

July 5, 2024

***Ex Parte* Notice**

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
45 L Street, N.E.  
Washington, D.C., 20554

**RE: Facilitating Implementation of Next Generation 911 Services (NG911)  
PS Docket No. 21-479**

Dear Ms. Dortch:

On Tuesday, July 2, 2024, the undersigned on behalf of NTCA–The Rural Broadband Association (“NTCA”)<sup>1</sup> and various representatives of the “RLEC Parties” met with Carmen Scurato, Legal Advisor, Consumer and Public Safety, to Chairwoman Jessica Rosenworcel of the Federal Communications Commission (the “Commission” or “FCC”). NTCA and the RLEC Parties attendees are listed in Appendix A. The parties discussed the draft Report and Order (“*Draft Order*”) released by the Commission in its Next Generation 911 (“NG911”) proceeding on June 27, 2024.<sup>2</sup>

NTCA and the RLEC Parties reiterated at the outset their support for the NG911 transition, as it will deliver significant public safety benefits to rural communities. Advocacy in this proceeding – both the *RLEC Alternative Proposal*<sup>3</sup> as well as the advocacy represented by this letter – is aimed at advancing this transition in a manner consistent with the facts and the applicable legal framework that should govern the traffic exchange arrangements that will facilitate the transition. Proceeding consistent with that framework – which the *RLEC Alternative Proposal* does and the *Draft Order*, as discussed below, does not – will accomplish the Commission’s goals of moving the transition forward quickly and with a time-certain end date while avoiding imposing significant new cost on rural communities. The *RLEC Alternative Proposal* would also cure the numerous factual and legal

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<sup>1</sup> NTCA represents approximately 850 providers of high-quality voice and broadband services in the most rural parts of the United States. In addition to voice and broadband, many NTCA members provide wireless, video, and other advanced services in their communities. The “RLEC Parties” include the Rural Telephone Company Consortium (the “RTCC”), the South Carolina Telephone Coalition (the “SC Coalition”), the South Dakota Telecommunications Association (“SDTA”), the Pennsylvania Telephone Association (“PTA”), the Kansas RLECs (“KS RLECs”), the Iowa Communications Alliance, and Home Telephone ILEC, LLC.

<sup>2</sup> *Facilitating Implementation of Next Generation 911 Services (NG911)*, PS Docket Nos. 21-479 and 18-64, Draft Report and Order, FCC-CIRC2407-04 (rel. Jun. 27, 2024). As wireline providers, each of the operating rural local exchange carriers (“RLECs”) that make up the RLEC Parties is considered an Originating Service Provider (“OSP”) under the framework being proposed in the *Draft Order*. See, e.g., *Draft Order*, ¶¶ 2, 5.

<sup>3</sup> Ex parte letter, NTCA and the RLEC Parties, PS Docket No. 21-479 (fil. Feb. 6, 2024) (“NTCA and the RLEC Parties Feb. 6 ex parte”); Ex parte letter, NTCA and the RLEC Parties, PS Docket No. 21-479 (fil. Mar. 6, 2024) (“NTCA and the RLEC Parties Mar. 6 ex parte”).

infirmities that NTCA and the RLEC Parties have identified<sup>4</sup> within the Notice of Proposed Rulemaking (“NPRM”) (the “*Proposed Framework*”).<sup>5</sup>

The parties then discussed the default “delivery point” rule as proposed in the *Draft Order* that would “require OSPs to transmit and deliver 911 traffic to NG911 Delivery Points designated by a 911 Authority only if those points are located within the same state or territory as the PSAPs connected to the 911 Authority’s ESInet” (hereinafter the “*In-State Default Rule*”).<sup>6</sup> NTCA and the RLEC Parties noted that even as the *Draft Order* apparently seeks to ameliorate the unlawfulness of the interconnection proposal found in the NPRM, the *Draft Order* still falls short in adopting an interconnection framework that can be factually and legally justified. As the Pennsylvania Telephone Association (“PTA”) discussed recently in its ex parte filed in this proceeding, “the Commission does not have the authority to empower the states’ 911 authorities, PEMA in the case of Pennsylvania, to unilaterally determine where and how an originating service provider (“OSP”), here a RLEC, will interconnect”<sup>7</sup> with a NG911 Network Provider. Based on a review of several 911-related Congressional grants of authority to the FCC, PTA demonstrates that the agency’s authority over 911 is in fact limited and not nearly as “broad”<sup>8</sup> as the *Draft Order* asserts. Yet, as NTCA and the RLEC Parties discussed, the FCC is poised in the 911 context to effectively “preempt” state commissions and vest in state/local 911 authorities the power to establish “NG911 Delivery Points” as well as pursue alternative approaches to the “configuration, timing, and cost responsibility for NG911 implementation within their jurisdictions.”<sup>9</sup> The *Draft Order* is silent with respect to where this purported preemption authority is found.

