrado suggests that by giving the 911 NOC significant visibility into competitors’ systems the Commission’s proposal may be anticompetitive.⁹

³ Comments of CenturyLink at pp.14-16.

⁴ Comments of iCERT at p. 5.

⁵ Comments of ITTA at p. 6.

⁶ Comments of Verizon at p. 5.

⁷ Comments of CCA at p. 8.

⁸ Comments of Sprint Corporation at p. 5.

⁹ Comments of Intrado at p.62.

ATIS also shares the concerns expressed by commenters over the *NPRM*'s suggestion that Best Practices could be mandated as part of the expanded certification rules.¹⁰ As CCA states "creating an enforceable set of best practices for the provision of 911 services would create just the sort of unwieldy 'one-size-fits-all' approach that the Commission appears keen to avoid."¹¹ ATIS agrees and notes, as it has in many other proceedings, that one of the defining characteristics of Best Practices is their voluntary nature and their ability to continually evolve to meet new technical, business, and consumer expectations. Best Practices cannot and should not be considered to be universally applicable mandates. The decision regarding whether or not to implement a Best Practice is made based on expert evaluation, risk assessment, and/or other considerations.¹² Furthermore, the success of Best Practices is due to the voluntary, consensus-based environment in which they are created, which allows industry experts to collaborate and continually update existing and/or develop new Best Practices to account for current technology and network growth.

B. ATIS Supports an Industry-Driven, Consensus-Based Approach as an Alternative to New Regulatory Mandates

Instead of new regulatory mandates, ATIS would support the recommendations made by a significant number of commenters that the Commission should seek guidance from an industry advisory committee or other industry-led, consensus-based initiative(s). Airbus, for example, recommends that the Commission establish an advisory committee to develop recommendations regarding the type of 911 network changes that will be deemed "major" for purposes of the

¹⁰ *NPRM* at ¶47 (asking whether the Commission should establish standards or Best Practices and whether these should be voluntary or mandatory). With regard to the request for input regarding the possible creation of standards by the Commission, ATIS reminds the Commission that OMB Circular No. A-119 requires federal agencies to use existing voluntary consensus standards to carry out policy objectives, unless use of such standards would be inconsistent with applicable law or otherwise impractical.

¹¹ Comments of CCA at p.7.

¹² This view is consistent with the view espoused by the Commission's Network Reliability Interoperability Council (NRIC). See Final Report of the NRIC VII Focus Group 2A, Homeland Security Infrastructure (December 2005), Section 3 ("Mandated implementation of these Best Practices is not consistent with their intent").

notification requirement.¹³ Intrado suggests that “the most reasonable path forward includes a Commission-led effort to facilitate NG911 standards evolution and to accelerate development of NG911 best practices and industry workshops that will address the Commission’s concerns and includes exploration of how existing FCC authority can help move reliable NG911 deployments forward.”¹⁴ Others, including CTIA—The Wireless Association® and Intrado, note that the FCC’s Task Force on Optimal Public Safety Answer Point (PSAP) Architecture (TFOPA) is another stakeholder group that will be working on relevant issues pertaining to the operations of PSAPs as they migrate to NG911 technologies.¹⁵

Motorola Solutions notes that standards work, technology development, and industry-led efforts currently underway to enhance the performance of NG911 systems should be leveraged, and Best Practices and voluntary efforts should be explored, before any new regulations are considered.¹⁶ iCERT recommends that the Commission engage the industry in a collaborative dialogue to explore alternative approaches for improving reliability and resiliency. Zetron recommends that, instead of the proposed regulations, the Commission should engage the industry in a collaborative dialogue to explore alternative approaches for improving reliability and resiliency.¹⁷

In its comments, Association of Public-Safety Communications Officials-International, Inc. (APCO) recommends reliance on standards adopted by an ANSI-accredited body, such as ATIS.¹⁸ Verizon similarly suggests that stakeholders should focus their attention on developing industry standards that can improve network monitoring in the changing NG911 environment

¹³ Comments of Airbus at p. 8.

