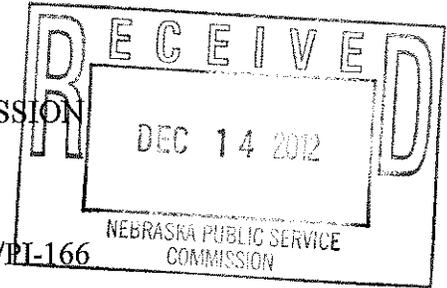


BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION



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/PL-166

VERIZON WIRELESS' COMMENTS ON NEXT GENERATION 911

Cellco Partnership d/b/a Verizon Wireless, along with its affiliates providing wireless service in Nebraska (together, "Verizon Wireless"), respectfully submit these comments in response to the Commission's October 30, 2012 "Order Setting Hearing and Seeking Comment" ("Order").

The Commission's interest in the developing field of Next Generation 911 ("NG911") service – an initiative to update the existing 911 architecture and improve public emergency communications services by allowing for the transmission of text, images, video and data to Public Safety Answering Points ("PSAPs") – is commendable. Verizon Wireless is committed to the safety and security of its customers, and has been (and will continue to be) active in the development of technical standards and deployment of new technologies that will enable wireless consumers to enjoy the enhanced public safety benefits that PSAPs will be able to provide through their own IP-enabled NG911 platforms. Even in the absence of NG911 deployment, Verizon Wireless has initiated trials of an interim SMS-based text-to-911 service, and will voluntarily deploy the service nationwide in the coming months.¹ As NG911 entails IP-

¹ See FCC News Release, "FCC Chairman Julius Genachowski Announces Commitment by Major U.S. Wireless Carriers & Public Safety Leaders to Accelerate Nationwide Text-to-911 Services; Calls for Continued Engagement with FCC on Next-Generation 9-1-1 Initiatives (December 6, 2012), available on-line at http://transition.fcc.gov/Daily_Releases/Daily_Business/2012/db1207/DOC-317786A1.pdf.

enabled services and networks, however, it will be far more complex for service providers and PSAPs alike.

As the Order recognized, the Federal Communications Commission (“FCC”) is currently considering myriad issues relating to NG911. Order at 2. Verizon Wireless has already deployed LTE technology to over 440 markets nationwide – including Omaha, Lincoln, Norfolk, Grand Island and North Platte – and plans to have LTE coverage coextensive with its 3G network by the end of 2013. LTE will enable consumers to transmit standards-based text, video and data to capable PSAPs. Other service providers, including Verizon Wireless’s wireline affiliates, have already started to put some basic NG911 architecture in place for PSAP customers in some areas throughout the country, and the industry continues to move towards an IP-based platform that will be critical to full end-to-end implementation.

NG911 technical requirements and standards should be industry-based and uniform nationwide. To that end, various standards bodies and other organizations – including the Alliance for Telecommunications Industry Solutions (“ATIS”), the National Emergency Number Association (“NENA”), the Communications Security, Reliability and Interoperability Council (“CSRIC”) and the Third Generation Partnership Project (“3GPP”), to name a few – are already working towards the development of industry-wide NG911 standards and collectively troubleshooting solutions to implementation issues. Adoption of unifying NG911 standards is a necessary predicate to full NG911 implementation.

While NG911 development and implementation efforts at the industry and standards body level are underway, state and local stakeholders will play a critical role in NG911 availability. PSAP readiness for NG911 implementation at the state and local level remains a major concern. It is critical that PSAPs secure funding for upgrades necessary to NG911

implementation. And industry and public safety stakeholders will need to coordinate their efforts in all events. For example, even as they migrate to IP-enabled networks, wireless service providers (“WSPs”) will need to ensure that PSAPs that are not yet NG911-capable can continue to receive emergency calls during the transition. Conversely, many WSPs may continue to route emergency calls via legacy systems where a PSAP has at least partially upgraded its own network. In these cases, the parties may need to address liability concerns that arise if NG911 routing practices alter the course of emergency calls they carry. WSPs and PSAPs will need to negotiate transport-related issues in instances in which NG911 systems no longer utilize the traditional ILEC selective router(s).

Verizon Wireless offers the following general comments regarding the complex undertaking of transitioning the industry to a NG911 solution and “the role, if any, the Commission and the Enhanced Wireless 911 Fund (Fund) should play” in the process. Order at 2.

First, it is critical that the Commission recognize the enormous technical and economic complexities associated with developing a fully-functional end-to-end NG911 network. There are many players – PSAPs, WSPs, 911 service providers, equipment, software and application vendors, industry standards bodies, regulators and others – and many issues to resolve. The FCC has opened a rulemaking to consider the development and implementation of the federal NG911 framework, and Congress has mandated that the FCC provide it with recommendations by next February on further legislative and regulatory changes that are necessary to promote NG911 deployment.² Thus, much of NG911 implementation remains in “to-be-determined” status. Many of the technical and implementation details of NG911 networks and services can only be

² 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).

addressed at a later date, after some of these threshold issues are addressed by standards bodies and all affected stakeholders have a firmer understanding of the development and deployment measures needed to make NG911 feasible and commercially available across all platforms without imposing costly regulatory burdens. Current timelines for standards establishment and implementation are being managed without mandates or rigid regulatory agendas. The Commission should allow this process to move forward without interference or requirements that could impede or conflict with these broader efforts and eventual FCC guidance.

