

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission, on its own motion, seeking to investigate the requirements, costs and impact of the implementation of Next Generation 911 in Nebraska relating to the provision of Enhanced Wireless 911 Service	Application No. 911-045/PI-166
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COMMENTS OF QWEST CORPORATION d/b/a CenturyLink QC and UNITED TELEPHONE COMPANY OF THE WEST d/b/a CENTURYLINK

On October 30, 2012, the Nebraska Public Service Commission (“Commission”) issued an Order Setting Hearing and Seeking Comment in the above referenced docket. The Commission notes that “[i]n light of the continuing move toward an IP based 911 network, it is necessary for the Commission to determine its role in the implementation, funding, and operation of NextGen 911. As a threshold matter, it is essential that the regulatory landscape related to the NextGen 911 be clarified.”¹ Qwest Corporation d/b/a CenturyLink QC and United Telephone Company of the West d/b/a CenturyLink (collectively, “CenturyLink”) agree and respectfully provides these comments in response to the Commission’s questions.

- 1. PLEASE IDENTIFY THE FEDERAL, STATE AND LOCAL AUTHORITIES, AGENCIES, AND GOVERNING BODIES, WHOSE PARTICIPATION AND COOPERATION WILL BE NECESSARY FOR THE IMPLEMENTATION OF NEXTGEN 911 WITH RESPECT TO THE RECEIVING AND PROCESSING OF 911 CALLS. IN COMMENTING, PLEASE PROVIDE THE FOLLOWING SPECIFICS:**

¹ See *In the Matter of the Commission, on its own motion, seeking to investigate the requirements, costs and impact of the implementation of Next Generation 911 in Nebraska relating to the provision of Enhanced Wireless 911 Service*, Application No. 911-056/PI-166, Order Setting Hearing and Seeking Comment (*NE NextGen 911 Order*) issued October 30, 2012, page 2.

- a. THE BASIS AND SCOPE OF THEIR AUTHORITY INCLUDING REFERENCES TO APPLICABLE STATE AND FEDERAL STATUTES, ADMINISTRATIVE OR COURT ORDERS, AND REGULATIONS;
- b. ANY EFFORTS, PROJECTS OR INITIATIVES CURRENTLY IN PROGRESS OR BEING PLANNED RELATED TO ANY PORTION OF THE IMPLEMENTATION OF NEXTGEN 911; AND
- c. IDENTIFY ANY IMPEDIMENTS TO THEIR PARTICIPATION.

The *NE NextGen 911 Order* acknowledges the ongoing Federal Communications Commission (“FCC”) proceeding regarding NextGen 911.² Many of the issues being investigated in the FCC’s proceeding are similar to those this Commission’s *NE NextGen 911 Order* indicates it is interested in pursuing. The comments filed in the FCC’s proceeding may provide this Commission with information regarding the positions of “various federal, state and local authorities, agencies, and [other] governing bodies” potentially interested in participating in the implementation of NextGen 911 in Nebraska.

It is clear from the FCC’s proceeding referenced in the *NE NextGen 911 Order*, as well as from other federal regulatory initiatives,³ that the federal government sees itself

² *In the Matter of Facilitating the Deployment of Text-to-911 and Other Next Generation 911 Applications and Framework for Next Generation 911 Deployment*, PS Docket Nos. 11-153 and 10-255, 26 FCC Rcd 13615 (rel. Sept. 22, 2011), referenced at page 2 of the *NE NextGen 911 Order*. On December 12, 2012 at its opening meeting, the FCC adopted a Further Notice of Proposed Rulemaking proposing to require that all wireless carriers, as well as providers of certain Internet-based (“over the top”) text messaging applications – that is, those that send text messages to phone numbers – enable their customers to send text messages to 911 in areas where local 911 calls centers (known as Public Safety Answering Points, or PSAPs) are also prepared to receive the texts. A copy of the FCC News Release is available at: http://transition.fcc.gov/Daily_Releases/Daily_Business/2012/db1212/DOC-317918A1.pdf.