¹⁴ Comments of Intrado at p. 42.

¹⁵ Comments of CTIA—The Wireless Association at p. 6; *See also* Comments of Intrado at pp. 18-19.

¹⁶ Comments of Motorola Solutions, Inc. at pp. 3-4.

¹⁷ Comments of Zetron at p. 1.

¹⁸ Comments of APCO at pp. 4-5.

and appropriately account for service-specific distinctions.¹⁹ The Telecommunication Industry Association (TIA) similarly recommends that “[a]llowing for the development of voluntary, consensus-based standards – which will naturally include detailed study to ensure that interoperability, portability, and security (among other) concerns are fully addressed – will most efficiently ensure that the Commission reaches its goals for a reliable and enhanced 911 system.”²⁰ ATIS supports this approach and notes that, through its Emergency Services Interconnection Forum (ESIF) and NRSC, it engages stakeholders in the development of relevant consensus-based deliverables that promote reliable 911 service and has a history of promoting effective collaboration among service providers, equipment manufacturers, PSAPs and regulatory agencies.

C. Adoption of New Rules Is Premature

ATIS supports the recommendations made by commenters that the Commission should wait until the recently adopted certification rules have been in effect for some time before implementing new rules. CTIA – The Wireless Association agrees that Commission action on this issue would be premature and correctly notes that, when the certification rules were adopted, the Commission established that it would conduct a review in five years to consider whether to revise the covered Best Practices or extend the resiliency rules to additional entities.²¹ The United States Telecom Association (USTA) similarly notes that the first full Annual Reliability Certifications are due October 15, 2016, and recommends that the Commission allow more time for these existing rules to be met, and their effectiveness to be properly evaluated, before imposing new requirements.²²

¹⁹ Comments of Verizon at p. 11.

²⁰ Comments of TIA at p. 4.

²¹ Comments of CTIA – The Wireless Association at pp. 5-6.

²² Comments of USTA at pp. 2-3; *See also* Comments of Verizon at p. 7.

D. Any New Rules Should Be Narrowly Focused to Avoid Imposing Unnecessary Burdens on Stakeholders

In its comments, ATIS suggested changes to the proposed rules that would reduce or eliminate unnecessary burdens or provide greater clarity. One of the key recommendations made by ATIS in this regard pertains to the proposed definition of “covered 911 service provider.” ATIS believes that the proposed definition is overly broad and must be appropriately narrowed to avoid imposing unnecessary burdens on 911 stakeholders. To address its concerns, ATIS recommends that the proposed definition be appropriately focused to avoid imposing unnecessary burdens. For example, to the extent that the rules impose obligations on parties that do not have contractual relationships with PSAPs, these obligations should be limited to those parties that provide facilities and services that are solely provisioned for 911 network service purposes and should not include providers of retail services that are not directly connected to the PSAP. Moreover, any rule must acknowledge that the responsibilities of parties without a direct contractual relationship to the PSAP may be impacted by the party in the “prime contractor” position.

Finally, in determining what new certification and/or outage reporting rules should be imposed, ATIS agrees with The Boulder Regional Emergency Telephone Service Authority (BRETSA) that the Commission “must balance the need for authorities to be aware of outages materially impacting 9-1-1 and ENS services, with the burdens on providers of reporting outages.”²³

²³ Comments of BRETSA at p.24.

II. Conclusion

ATIS appreciates the opportunity to respond to the comments made in response to the *NPRM*. ATIS notes that many of the commenters in this docket share ATIS' concerns that certain proposed rules, particularly those regarding situational awareness, are technically unworkable and therefore should not be adopted. ATIS supports an industry-led, consensus-based approach as an alternative to new regulatory mandates. Finally, to the extent that any new rules are adopted, the Commission should avoid imposing unnecessary obligations on stakeholders.

Respectfully submitted,



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