Moreover, the *Draft Order* pursues this preemption despite recognizing that the calls at issue are indeed *intrastate* in nature, and thus continues down the path of sidestepping Sections 251 and 252 of the Communications Act of 1934, as amended (the “Act”)<sup>10</sup> in a manner that denies state commissions the ability to address the specific facts and circumstances of the traffic exchange agreements at issue in this proceeding. Under the guise of “preserving the authority of state and local government to adopt alternative approaches”<sup>11</sup> the *Draft Order* instead places state 911 Authorities in the position of determining whether alternative approaches to the geographic scope of transport obligations – the essence of the use of an interconnection arrangement – is warranted. The *Draft Order* does so absent identification of any legal authority to enable the Commission to confer upon a state 911 Authority the ability to do so. A state 911 Authority is not a telecommunications

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<sup>4</sup> *See Id.*

<sup>5</sup> *Facilitating Implementation of Next Generation 911 Services (NG911)*, PS Docket No. 21-479, Notice of Proposed Rulemaking, FCC 23-47 (rel. Jun. 9, 2023).

<sup>6</sup> *Draft Order*, ¶ 135.

<sup>7</sup> Ex parte letter, Pennsylvania Telephone Association, PS Docket No. 21-479 (fil. Jul. 2 2024).

<sup>8</sup> *Draft Order*, ¶¶ 153-156 (claiming “broad authority” over 911 in several instances).

<sup>9</sup> *Id.*, p. 1.

<sup>10</sup> 47 U.S.C. §§ 251 and 252.

<sup>11</sup> *Draft Order*, p. 1.

carrier as the record reflects and has no rights to determine interconnection arrangements based upon a contract that it may award for provision of NG911. State public service commissions (and, if a state fails to act, the FCC) have been provided the authority to determine interconnection arrangements for local intrastate traffic such as originated 911 calls, and that authority is found in Sections 251 and 252 of the Act.<sup>12</sup> Indeed it is particularly perplexing that the Commission takes this approach despite assurances that “state PUCs retain full authority to increase, decrease, or allow changes to regulated carriers’ rates.”<sup>13</sup> In other words, *the Commission will preserve state commissions’ ability to adjust rates should such a need arise to provide OSPs with cost recovery, but will take away these regulatory bodies’ ability to pursue alternative approaches that may negate the need for such rate increases in the first place.*

In addition, the *Draft Order* misses the mark in asserting that its approach is consistent with Section 152(b) of the Act. While the *Draft Order* states that it does not “intrude upon state PUCs’ authority over the ‘charges, classifications, practices, services, facilities, or regulations for or in connection with intrastate communication service’”<sup>14</sup> that assertion is only half right. On the one hand the Commission preserves state commissions’ ability to address “how regulated carriers may recover the costs of compliance”<sup>15</sup> yet, in the same breath delegates, without legal authority, the role of addressing “practices, services, facilities, or regulations for or in connection with intrastate communication service”<sup>16</sup> to state 911 authorities with respect to a subset of intrastate calls vis-à-vis the power to adopt alternative Points of Interconnection (“POIs”). Moreover, the *Draft Order* fails to explain how the imposition upon an OSP of a new federally-mandated transport obligation associated with an intrastate call can be reconciled with Sections 201 and the 202 and the discussion of these provisions within the *Draft Order*.<sup>17</sup>