³ See *In the Matter of Amending the Definition of Interconnected VoIP Service in Section 9.3 of the Commission’s Rules*, GN Docket No. 11-117;; *In the Matter of Wireless E911 Location Accuracy Requirements*, PS Docket 07-114;; and *In the Matter of E911 Requirements for IP-Enabled Service Providers*, WC Docket No. 05-196.

as having a leadership role in defining the design, architecture, and implementation of NextGen 911. Ongoing federal proceedings are considering the scope of the FCC's authority under the Communications Act of 1934,⁴ the New and Emerging Technologies 911 Improvement Act of 2008 ("NET 911 Act")⁵ and Section 106 of the 21st Century Communications and Video Accessibility Act ("CVAA").⁶

These federal initiatives demonstrate the need that important technical and implementation issues be addressed on a uniform, nationwide basis. In addition, Congress has mandated that the FCC provide it with recommendations by February 2013 on further legislative and regulatory changes that are necessary to promote NextGen 911 deployment.⁷ CenturyLink believes that report may provide this Commission with some additional, important insights into the role the federal government sees for itself in the ultimate roll out of NextGen 911.

Moreover, in addition to the FCC, the National Telecommunications and Information Administration ("NTIA") has a separate initiative regarding the design, development, and implementation of FirstNet, an infrastructure and technology

⁴ See 47 U.S.C. § 151 et seq.

⁵ Pub. L. 110-283, 122 Stat. 2620 (codified at 47 U.S.C. § 615a-1(a)), amending the Wireless Communications and Public Safety Act of 1999, Pub. L. 106-81, 113 Stat. 1286 (1999)

⁶ 47 U.S.C. § 615c et seq.

⁷ See Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156, 244 § 6509 (2012); FCC Public Notice, PS Docket Nos. 10-255, 11-153, and 12-333, DA 12-1831 (rel. Nov. 13, 2012) (seeking public comment on recommendations to Congress).

deployment designed with the purpose to enable First Responders of all jurisdictions to act in a coordinated, cohesive manner.⁸ Several parties have filed comments in that proceeding, including CenturyLink. The filed comments could be an effective resource in this commission's initial efforts to collect information.⁹

2. **THE COOPERATION AND PARTICIPATION OF WIRELESS SERVICE PROVIDERS, LOCAL EXCHANGE CARRIERS, AND OTHER INTERESTED PARTIES WILL BE NECESSARY FOR THE IMPLEMENTATION OF NEXTGEN 911 WITH RESPECT TO THE RECEIVING AND PROCESSING OF 911 CALLS. IN COMMENTING PLEASE PROVIDE THE FOLLOWING SPECIFICS:**
 - a. **THE NATURE OF THEIR PARTICIPATION INCLUDING WHAT ELEMENTS OF A ROBUST NEXTGEN 911 FOR WHICH THEY WOULD BE RESPONSIBLE;**

As a local exchange carrier in the state of Nebraska, and in 36 other states, CenturyLink has significant experience with 9-1-1 and NextGen 911 issues. The key to managing the participation of all the key stake holders, both traditional and the new entrants, is through the project management of a leading Next Generation Service provider such as CenturyLink.

⁸ The Middle Class Tax Relief and Job Creation Act of 2012 created the First Responder Network Authority (FirstNet) as an independent authority within NTIA and authorized it to take all actions necessary to ensure the building deployment, and operation of a nationwide public safety network based on a single national network architecture. On October 4, 2012 the NTIA issued a Notice of Inquiry (NOI) on behalf of FirstNet to seek public comment on the conceptual network architecture presentation made at the FirstNet Board of Directors' meeting held on September 25, 2012, as well as to invite input on other network design and business plan considerations. A copy of the NOI can be found at: http://www.ntia.doc.gov/files/ntia/publications/firstnet_noi_10042012.pdf. The FCC recently, took action to move certain radio spectrum to the jurisdiction of the NTIA to comply with Congress' directive *See note 7, supra*, Middle Class Tax Relief and Job Creation Act of 2012, Section 6203(c)(3)(A). And *see In the Matter of Recommendations of the Technical Advisory Board for First Responder Interoperability*, Order of Transmittal, 27 FCC Rcd 7733 (2012)

⁹ *See Comments of CenturyLink on Notice of Inquiry*, Development of the Nationwide Interoperable Public Safety Broadband Network, Docket No. 120928505-2505-01, filed Nov. 1, 2012.

