



TELECOMMUNICATIONS

SNAP UPSMdate

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FCC Adopts Additional Text-to-911 Rules

On August 8, 2014, the Federal Communications Commission (“FCC” or “Commission”) adopted new Text-to-911 and Next Generation 911 rules and regulations for mobile service providers (“Second Report and Order”) and a further notice of proposed rulemaking (“FNPRM”) seeking public comment on additional rules and regulations. The rules adopted in the Second Report and Order supplement the rules previously adopted by the FCC, which were discussed in TLG’s June 25, 2013 SNAP^{UP}dateSM,¹ and require that CMRS providers and other providers of interconnected text messaging applications (together, the “covered providers”) be capable of supporting “text-to-911” by December 31, 2014 and that these covered providers begin delivering 911 text messages to certain capable Public Safety Answering Points (“PSAPs”) by June 15, 2015.

“Text-to-911” is defined as services that allow consumers to send a text message to the short code “911” in search of emergency assistance, which are intended to be delivered to a PSAP by a covered provider. All covered providers must be capable of providing “text-to-911” by December 31, 2014. By this “text-capable” deadline, covered providers are expected to have made all preparations necessary to provide “text-to-911”, including: (1) determining the solution(s) it will utilize for delivering texts to 911; (2) obtaining location information capabilities sufficient to route texts to the appropriate PSAP; (3) identifying and/or entering into any necessary contractual arrangements with other stakeholders; and (4) adopting requisite

¹ As previously noted, the First Report and Order requires all Commercial Mobile Radio Service (“CMRS”) providers and providers of interconnected text messaging services (i.e., all providers of software applications that enable a consumer to send text messages to all or substantially all text-capable U.S. telephone numbers and receive text messages from the same) (together, “covered providers”) to provide an automatic “bounce-back” text message in situations where a consumer attempts to send a text message to 911 in a location where text-to-911 is not available.

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budgetary and other resource allocation plans. Covered providers that are unable to meet the “text-capable” deadline may seek waiver relief from the Commission.

Additionally, covered providers must begin delivering text messages to PSAPs that have submitted a valid request for “text-to-911” service by June 30, 2014, if the request is made on or before December 31, 2014, or within six months of such a request if the request is made after December 31, 2014, unless another timeframe is agreed upon by the individual PSAP and the covered provider.² A valid PSAP request is one where: (1) the requesting PSAP is, and certifies that it is, technically ready to receive 911 text messages in the format requested; (2) the appropriate 911 service governing authority has specifically authorized the PSAP to accept, and the covered text provider to provide, text-to-911 service; and (3) the requesting PSAP has notified the covered text provider that it is technically ready to receive and has been authorized to accept 911 text messages. PSAPs may make their requests for “text-to-911” services through the FCC’s centralized database or through any other written notification to covered providers. Covered providers must route texts to 911 using coarse location (cell ID and cell sector) or other equivalent means that allow the text to be routed to the appropriate PSAP.

The FCC’s FNPRM seeks comment on achieving implementation of “enhanced location” capabilities. Specifically, the FCC is seeking comment on the various approaches for providing enhanced location information during SMS text-to-911 sessions that were discussed in the recent report by the Communications Security, Reliability and Interoperability Council (“CSRIC”), including: (1) network-based location; (2) handset-based approaches; (3) end-to-end text-to-911 with location embedded in the SMS message; and (4) a modified “embedded location” approach using a user-downloaded texting application. The FCC is also seeking comment on alternative approaches suggested by commenters, on issues of security and privacy relating to the use of enhanced location information, on a timeframe for the offering of text messages that include enhanced location information, on issues relating to the routing of 911 text messages from roaming consumers, and on the future of texting services. Comments on the issues and questions raised in the FNPRM are due on October 16, 2014 and reply comments are due on November 17, 2014.

If you have questions about these rules or requests for comment, or if we may be of assistance to you in developing and implementing strategy and/or drafting comments, please feel free to contact us.

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² In the event that a covered provider and a PSAP agree to an alternative delivery timeframe, covered providers must notify the FCC of any such alternative arrangements within 30 days of such agreement.