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<sup>12</sup> Granting such additional authority to a state 911 authority outside of its enabling legislation raises the same type of admonition that the Commission received when it attempted to utilize federal statutes to grant additional authority to subdivisions within the state. As the 6th Circuit found in *State of Tenn., et al. v. FCC, et al.*, “the political subdivisions of a state are nothing more than that state’s ‘convenient agencies,’ and the state generally retains the power to make discretionary decisions for its subdivisions, just as a board of directors generally retains the power to make discretionary decisions for a company. Any attempt by the federal government to interpose itself into this state–subdivision relationship therefore must come about by a clear directive from Congress.” *State of Tenn., et al. v. FCC, et al.*, 832 F.3d 597 (2016). In this context, the Commission must point to some legal authority to place state 911 authorities in the position of fashioning interconnection arrangements in place of the role that Congress delegated to state commissions under Sections 251 and 252 of the Act.

<sup>13</sup> *Draft Order*, ¶ 163.

<sup>14</sup> *Id.*, ¶ 161.

<sup>15</sup> *Id.*

<sup>16</sup> 47 U.S.C § 152(b).

<sup>17</sup> *Draft Order*, ¶ 165. The *Draft Order* fails to address the full argument raised by the RTCC with respect to compliance with the requirements of Section 201 and 202 of the Act. Compare *id.* at fn. 469 citing RTCC NG911 Notice Comments at 15 and RTCC NG911 Notice Comments at 14-15. Assuming FCC jurisdiction to establish the NPRM’s proposed default framework can be found, in addition to “just and reasonable” charges as required by 47 U.S.C. § 201(b),” the RTCC questioned “why the new framework cannot rely upon the already established ‘through routes and charges,’ the

NTCA and the RLEC Parties then noted that the *Draft Order* takes a perplexing path toward sidestepping Sections 251 and 252, when the use of this framework would truly preserve state commission authority. The proposed *In-State Default Rule* appears premised upon the erroneous premise that a “default point” established by a state 911 Authority is the same as a POI. The former is a contractual obligation established under an RFP and a commitment made by the RFP awardee (i.e., the NG911 Network Provider); the latter is an obligation established by Congress between telecommunications carriers, which in this case is the RLEC operating as an OSP for the delivery of calls and the RFP awardee operating as the NG911 Network Provider. While a 911 Authority may issue an RFP and, in so doing, designate delivery points at which the state will obtain service from a NG911 Network Provider, that service-related location is not (as the *Draft Order* seems to suggest) the same location that Congress directed the Commission to establish for *interconnecting carriers* under 251 and 252. Thus, the establishment of “delivery points” by state or local 911 authorities cannot supplant the application of Sections 251 and 252 and the concept of POIs established therein when the NG911 Network Provider needs to interconnect with an OSP for that OSP’s originated 911 calls in order for the NG911 Network Provider to meet its contractual commitments to the State 911 Authority. Therefore, the *Draft Order*’s efforts to sidestep Section 251 and 252 in this manner cannot be sustained.

Even if this mistaken belief is not the intent or practical effect of the *Draft Order*, the fact remains that the Commission fails to point to a Congressionally authorized framework that permits a non-telecommunications carrier to dictate the interconnection point for traffic directed to it. It is not surprising, therefore (but still disappointing) that the *Draft Order* goes out of its way to reject the proper application of Congress’ Section 251 and 252 framework when no answer can be provided as to the source of statutory authority to allow a non-telecommunications carrier to establish default interconnection terms. Thus, the compromise represented by a rule requiring a “delivery point”