Second, the Commission must remain cognizant that, as noted above, many industry groups are already working towards finalizing agreed standards for NG911 implementation. Standards development is a necessary prerequisite to subsequent implementation measures such as product development to allow incorporation of standards into networks, devices and applications; identification of technically and economically reasonable deployment periods; and implementation of PSAPs' capability to handle the data. Multi-stakeholder industry groups are best situated to develop such standards, as they are closest to the practical issues that the industry will face during implementation and best equipped to develop collective solutions to problems that arise. Industry groups also recognize that one-size-fits-all technical requirements are inappropriate given the gamut of technologies and customer needs at play in ways that may not be evident to regulators. These groups are leading the migration to NG911 without a regulatory mandate, and should be allowed to complete their work. The Commission should await the outcome of those industry-based efforts, for which completion is anticipated over the next year or two.

Third, PSAP upgrades – such as increasing bandwidth to accommodate text, photo and video communications, training of sufficient personnel to handle non-voice communications, and

making necessary network and equipment upgrades – are an essential condition precedent to the availability of NG911 services, since *actual* (not merely anticipated or prospective) statewide PSAP NG911 capability is a necessary prerequisite to efficient NG911 deployment. Efficiency must be a key element of any deployment plan, and requiring service providers to deploy NG911 before PSAPs across the state are actually NG911-capable would impose immediate burdens on service providers with no guarantee of concurrent NG911 service availability to consumers, risking stranded investment without any benefit.

NG911 service will be substantially costlier and more complex than traditional wireline and wireless E911 service for service providers and PSAPs alike. To deploy NG911 efficiently and keep NG911 costs manageable, it will be necessary to migrate from the traditional county- or city-level PSAP-by-PSAP approach to a statewide or regional implementation framework. NG911 deployment should thus be at least statewide and: (1) contingent on statewide deployment of a standards-compliant NG911 network and the availability of adequate liability protection (without such protection, liability risks could potentially deter NG911 deployment or substantially increase deployment costs); (2) available only to those PSAPs participating in the statewide system; and (3) initially limited to primary means of communication such as VoIP and real-time text. This would provide appropriate incentives for PSAP consolidation, efficient use of funding, and mitigation of legal uncertainty, thereby reducing costs to both service providers and end users. Minimizing costs is consistent with the Commission’s recent decision to reduce the enhanced wireless 911 surcharge, acknowledging that “the funding needed for NextGen 911 remains speculative” and that “the Commission must act to balance current funding needs with the interest of the wireless subscribers paying the surcharge.”³

³ See “Order Setting Surcharge,” *In the Matter of the Commission, on its own motion, seeking to determine the surcharge for the Enhanced Wireless 911 Fund*, Application No. 911-002 (October 23, 2012) at 3.

Finally, it would be inadvisable for this Commission inadvertently to leapfrog ongoing industry-wide and FCC efforts with any premature state-specific actions. As noted above, the FCC is considering various dimensions of NG911 implementation in several open dockets, including PS Docket No. 11-153, *In the Matter of Facilitating the Deployment of Text-to-911 and Other Next Generation 911 Applications*; PS Docket No. 10-255, *In the Matter of Framework for Next Generation 911 Deployment*; GN Docket No. 11-117, *In the Matter of Amending the Definition of Interconnected VoIP Service in Section 9.3 of the Commission's Rules*; PS Docket 07-114, *In the Matter of Wireless E911 Location Accuracy Requirements*; and WC Docket No. 05-196, *In the Matter of E911 Requirements for IP-Enabled Service Providers*. These 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 as well as many other issues, including the application of 911 and E911 requirements to non-interconnected Voice over Internet Protocol ("VoIP") services; distinguishing between "primary" versus "secondary" media for emergency communications purposes and determining which of those media (*e.g.* voice, text, data) a NG911 network should support; location determination and associated call routing capabilities; communications to devices with identifiers other than phone numbers; IP-enabled NG911 architecture and related standards; PSAP capabilities; Automatic Location Information ("ALI") and Automatic Number Information ("ANI") requirements; network access requirements; testing processes; consumer education; call prioritization; and the development of industry "best practices" for NG911.

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.*

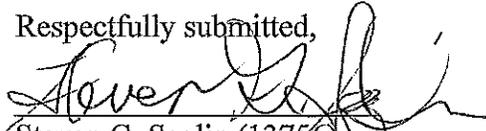
Moreover, Commission authority to establish any mandates relating to NG911 under existing law is questionable. Neither the Nebraska Public Safety Communication System Act (Neb. Rev. Stat. § 86-401 *et seq.*), the Emergency Telephone Communications Systems Act (Neb. Rev. Stat. § 86-420 *et seq.*) nor the Enhanced Wireless 911 Services Act (Neb. Rev. Stat. § 86-442 *et seq.*) mention NG911, much less authorize the Commission to direct NG911 implementation or use enhanced wireless 911 funds for such purposes. Legislative authorization is likely necessary for the Commission to take any action in the NG911 sphere.

Aside from such legal impediments, premature state-specific action may well be counterproductive to the broader federal and industry-led efforts discussed above. NG911 implementation is ill-suited to a state-by-state “patchwork” approach, and there is no benefit to states attempting to craft an individual approach to what demands a measured, national solution. And unlike wireless and wireline carriers’ legacy circuit-switched architecture, IP-enabled architecture is typically regional or greater in scope, with centralized nodes serving a broad geographic area. Since only a very limited portion of the end-to-end NG911 network would fall within the scope of any particular intrastate jurisdiction, regulatory mandates are best reserved to the FCC, with state commissions assisting with implementation as directed. The Commission should focus its efforts on remaining informed about the FCC proceedings that are already underway, monitor the development of industry-wide NG911 standards, and stand ready to assist with implementation as the FCC and the state legislature may direct.

Verizon Wireless appreciates the opportunity to offer these comments on the important and complex issues relating to NG911.

Dated: December 14, 2012

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Steven G. Seglin", written over a horizontal line.

Steven G. Seglin (13756)

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