



Federal Communications Commission
Washington, D.C. 20554

May 12, 2014

DA 14-638

Small Entity Compliance Guide

Facilitating the Deployment of Text-to-911 and Other Next Generation 911 Applications; Framework for Next Generation 911 Deployment

Report and Order and Order on Reconsideration
FCC 13-64 and 13-127

PS Docket Nos. 10-255 and 11-153

Report and Order Released: May 17, 2013

Order on Reconsideration Released: September 30, 2013

This Guide is prepared in accordance with the requirements of Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996. It is intended to help small entities—small businesses, small organizations (non-profits), and small governmental jurisdictions—comply with the new rules adopted in the above-referenced FCC rulemaking docket(s). This Guide is not intended to replace the rules and, therefore, final authority rests solely with the rules. Although we have attempted to cover all parts of the rules that might be especially important to small entities, the coverage may not be exhaustive. This Guide may, perhaps, not apply in a particular situation based upon the circumstances, and the FCC retains the discretion to adopt approaches on a case-by-case basis that may differ from this Guide, where appropriate. Any decisions regarding a particular small entity will be based on the statute and regulations.

In any civil or administrative action against a small entity for a violation of rules, the content of the Small Entity Compliance Guide may be considered as evidence of the reasonableness or appropriateness of proposed fines, penalties or damages. Interested parties are free to file comments regarding this Guide and the appropriateness of its application to a particular situation; the FCC will consider whether the recommendations or interpretations in the Guide are appropriate in that situation. The FCC may decide to revise this Guide without public notice to reflect changes in the FCC's approach to implementing a rule, or to clarify or update the text of the Guide. Direct your comments and recommendations, or calls for further assistance, to the FCC's Consumer Center:

1-888-CALL-FCC (1-888-225-5322)
TTY: 1-888-TELL-FCC (1-888-835-5322)
Fax: 1-866-418-0232
fccinfo@fcc.gov

Background and Objectives of the Proceeding

On December 6, 2012, AT&T, Sprint Nextel, T-Mobile, and Verizon entered into a voluntary agreement with the National Emergency Number Association (NENA) and APCO International (APCO) in which each of the four commercial mobile radio service (CMRS) carriers agreed to provide text-to-911 service by May 15, 2014 to Public Safety Answering Points (PSAPs) that are capable of receiving and request to receive text-to-911 service.¹ In this agreement, the major carriers also committed to providing a bounce-back message to alert their subscribers attempting to text an emergency message to instead dial 911 when text-to-911 is unavailable in a particular area. The agreement stated that all four carriers would provide this capability by June 30, 2013.

As text-to-911 service is rolled out nationwide, there is a significant safety risk for consumers who attempt in emergency situations to contact 911 via text message but are unaware that the service is not yet available in their area, or is not available from a service provider other than these four largest wireless carriers. At the same time, as text-to-911 becomes more widely available, it is likely to generate increased consumer expectations as to its availability. It is thus increasingly important for consumers to be made aware when text-to-911 is *not* available in an emergency.

Accordingly, on May 17, 2013, the Commission adopted a *Report and Order* requiring all “covered text providers” to provide consumers with an automatic bounce-back message when a consumer attempts to send a text message to 911 and the covered text provider cannot deliver the text because the consumer is located in an area where text-to-911 is not available, or the covered text provider either does not support text-to-911 generally or does not support it in the particular area at the time of the consumer’s attempted text. The Commission required covered text providers to have this bounce-back message capability in place by September 30, 2013. Later, CTIA – the Wireless Association asked for the Commission to clarify whether the bounce-back requirement also applied to wireless consumers who are roaming on a provider’s network. On September 30, 2013, the Commission issued an *Order on Reconsideration* amending the bounce-back rule to provide that the home provider has the obligation to originate the bounce-back message, and that the only obligation of the provider offering roaming service (the host provider) is not to impede the consumer’s 911 text message to the home provider and/or any automatic bounce-back message originated by the home provider to the consumer roaming on the host network.

Key Definitions

Covered Text Provider: A "covered text provider" includes all CMRS providers as well as all providers of interconnected text messaging services that enable consumers to send text messages to and receive text messages from all or substantially all text-capable U.S. telephone numbers, including through the use of applications downloaded or otherwise installed on mobile phones.

