

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Facilitating the Deployment of Text-to-911 and)	PS Docket No. 11-153
Other Next Generation 911 Applications)	
)	
Framework for Next Generation 911 Deployment)	PS Docket No. 10-255

REPLY COMMENTS OF THE VOICE ON THE NET COALITION

The Voice on the Net Coalition (“VON”)¹ hereby submits this reply to comments filed in response to the Second Report and Order and Third Further Notice of Proposed Rulemaking (the “*FNPRM*”) regarding text-to-911. VON continues to support the exclusion of non-interconnected providers from text-911 requirements and the exemption afforded covered providers from delivering texts to 911 sent from Wi-Fi-only locations. The record in this docket demonstrates that any other result would be unworkable with current technology.

I. The Commission should not require the delivery of texts to 911 from Wi-Fi-only locations since Wi-Fi technology does not provide reliable location information

VON and others have demonstrated the fallibility of attempting to identify the appropriate PSAP when texts are sent to 911 from Wi-Fi-only locations.² There are trustworthiness and integrity issues raised by the use of Wi-Fi technology to determine a texter’s location, which must be done accurately to identify the appropriate PSAP that is able to respond to the emergency. MediaFriends, Inc. explains that while it is “technically possible” to route texts to 911 sent through Wi-Fi zones, “[t]he issue is whether sufficient data can be provided outside of the SMS text message content to properly determine its authenticity (*security and*

¹ The VON Coalition (www.von.org) works to advance regulatory policies that enable Americans to take advantage of the promise and potential of IP enabled communications.

² Comments of the Voice on the Net Coalition, PS Docket Nos. 10-255 and 11-153 at 2-3 (Oct. 16, 2014) (VON Coalition Third Further Notice Comments).

integrity is a major concern here), geo-location data, and . . . sufficient ‘routing’ data to direct it to the appropriate PSAP.”³ Moreover, Wi-Fi “hotspots” may be physically moved, replaced, and upgraded, thus requiring the implementation of procedures for updating the appropriate data sources dependent upon location information obtained from a Wi-Fi-only device. Incorporating such mechanisms into the current text-to-911 rules would be too burdensome and unreliable. Moreover, Wi-Fi hotspots may also be “hacked,” thereby allowing for the potential of misleading location data to be transmitted to corresponding PSAPs.⁴ It does not seem feasible to validate the information at this time.

Additionally, consumers may manually disable location capabilities on Wi-Fi-only devices for reasons related to privacy or battery life.⁵ Users must be aware, *prior* to the time of emergency, that their Wi-Fi device’s location capabilities must be enabled in order to reach 911. But even this is not enough. Users also must actually activate location capabilities in an emergency situation, which is more than can be expected at a time of distress.

VON thus agrees with the Alliance for Telecommunications Industry Solutions (ATIS) that “devices that are only connected via Wi-Fi present particular challenges that may prevent appropriate SMS-to-911 functionality in some circumstances,” and, as such, “additional study is warranted regarding technical feasibility . . . with regard to devices connected via Wi-Fi connection.”⁶

Rather than mandating that texts sent through Wi-Fi locations reach 911, when it is unfeasible to do so, the Commission should continue to require an automatic “bounce-back”

³ Comments of MediaFriends, Inc., PS Docket Nos. 10-255 and 11-153 at 8 (Oct. 15, 2014) (MediaFriends Third Further Notice Comments) (further asserting that “[i]t is our opinion that this is a technology that does work and can be used, but, *the challenge is operational integrity and procedural processes that must be in place in order for reliability to be achieved.*”) (emphasis added).

⁴ See *id.* at 9.

⁵ See VON Coalition Third Further Notice Comments at 2 (“[F]or reasons related to privacy or in efforts to lengthen battery life, consumers may choose to disable location capabilities, such as GPS, on their mobile devices.”).

⁶ Comments of the Alliance for Telecommunications Industry Solutions (ATIS), PS Docket Nos. 10-255 and 11-153 at 6-7 (Oct. 16, 2014).

messages for interconnected text messaging services informing users that texting emergency services is unavailable and to call through the voice network.⁷ Moreover, the Commission should encourage greater consumer education regarding the differences between SMS and Wi-Fi networks. VON encourages the Commission to foster consumer education such as this, and further urges the Commission to find newer ways to directly reach out and inform users of these distinctions in a proactive manner, particularly as the Commission, public safety and industry move forward with the transition to Next Generation 911, in order to avoid confusion during actual emergency situations.

II. Non-interconnected text providers should not be subject to text-to-911 requirements

While non-interconnected texting applications are growing increasingly popular,⁸ there are legal and technical reasons for the Commission not to impose the text-to-911 requirements on these providers. As an initial matter, VON believes that the Commission lacks authority to apply text-to-911 regulations to non-interconnected text applications.⁹ VON agrees with the Information Technology Industry Council (ITI) that texting applications that only allow consumers to communicate with other users running the same application, and do not generally interconnect with the PSTN or an SMS network, should continue to be excluded from the current text-to-911 requirements.¹⁰

Moreover, users do not expect that text-to-911 will be available through non-interconnected texting applications.¹¹ While some parties argue that the general public is unable

⁷ See VON Coalition Third Further Notice Comments at 3, n.9 (“This [bounce-back] message serves the dual purpose of eliminating the potential for miscommunication of location information sent from Wi-Fi-only areas, as well as of eliminating consumer confusion as to whether Wi-Fi only locations are capable of transmitting texts to 911.”).

⁸ Comments of Motorola Mobility, PS Docket Nos. 10-255 and 11-153 at 5-6 (Oct. 16, 2014).

⁹ VON Coalition Third Further Notice Comments) at 2, n.7.

¹⁰ Comments of the Information Technology Industry Council, PS Docket Nos. 10-255 and 11-153, at 3 (April 4, 2014).

¹¹ VON Coalition Third Further Notice Comments at 4-5.

to distinguish between interconnected and non-interconnected services,¹² there is no evidence that users of services that are not capable of reaching substantially all mobile phone numbers expect to be able to text 911. Rather, the Commission should instead focus on encouraging consumer education regarding the inherent limitations of non-interconnected services. For example, providers should inform customers at the time of download of the application, of the inability to reach 911 services. There is no need for regulation, and as noted by L.R. Kimball, with such education “public expectation will *eventually* drive the need for non-interconnected text services to offer text-to-911,” but today current technologies do not feasibly permit this.¹³

CONCLUSION

The Commission should continue to exempt from the text-to-911 requirements (1) text messages sent when a CMRS network is not otherwise available because Wi-Fi networks cannot be relied upon to provide accurate or trustworthy location information, and (2) non-interconnected text providers because such services are not designed to broadly reach all telephone numbers, require further study, and are readily distinguished by users from interconnected services.

Respectfully submitted,

VOICE ON THE NET COALITION

Glenn S. Richards
Executive Director
2300 N Street, NW
Washington, D.C. 20037
(202) 663-8215
glenn.richards@pillsburylaw.com

November 17, 2014

¹² *FNPRM* ¶ 129; MediaFriends Third Further Notice Comments at 10-11.

¹³ Comments of L.R. Kimball, PS Docket Nos. 10-255 and 11-153 at 3-4 (Oct 16, 2014).