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existing ‘charges’ in place, as well as the existing ‘facilities . . . for operating such through routes’” as provided for under Section 201(a). RTCC NG911 Comments at 15. The RTCC also noted that “[l]ikewise, no discussion was presented in the NPRM that explains how a default framework that provides for no transport charges to be paid by the NG911 Provider that requires the connection with the RLEC is not unreasonable discrimination under Section 202 when transport charges are applicable to other customers using the RLEC network or some connecting carrier/provider’s network.” *Id.* The *Draft Order* provides no response to these additional issues raised by the RTCC. Efforts to define this new transport obligation as “intrastate” does not alter the fact that any such transport would be the result of action by the FCC. Even if calling this new transport “intrastate” is justified, the *Draft Order* fails to address the FCC’s authority to expand an RLEC’s state-certificated service area, when it is that geographic area where the RLEC is authorized to provide intrastate service. The *Draft Order* errs, therefore, when suggesting that “RLECs’ state-certificated service areas are entirely irrelevant to the Commission’s authority. . . to adopt rules concerning the implementation of NG911 . . . ” (*Draft Order*, ¶159) when expansion of those state-certificated service area boundaries is one of the practical effects of imposing upon a RLEC “the locations where OSPs must deliver 911 traffic in an IP-based format.” *Id.* And it is equally no answer to rely upon the Supreme Court’s confirmation of Section 201 rulemaking authority to implement Sections 251 and 252 (*see id.*, ¶165, fn. 470 citing *AT&T Corp v. Iowa Utils. Bd.*, 525 U.S. 366, 377-81 (1999)) when the *Draft Order* effectively states (although improperly) that Sections 251 and 252 are not at issue in this proceeding. *See Draft Order*, ¶158. Moreover, as demonstrated herein, because the FCC’s authority to adopt the rules proposed within the *Draft Order* is lacking, 47 U.S.C. § 152(b) remains applicable. *See AT&T Corp*, 525 U.S. at 381, fn. 7 (Referencing the Court’s decision in *Louisiana Pub. Serv. Comm’n v. FCC*, 476 U.S. 355 (1986) and stating “[t]hat case involved the Commission’s attempt to regulate services over which it had not explicitly been given rulemaking authority. . . .”).

within a state's boundaries but outside of an RLEC's network boundaries does not cure the legal infirmities that NTCA and the RLEC Parties have previously identified within the NPRM.<sup>18</sup>

NTCA and the RLEC Parties then reiterated that the *Draft Order* relies upon the same legal authority as asserted in the NPRM<sup>19</sup> and that NTCA and the RLEC Parties have already demonstrated is inapplicable here.<sup>20</sup> Specifically, nothing in the Commission's "general jurisdictional grant" that includes the responsibility to set up and maintain "a comprehensive and effective 911 system,"<sup>21</sup> grants it authority to adopt the *Draft Order*. The same holds true with respect to the Net911 Act,<sup>22</sup> the RAY BAUM'S Act<sup>23</sup> and the 21st Century Communications and Video Accessibility Act (the "CVAA").<sup>24</sup> Packaged together, the same conclusion must be reached with the *Draft Order* as was clear in response to the NPRM – the Commission points to no authority within the Act or any statutory provision for that matter to set aside Sections 251 and 252 and adopt a default "delivery point" and require OSPs to assume the obligations and costs associated with delivering 911 traffic to that point.

Moreover, the *Draft Order* continues the NPRM's approach of misconstruing the scope of the *King County Decisions*. As NTCA and the RLEC Parties have demonstrated, the issue presented in those decisions – the costs of mobile wireless network upgrades and trunking facilities on mobile wireless operators' networks *within their licensed service areas* – is a materially different proposition than the issue in this proceeding. In this proceeding, RLECs are being directed to build or otherwise procure connectivity or services *that will extend far beyond their existing networks*. Thus, the Commission cannot look to the *King County Decisions* as precedent in the face of this critical factual distinction and, in essence, assert it is pursuing some sort of regulatory parity<sup>25</sup> or that it is being technologically neutral.<sup>26</sup> There is no parity or technological neutrality in requiring only one

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<sup>18</sup> Should the *In-State Default Rule* be adopted by the Commission when acting on the *Draft Order*, the geographic limitation presented by it may very well ameliorate but not eliminate the cost onsets for an RLEC to either establish facilities or procure transport service beyond its boundary.

<sup>19</sup> NPRM, ¶¶ 60-62.

<sup>20</sup> Ex parte letter, NTCA and the RLEC Parties, PS Docket No. 21-479 (fil. May 21, 2024), attachment A.

<sup>21</sup> NPRM, ¶ 60; *Draft Order*, ¶153.