Bounce-back Message: An automatic text message delivered to a consumer by a covered text provider in response to the consumer’s attempt to send a text message to 911 when the consumer is located in an area

¹ See Letter from Terry Hall, APCO International; Barbara Jaeger, National Emergency Number Association (NENA); Charles W. McKee, Sprint Nextel; Robert W. Quinn, Jr., AT&T; Kathleen O’Brien Ham, T-Mobile USA; and Kathleen Grillo, Verizon, to Julius Genachowski, Chairman, Federal Communications Commission, and Commissioners McDowell, Clyburn, Rosenworcel and Pai, PS Docket 11-153, PS Docket No. 10-255 (Dec. 6, 2012) (Carrier-NENA-APCO Agreement).

where text-to-911 service is unavailable or the covered text provider does not support text-to-911 service generally or in the area where the consumer is located at the time.

Compliance Requirements

All covered text providers – including CMRS providers and other providers of text messaging services that provide two-way communication with text-capable phone numbers – must provide an automatic bounce-back message to consumers when a consumer attempts to send a text message to the three-digit short code “911” and the covered text provider cannot deliver the text because the consumer is located in an area where text-to-911 service is unavailable, or the covered text provider does not support text-to-911 service at the time.

The bounce-back message must include two essential points of information. It must inform the consumer that text-to-911 service is not available, and it must advise the consumer or texting program user to use another means to contact emergency services. The following are examples of bounce-back messages that meet the Commission’s requirements:

“There is no text-to-911 service available. Make a voice call to 9-1-1 or use another means to contact emergency services.”

“[Provider] does not support Enhanced 911. If you are in need of emergency services, please dial 911 on your landline or mobile phone.”

“Please make a voice call to 911. There is no text service to 911 available at this time.”

Dates

The rule that the Commission adopted in the *Report and Order*, codified at 47 C.F.R. § 20.18(n), was published in the Federal Register on May 29, 2013, and became effective on June 28, 2013. The amendment to the rule that the Commission adopted in the *Order on Reconsideration*, codified at 47 C.F.R. § 20.18(n)(7), was published in the Federal Register on October 29, 2013, and was made effective immediately upon such publication. As noted above, the rule requires covered text providers to have established the bounce-back capability by September 30, 2013.

Internet Links

- *Report and Order*, FCC 13-64
Facilitating the Deployment of Text-to-911 and Other Next Generation 911 Applications;
Framework for Next Generation 911 Deployments

http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-13-64A1.doc
http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-13-64A1.pdf
http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-13-64A1.txt

- Statement of Chairman Julius Genachowski

http://fjallfoss.fcc.gov/edocs_public/attachmatch/FCC-13-64A2.doc
http://fjallfoss.fcc.gov/edocs_public/attachmatch/FCC-13-64A2.pdf
http://fjallfoss.fcc.gov/edocs_public/attachmatch/FCC-13-64A2.txt

- Statement of Commissioner Mignon L. Clyburn

http://fjallfoss.fcc.gov/edocs_public/attachmatch/FCC-13-64A3.doc
http://fjallfoss.fcc.gov/edocs_public/attachmatch/FCC-13-64A3.pdf
http://fjallfoss.fcc.gov/edocs_public/attachmatch/FCC-13-64A3.txt

- Statement of Commissioner Jessica Rosenworcel

http://fjallfoss.fcc.gov/edocs_public/attachmatch/FCC-13-64A4.doc
http://fjallfoss.fcc.gov/edocs_public/attachmatch/FCC-13-64A4.pdf
http://fjallfoss.fcc.gov/edocs_public/attachmatch/FCC-13-64A4.txt

- Statement of Commissioner Ajit V. Pai

http://fjallfoss.fcc.gov/edocs_public/attachmatch/FCC-13-64A5.doc
http://fjallfoss.fcc.gov/edocs_public/attachmatch/FCC-13-64A5.pdf
http://fjallfoss.fcc.gov/edocs_public/attachmatch/FCC-13-64A5.txt

- News Release – *FCC Adopts Rules To Help Consumers During Text-to-911 Transition*
http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-321040A1.doc
http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-321040A1.pdf
http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-321040A1.txt
- *Order on Reconsideration, FCC 13-127*
Facilitating the Deployment of Text-to-911 and Other Next Generation 911 Applications;
Framework for Next Generation 911 Deployments

http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-13-127A1.doc
http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-13-127A1.pdf
http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-13-127A1.txt
- *Public Notice, DA 13-2087*
Public Safety and Homeland Security Bureau Announces Effective Date for Text-to-911
Bounce-Back Roaming Rule Adopted in September 27, 2013 Order on Reconsideration

http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-321040A1.doc
http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-321040A1.pdf
http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-321040A1.txt