

Before the Federal Communications Commission

IN THE MATTERS OF

FRAMEWORK FOR NEXT GENERATION 911 DEPLOYMENT

AND

FACILITATING THE DEPLOYMENT OF TEXT-TO-911
AND OTHER NG911 APPLICATIONS

ON PUBLIC NOTICE

**COMMENTS OF THE
NATIONAL EMERGENCY NUMBER
ASSOCIATION**

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Before the Federal Communications Commission

PS Docket Nos. 10-255 & 11-153

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NATIONAL EMERGENCY NUMBER ASSOCIATION**

The National Emergency Number Association (NENA) respectfully submits the following comments in response to the *Public Notice* released by the Public Safety and Homeland Security Bureau on January 9th, 2017.

COMMENTS

The location of transitional and end-state NG9-1-1 demarcation points must be conclusively resolved – soon.

Since at least 2012, NENA has repeatedly raised with the Commission and with the private sector the importance of resolving the location of critical demarcation points between access network providers and originating service providers, on the one hand, and legacy, transitional, and NG9-1-1 systems on the other. As demonstrated by the

letter from Maine’s Public Utilities Commission that generated the Public Notice to which we herein respond, the need for *some* determination as to these critical locations has only grown more acute in the interim.

As early as 2012, responding to a congressionally-mandated inquiry into the appropriate legal framework for the deployment of NG9-1-1, NENA identified incumbent-network interconnection as a subject that was “likely to remain challenging.”¹

Again, in 2013, we expressed similar reviews in the context of 9-1-1 network reliability, stating that the Commission should clarify 9-1-1 demarcation points to aide in determining route-diversity obligations. Our views there were consistent with the FCC’s existing guidance on this subject, expressed in the so-called “King County Letter.”² In that letter, the Wireless Telecommunications Bureau clarified that the point of demarcation for purposes of allocating costs between wireless carriers and PSAPs was at the ingress of the Selective Router operated by the ILEC.³ Although the King County Letter was specific to SRs maintained by ILECS, it has since been viewed, as a matter of universal custom and practice, to have referred to the serving SR, regardless of whether that element was operated by an ILEC, CLEC, or other 9-1-1 System Service Provider, and the Commission has never acted contrary to that interpretation. Consequently, NENA believes that that the ingress point of the terminating 9-1-1 network (to use more generic terms) remains the point of demarcation between integrated access-network / originating-service providers.

¹ *In re Legal and Statutory Framework for NG9-1-1 Services*, PS Docket Nos. 10-255, 11-153, and 12-333, NENA: The 9-1-1 Association *Comments* at 15 (Dec. 2012).

² *Re: King County, Washington Request Concerning E911 Phase I Issues*, WTB *Letter* at 2 (May 9, 2001).

³ *Id.*

Despite the seeming clarity of the Commission’s existing guidance on this subject, however, NENA and others have recognized limitations of the *King County Letter* as it pertains to novel service models not contemplated at the time of its issuance more than 15 years ago. Specifically, NENA, NASNA, iCERT, ATIS, USTA, Texas CSEC, and the Texas 9-1-1 Alliance submitted a joint *ex parte* on August 11th, 2015, in which we laid-out “Principles and Next Steps for 9-1-1 Governance and Accountability.” Among those principles and next steps was the following:

The migration to NG911 compels the entire emergency communications industry to evaluate whether and how [service providers’] roles are changing, including the appropriate demarcation point between networks used to access NG911 services and the actual NG911 services provided by 911 service providers.⁴

Moreover, the group committed to further study these difficult issues, and invited the Commission to join us in our efforts to resolve them, saying:

Both the Principles and the Considerations & Proposed Actions would potentially benefit from additional 9-1-1 stakeholder discussion in public fora – such as in a Commission Workshop or in a NENA Critical Issues Forum. The group strongly urges the FCC to support such additional collaborative discussions and commits to support such initiatives should they be utilized.⁵

⁴ *911 Governance and Accountability*, PS Docket No. 14-193, and *Improving 911 Reliability*, PS Docket No. 13-75, *Joint Ex Parte of NENA, NASNA, iCERT, ATIS, USTA, Texas CSEC, and Texas 9-1-1 Alliance* at 4 (Aug. 11, 2015).

⁵ *Id.* at 2.

Since that time, however, little further progress on resolving demarcation issues has been made. Nevertheless, NENA remains committed – for now – to a multi-stakeholder-based resolution of this issue. Assuming a comprehensive consensus view can be reached on a reasonable timeframe (e.g., by the end of 2017), NENA would prefer to resolve these issues through discussion. Should that effort prove unsuccessful, however, NENA would then urge the Commission to fully, finally, and clearly resolve the points of demarcation for access network providers and originating service providers with respect to legacy, transitional, and NG9-1-1 systems.

CONCLUSION

Unless and until critical demarcation questions, such as the one raised by Maine, are resolved, states like Maine and other local 9-1-1 authorities will face continued uncertainty and potentially conflicting service provider demands with respect to the structure of legacy voice, interim SMS, and end-stage Next Generation 9-1-1 service. Whether through a multi-stakeholder process or Commission guidance, these questions *must* be resolved soon. NENA therefore urges the Commission to vigorously pursue any approach it judges likely to lead to that outcome. For our own part, NENA remains ready and willing to engage with both the public and private sectors to resolve these questions by consensus.

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