<sup>22</sup> *Id.*, citing New and Emerging Technologies 911 Improvement Act of 2008, Pub. L. No. 110-283, 122 Stat. 2620 (2008) ("NET 911 Act") (amending Wireless Communications and Public Safety Act of 1999, Pub. L. No. 106-81, 113 Stat. 1286 (1999) (Wireless 911 Act)).

<sup>23</sup> *Id.*, citing Consolidated Appropriations Act, 2018, Pub. L. No. 115-141, 132 Stat. 348, Division P, Repack Airwaves Yielding Better Access for Users of Modern Services Act of 2018 (RAY BAUM'S Act) § 506(a), (c)(1) (codified at 47 U.S.C. § 615).

<sup>24</sup> *Id.*, citing Twenty-First Century Communications and Video Accessibility Act of 2010, Pub. L. No. 111-260, 124 Stat 2751 § 106(g) (2010) (CVAA) (codified at 47 U.S.C. § 615c(g)).

<sup>25</sup> *Draft Order*, ¶ 145 (claiming that "the CMRS providers that have been operating under the comparable E911 cost allocation rule for more than 20 years.").

<sup>26</sup> *Id.*, ¶ 146.



class of OSPs (wireline) to extend the scope of their existing networks by either deploying additional transport network or purchasing such transport from a third-party particularly when such transport is associated with, as the Commission properly finds, an intrastate call.<sup>27</sup>

In addition, the *Draft Order* misconstrues an OSP's duties with respect to the provision of 911 and ignores NTCA and the RLEC Parties' demonstration that 911 is typically a "jointly provided" service arrangement under which the RLEC's routing and cost responsibilities end at a meet point that is within the RLEC's network boundary, at which point any cost responsibility is then assumed by a third party tandem or transport providers.<sup>28</sup> Certainly, the Commission cannot rely upon Sections 9.4 and 9.5 of its rules here as the PTA in its July 2 *ex parte* has demonstrated.<sup>29</sup> Even as Section 9.4 speaks to telecommunications carriers' obligation to "transmit all 911 calls,"<sup>30</sup> it does not speak to the interconnection arrangements necessary for that obligation to be fulfilled. In other words, "transmit" as found in Section 9.4 addresses the conveyance of a 911 call for completion and not how the transport/interconnection arrangements are to be established for the completion of that 911 call, let alone which party bears the financial responsibility for delivering calls to that end point. Sections 251 and 252 speak to the latter, and NTCA and the RLEC Parties have demonstrated that such Congressionally-mandated framework should be the applicable legal framework here. Any Commission action to declare that "transmit" requires the former to assume all financial responsibility for delivering calls to the end point would be a post hoc interpretation of Section 9.4 long after it was adopted and in direct contrast to decades of history.

The legal infirmities addressed, NTCA and the RLEC Parties also stated that the *Draft Order* continues the NPRM's approach of failing to properly investigate a material fact. Specifically, NTCA and the RLEC Parties have raised the question of whether the transport costs at issue in this proceeding may have already been recovered pursuant to the terms of the contract between the state governmental entity and the NG911 network provider.<sup>31</sup> Rather than at the very least being curious about the prospect of a windfall double recovery for the NG911 network provider if these costs are already being recovered as part of the remuneration received via their contract with a state, the *Draft Order* dismisses this concern by stating that the Commission will "decline to speculate"<sup>32</sup> on the matter. *NTCA and the RLEC Parties are not asking the Commission to speculate.* They are, rather, asking the Commission to engage in "reasoned decision making," by "adequately consider[ing] all relevant factors."<sup>33</sup>

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<sup>27</sup> *Id.*, ¶ 161.

<sup>28</sup> NTCA and the RLEC Parties Mar. 6 *ex parte*, pp. 5-6, & FN 24.

<sup>29</sup> FN 7, *supra*.

<sup>30</sup> 47. C.F.R. § 9.4.

<sup>31</sup> NTCA and the RLEC Parties Feb. 6 *ex parte*, p. 8.

<sup>32</sup> *Draft Order*, ¶ 148.

