



Federal Communications Commission
Washington, D.C. 20554

April 17, 2015

DA 15-475

Small Entity Compliance Guide

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

*Second Report and Order and
Third Further Notice of Proposed Rulemaking*

FCC No. 14-118

PS Docket Nos. 10-255 and 11-153

Released August 13, 2014

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

Objectives of the Proceeding

While wireless consumers increasingly use text messaging as a means of everyday communication on a variety of platforms, the legacy 911 system does not support text messaging as a means of reaching emergency responders, leading to potential consumer confusion and even to possible danger. As consumer use of commercial mobile radio service (CMRS) provider-based and third party-provided texting applications expands and evolves, the 911 system must also evolve to enable wireless consumers to reach 911 in those emergency situations where a voice call is not feasible or appropriate. In the *Second Report and Order* which adopted the rules at issue here, the Commission requires that all CMRS providers and providers of interconnected text messaging applications (1) be capable of supporting the ability of consumers to send text messages to 911 no later than December 31, 2014, and (2) begin delivering text-to-911 service by June 30, 2015, *or* within six months from the date they receive a valid public safety answering point (PSAP) request, whichever is later, *unless* the PSAP and covered text provider mutually agree to an alternate timeframe and the covered text provider timely notifies the Commission within 30 days of the agreement.

Establishing timeframes for the addition of text capability to the 911 system for all consumers will vastly enhance the system's accessibility for the over 40 million Americans who are deaf, hard of hearing, or speech-disabled, and will provide a vital and lifesaving alternative to the public when 911 voice service is unavailable, or placing a voice call could endanger the caller. Implementing text-to-911 represents a crucial next step in the ongoing transition of the legacy 911 system to a Next Generation (NG)911 system that will support not only text but also will enable consumers to send photos, videos, and data to PSAPs, enhancing the information available to first responders for assessing and responding to emergencies.

Key Definitions

911 text message. A 911 text message is a message, consisting of text characters, sent to the short code "911" and intended to be delivered to a PSAP by a covered text provider, regardless of the text messaging platform used.

Covered text providers. 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.

Valid Request. The requesting PSAP is, and certifies that it is, technically ready to receive 911 text messages in the format requested; the appropriate local or state 911 service governing authority has specifically authorized the PSAP to accept and, by extension, the covered text provider to provide, text-to-911 service; and the requesting PSAP has provided notification to the covered text provider that it meets the foregoing requirements.

Steps a Small Entity Must Take to Comply With The Final Rules

As a preliminary matter, we recommend that this Small Entity Compliance Guide (SECG) be read in conjunction with its companion SECG on Text-to-911 and Next Generation (NG)911 Application that the Commission published in 2014 (DA 14-638, *available at* <http://www.fcc.gov/document/facilitating-deployment-text-911-and-other-ng-911-apps>). That Guide contains important information on related obligations, in particular the “bounce-back message” requirement.

The Commission adopted a two-step obligation for covered text providers to implement text-to-911:

- First, all covered text providers must be capable of supporting text-to-911, independent of whether they have received a PSAP request, by December 31, 2014.
- Second, covered text providers must deliver consumer-transmitted 911 text messages to an individual PSAP by the later of (1) June 30, 2015, or (2) six months from the date that the PSAP provides notice through a valid request that it is “text-ready” to undertake necessary network and protocol configuration. The PSAP may provide this notice either through written notification reasonably acceptable to the covered text provider, or by registering in the Commission’s database maintained for this purpose. This database, which includes contact information to facilitate coordination with PSAPs, is available and periodically updated on the Commission’s website at <http://www.fcc.gov/encyclopedia/psap-text-911-readiness-and-certification>.

Because the Commission found that it is technically feasible for all covered text providers to be capable of supporting text-to-911, it established a single, uniform date – December 31, 2014 – by which all covered text providers should be “text-capable.” What that means is that by December 31, 2014, a covered text provider should have made any preparations necessary to provide text-to-911, including, for example: (1) determining the particular solution it will use for delivering texts to 911, including the capability to obtain location information sufficient to route texts to 911 to the appropriate PSAP; (2) identifying and/or entering into any necessary contractual arrangements with other stakeholders to implement text-to-911, including, but not limited to, arrangements for routing interconnected text-to-911 traffic; and (3) adopting requisite budgetary and other resource allocation plans to provide for delivery of text-to-911 in accordance with Commission requirements.

Notably, the Commission did not mandate any particular model for implementing text-to-911. Rather, it noted that because Short Message Service (SMS) is the most common texting technology in use today, and virtually all wireless consumers already have access to it and are familiar with its use, it believed that most CMRS providers will initially support SMS-based text-to-911, with the understanding that CMRS providers may eventually seek to migrate customers away from SMS. Also, the Commission does *not* require CMRS providers to support SMS-based text-to-911 indefinitely, so long as they provide their customers with at least one text-to-911 option per device that works across the provider’s entire network coverage area.

The Commission requires covered text providers to route texts to 911 using coarse location (cell ID and cell sector) or other equivalent means that allows the covered text provider to route a text to the appropriate PSAP.

- When a covered text provider implements a text-to-911 solution that does not access the CMRS network – and therefore cannot provide coarse location – the covered text provider must obtain sufficient location information through some other means (*e.g.*, through commercial location-based services or through the device’s location application programming interface) to route the text to the appropriate PSAP.
- All covered text providers using device-based location information that requires consumer activation must clearly inform consumers that they must grant permission for the text messaging application to access the wireless device’s location information in order to enable text-to-911. If a consumer does not permit this access, then the application must provide an automated bounce-back message.

Deadlines

Covered text providers must begin delivery of texts to 911 by June 30, 2015 to PSAPs that submitted a valid request for text-to-911 service on or before December 31, 2014. Otherwise, covered text providers must begin delivery of texts to 911 within six months of a valid PSAP request. The Commission believes that a six-month implementation window for all covered text providers to begin delivering text-to-911 service to requesting PSAPs is both technically and economically feasible. Any covered text provider that is unable to meet the text-capable deadline may seek waiver relief.

Recordkeeping Requirements

There are no recordkeeping requirements associated with these rules. Covered text providers are reminded, however, of their obligation to notify the FCC if they entered into an agreement with a requested PSAP to arrive at a date for transmission of text-to-911 messages other than six months after receiving a valid request from a PSAP.

Internet Links

https://apps.fcc.gov/edocs_public/attachmatch/DOC-328969A1_Erratum.docx
https://apps.fcc.gov/edocs_public/attachmatch/FCC-14-118A1.docx
https://apps.fcc.gov/edocs_public/attachmatch/FCC-14-118A2.docx (Wheeler Statement)
https://apps.fcc.gov/edocs_public/attachmatch/FCC-14-118A3.docx (Clyburn Statement)
https://apps.fcc.gov/edocs_public/attachmatch/FCC-14-118A4.docx (Rosenworcel Statement)
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