The migration from a traditional TDM based 911 network to an IP infrastructure demands concise coordination, flexible design, and managed deployments.

CenturyLink is positioned to provide a complete solution, including professional installation, project management, training, network surveillance, and more.

CenturyLink's robust network can support the delivery of text messages, images, video, telematics, building plans and medical information using a common closed user group network. Whether it is across the street, across the region, or across the nation, participants can count on CenturyLink's common, standards-based communication platform to perform and connect to emergency responders when and where needed.

CenturyLink's Next Generation 911 platform is capable of deploying a highly scalable Emergency Services IP Network ("ESInet") designed specifically for each service territory and providing a seamless transition path for service providers as well as Public Safety agencies. This platform would combine all available applications and interfaces, bringing together features and functionality currently in place, but would also utilize enhanced rules-based tools that manage and control the receipt, distribution, and dissemination of voice and data requests for emergency services.

When it comes to public safety needs, CenturyLink knows one size does not fit all. For that reason CenturyLink provides a range of options from customer managed, to co-managed, to fully-managed CPE, security and network assets. Because there is a great deal at stake, CenturyLink provides the PSAPs with the tools and professional

expertise they need *via* a dedicated 911 Network Operations Center. The combination of CenturyLink's NextGen 911 center with the reach and span of CenturyLink's National Network Operations Center ("NOC"), allows CenturyLink to provide optimum network support at the local and national level. CenturyLink also provides top-tier Service Level Agreements ("SLAs") covering Latency, Time to Repair ("TTR"), and Packet Delivery Ratio ("PDR") for all classes of service, which results in a high level of support for the most data sensitive applications like real-time video, multimedia and voice.

b. ANY EFFORTS, PROJECTS OR INITIATIVES CURRENTLY IN PROGRESS OR BEING PLANNED RELATED TO ANY PORTION OF THE IMPLEMENTATION OF NEXTGEN 911 INCLUDING ANY STATE OR FEDERAL DEADLINES OR REQUIREMENTS CURRENTLY IN PLACE; AND

CenturyLink is leading multiple projects and initiatives in a number of states, all focused on deploying state-wide and regional Next Generation 911 solutions. In Washington, all 72 PSAPs are now operating with CenturyLink NextGen 911 solutions. In Minnesota, CenturyLink is well underway in moving all 122 PSAPs to its IP based 9-1-1 network and routing complex. Furthermore, NextGen 911 initiatives are underway for PSAPs in Utah and North Carolina.

c. IDENTIFY ANY IMPEDIMENTS TO THEIR PARTICIPATION.

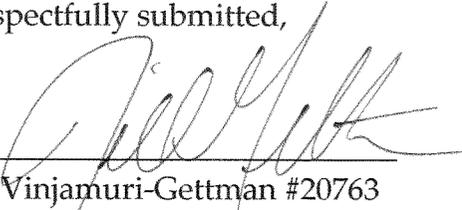
As noted earlier, there are a myriad of federal issues outstanding that may impact the Commission's efforts to deploy NextGen 911 throughout Nebraska. CenturyLink believes the Commission can proceed to develop its Nebraska-specific

E911 public policy, and design, while appreciating, as CenturyLink does, that the resolution of these federal initiatives could impact its plans. CenturyLink believes that, with goodwill and due diligence, the Commission should be able to work through any conflicts and issues that may arise with these federal proceedings.

The Commission must also be mindful of limitations of liability for the service provider. Since NextGen 911 is offered under commercial agreements and not included in the state tariffs, limitation of liability will be an important issue as the Commission moves forward with the implementation of this service.

Dated December 14, 2012

Respectfully submitted,

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