<sup>33</sup> *Home Box Office Inc. v. F.C.C.*, 567 F.2d 9, 35 (D.C. Cir. 1997) (The review of the underlying record "must be 'searching and careful,'" ensuring "both that the Commission has adequately considered all relevant factors" and that it has demonstrated a "'rational connection between the facts found and the choice made.'" (internal citations omitted).

NTCA and the RLEC Parties then stated that the Commission can move forward with a decision in lieu of the *Draft Order*, one that advances the NG911 transition and does so without the factual, legal, and policy flaws identified above and within all of the submissions supporting the *RLEC Alternative Proposal*. This is achievable by turning to the *RLEC Alternative Proposal* that is consistent with the long-standing Commission application of the principles established for the implementation of Sections 251 and 252 of the Act. Consistency with these interconnection principles (which underlie the *RLEC Alternative Proposal*) would advance the policy objective to expedite NG911 service by minimizing disputes between an RLEC and the NG911 network provider and most importantly be an acknowledgement regarding state commissions' involvement in NG911. State commissions' roles would be preserved, allowing these expert regulatory bodies to fulfill their Congressionally-delegated roles to address the terms and conditions and potential additional cost recovery mechanisms that may be necessary for 911-related end-to-end intrastate calls and set POIs consistent with the specific facts and circumstances of their states. The Commission could make minor, surgical amendments to its proposed rules and *Draft Order* to effectuate this approach for RLECs' exchange of NG911 traffic with NG911 Network Providers.

NTCA and the RLEC Parties then noted that, without waiver of their positions taken in this proceeding and herein with respect to transport obligations and the application of Sections 251 and 252 or the *RLEC Alternative Proposal*, should the Commission pursue the approach taken by the *In-State Default Rule* despite the numerous infirmities highlighted above, it should at the very least preserve state commissions' authority to address the facts and circumstances specific to their jurisdictions. Since 911 originated calls are *intrastate calls*, as the *Draft Order* recognizes, any "alternative approaches to the configuration, timing, and cost responsibility for NG911 implementation within [states'] jurisdictions"<sup>34</sup> should be left to state commissions and not 911 authorities. It is the state commissions, after all, that will address any need to raise end users' rates as the *Draft Order* acknowledges.<sup>35</sup> The Commission recognizes this, but as noted above, inexplicably defers to other entities (911 Authorities) within a state to determine whether alternatives to the *In-State Default Rule* would better serve consumers' interests. The FCC should instead make clear that it is state commissions that can determine whether alternative approaches would negate the need for any rate increases or in any way advance the NG911 transition consistent with state policy.<sup>36</sup> This would also preserve states commissions' ability to address the potential

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<sup>34</sup> *Draft Order*, p. 1.

<sup>35</sup> *Id.*, ¶ 161 (stating that "the RLECs ignore (or decline to dispute) the fact that they have full recourse to address such concerns at the state level, because state PUCs retain full authority to increase, decrease, or allow changes to regulated carriers' rates.").

<sup>36</sup> Recently, the State of Nebraska passed LB1031 that reflects a state's role in advancing the transition of NG911 services, while reflecting state-specific solutions for that transition based on the policies and facts that carriers within that state must address. In Pennsylvania, the PA PUC established a framework based on the specific facts and circumstance before it for the NG911 transition to move forward and made clear that the state's administrative law judges should resolve the issue by the end of August 2024 in recognition of the fact that the state is set to transition to the new NG911 network at the end of 2024. *Citizens Telephone Company of Kecksburg, et al. v NextGen Communications, Inc.*, Order, P-2024-3045797, Pennsylvania Public Utility Commission (rel. May. 23, 2024).

service quality issues that could arise with respect to intrastate 911 calls or otherwise address the performance of the state’s chosen NG911 Network Provider.<sup>37</sup>

NTCA and the RLEC Parties further noted that the Commission should explicitly state that 911 Authorities and their ESInet service providers are *prohibited* from imposing any fees on OSPs for connecting to or using facilities at NG911 Delivery Points. This ruling may be the only area where the “historic practice” outlined in the *King County Decisions* may be properly justified based on regulatory parity and technological neutrality. And in this area, the *Draft Order’s* “encouragement”<sup>38</sup> that such charges are to be avoided falls short.

NTCA and the RLEC Parties further proposed that the Commission modify the *Draft Order* by expanding upon the discussion therein stating that any “rules presumptively do not alter or invalidate existing agreements between state or local 911 Authorities and OSPs.”<sup>39</sup> The Commission should make clear that the *Draft Order’s* discussion is applicable to (and thus in no way alters or invalidates even if “change of law” provisions are present in the following) either: (1) existing agreements between state or local authorities or state commissions and NG911 Network Providers; and (2) state agreements with NG911 Network Providers where such NG911 Network Providers agreed to assume the costs, including transport, of delivering 911 traffic to 911 Authorities under a RFP.

Finally, NTCA and the RLEC Parties suggested that the Commission (or the Public Safety and Homeland Security Bureau (“PSHSB”) on delegated authority) seek further comment on the “location information” provisions of the *Draft Order*. Absent additional consideration, the nature and scope of the technical and financial burdens imposed on RLECs to transmit “location information embedded in the call signaling using Presence Information Data Format – Location Object (PIDF-LO) or the functional equivalent”<sup>40</sup> remain uncertain. The *Draft Order* states that the existing Automatic Location Identification (“ALI”) database will transition to a Location Information Server (“LIS”) that can be queried and suggests that OSPs may create their own LIS database or purchase a capability similar to this from a third-party. Critically, these are functions that RLECs do not perform today, and the *Draft Order* fails to explain the specific obligations that RLECs are expected to assume under this approach. As the Commission is aware, wireline OSPs provide or populate the ALI databases with relevant location information provided by their customers but currently do not have access to “dip” the database. If the Commission is suggesting that wireline OSPs bear the cost for a third-party to perform functions it envisions in the *Draft Order*, current discussions suggest this cost would be approximately \$0.50 to \$1.00 per telephone number location per month. The *Draft Order* has not addressed this added cost to rural wireline OSPs. Furthermore, within the *Draft Order’s* Phase 2 framework, it is not clear what additional location information wireline OSPs will be required to provide. The current NENA i3 standard has the capacity to have many more address and location

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<sup>37</sup> Ex parte letter, South Carolina Telephone Coalition (“SC Coalition”), PS Docket No. 21-479 (fil. Jun. 20, 2024), p. 6 (Calling into question one NG911 network provider’s ability to fulfill its obligations and provide consumers with the service quality they deserve with respect to 911.)

<sup>38</sup> *Draft Order*, ¶ 149.

<sup>39</sup> *Id.*, ¶ 131.

<sup>40</sup> *Id.*, ¶ 78.



Marlene H. Dortch

July 5, 2024

Page 9 of 9

fields than currently used by the 911 database. The *Draft Order* is silent on whose obligation it will be provide these additional location fields nor how existing ALI data will migrate to a LIS database. Consequently, for all of these reasons, further input from the provider and public safety community as well as deliberation by the PSHSB is therefore necessary.

Thank you for your attention to this correspondence. Pursuant to Section 1.1206 of the Commission's rules, a copy of this letter is being filed via ECFS.



By: /s/ Brian Ford

Brian Ford

Vice President – Federal Regulatory

[bford@ntca.org](mailto:bford@ntca.org)

cc: Carmen Scurato

## Appendix A

### Attendees for NTCA and the RLEC Parties<sup>41</sup>

#### **NTCA**

Brian Ford

#### **The Rural Telephone Company Consortium**

Thomas J. Moorman

#### **The South Carolina Telephone Coalition**

Bradley S. Wright

Margaret M. Fox

Valerie Wimer

Douglas Meredith

#### **The Pennsylvania Telephone Association**

Norman Kennard

Steve Samara

Bryce Beard

#### **The Kansas Rural Local Exchange Carriers**

Colleen R. Jamison

Anthony K. Veach

#### **The Iowa Communications Alliance**

Dave Duncan

#### **The South Dakota Telecommunications Association**

Kara Semmler

#### **Home Telephone ILEC LLC**

Keith Oliver

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<sup>41</sup> The companies represented by the RLEC Parties are listed in Attachments A to E of the NTCA/RLEC Parties Feb. 6 ex parte.