

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)
)
Implementation of the National Suicide Hotline) WC Docket No. 18-336
Improvement Act of 2018)

ORDER

Adopted: May 11, 2022

Released: May 11, 2022

By the Chief, Wireline Competition Bureau:

1. In this Order, we address a request by CTIA for waiver of the text-to-988 requirements in section 52.201(a) of the Commission’s rules to allow covered text providers to route covered 988 text messages to the National Suicide Prevention Lifeline (Lifeline) without translation to the Lifeline’s current toll free access number. CTIA asserts that waiver is crucial to ensuring that individuals in crisis have the optimal end user experience when texting the Lifeline.¹ For the reasons stated herein, we grant CTIA’s request for waiver of section 52.201(a) of the Commission’s rules to the extent necessary to allow covered text providers to route covered 988 text messages to the Lifeline without translation to the Lifeline’s current toll free access number.

I. BACKGROUND

2. The Lifeline provides free, confidential support for individuals in “suicidal crisis or emotional distress at any time of the day or night”² and consists of a national network of crisis centers linked by the Lifeline’s toll free number.³ The Department of Health and Human Services’ Substance Abuse and Mental Health Services Administration (SAMHSA) oversees and partially funds the Lifeline. In July 2020, the Commission designated 988 as the nationwide 3-digit telephone dialing code for the Lifeline so individuals in need of assistance can more easily reach help by dialing the three digits instead of needing to dial the Lifeline’s toll free number 1-800-273-8255 (TALK).⁴ Thereafter, Congress passed the National Suicide Hotline Designation Act of 2020 amending section 251(e) of the Communications Act of 1934.⁵ In so doing, Congress designated 988 as the “universal telephone number within the United States for the purpose of the national suicide prevention and mental health crisis hotline system operating

¹ Letter from Sarah Leggin, Director, Regulatory Affairs, CTIA, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 18-336, at 3 (filed Mar. 22, 2022) (CTIA Mar. 22 *Ex Parte* Letter).

² The Substance Abuse and Mental Health Services Administration Report to the Federal Communications Commission, WC Docket No. 18-336, CC Docket No. 92-105 at 3, 5 (Feb. 7, 2019) (SAMHSA Report); *see also* National Suicide Prevention Lifeline, *Our Crisis Centers*, <https://suicidepreventionlifeline.org/our-crisis-centers/> (last visited Mar. 24, 2022).

³ Letter from Miriam Delphin-Rittman, Assistant Secretary for Mental Health and Substance Use, SAMHSA, to Jessica Rosenworcel, Chairwoman, FCC, WC Docket No. 18-336, at 1 (filed Aug. 4, 2021).

⁴ *Implementation of the National Suicide Hotline Improvement Act of 2018*, WC Docket No. 18-336, Report and Order, 35 FCC Rcd 7373, 7375, para. 57 (2020) (*988 Report and Order*).

⁵ *See* National Suicide Hotline Designation Act of 2020, Pub. L. No. 116-172, 134 Stat. 832 § 3 (2020) (amending Section 251(e) of the Communications Act of 1934 by adding subsection (e)(4)).

through the [Lifeline]”⁶ The Commission’s rules require all covered providers to ensure that users can dial 988 to reach the Lifeline by July 16, 2022.⁷

3. In November 2021, the Commission recognized that it is imperative for people living in the United States to have the ability to send text messages to the Lifeline, in addition to calling, particularly because text messaging is a popular mode of communication for at-risk populations.⁸ Permitting text message access to the Lifeline opens another important avenue for people in crisis to access the critical mental health and counseling resources they need. To facilitate this expansion, the Commission adopted a rule requiring all covered text providers to route all covered 988 text messages to the current toll free access number for the Lifeline by July 16, 2022.⁹ However, advocates tasked with establishing the text-to-988 technology have alerted Commission staff to an additional potential positive routing solution to achieve text-to-988 that requires waiver of the Commission’s existing rule.

4. CTIA and stakeholders involved in the implementation of text-to-988, including SAMHSA, the Department of Veterans Affairs, and SAMHSA’s contractors, Vibrant Emotional Health and Intrado Corporation, state that allowing providers to route text messages to 988 using short code protocol will avoid translating texts to the Lifeline’s toll free access number and allow return texts from the Lifeline to appear on consumers’ devices as coming from 988, not from 1-800-273-8255.¹⁰ Although 988 is not a “short code” in the usual meaning, because short codes are usually a five or six digit number,¹¹ covered text providers can use short code protocols to eliminate translations to the Lifeline’s current toll free access number, which is “more likely consistent with the consumer’s expectation, and promotes a more seamless experience engaging with the Lifeline.”¹² Moreover, as implementation has progressed, providers have found that, in practice, translating 988 text messages to the current toll free access number for the Lifeline, as providers are required to do, may negatively impact the experience of individuals texting the Lifeline.¹³ In this regard, if covered text providers translate a 988 text message to the Lifeline’s current toll free access number, responsive text messages will be displayed on the texter’s device as originating from 1-800-273-8255, rather than 988, which could create confusion for texters.¹⁴ In addition, a texter who does not recognize the Lifeline’s toll free access number in the responsive text may continue to text 988, which will result in the Lifeline’s text response system creating additional queues and extending the texter’s waiting period for text counselors at the Lifeline.¹⁵ Moreover,

⁶ *Id.*

⁷ 47 CFR § 52.200(b), (c).

⁸ *Implementation of the National Suicide Hotline Improvement Act of 2018*, WC Docket No. 18-336, Second Report and Order, FCC 21-119, at 21, para. 2 (Nov. 19, 2021) (*Text-to-988 Second Report and Order*).

⁹ *Id.* at 2, 25, paras. 34, 40; *see also* 47 CFR § 52.201(a).

¹⁰ *See* Letter from Sarah Leggin, Director, Regulatory Affairs, CTIA, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 18-336, at 2 (filed Mar. 2, 2022) (CTIA Mar. 2 *Ex Parte* Letter).

¹¹ *See* CTIA, Short Code Registry, *Frequently Asked Questions*, <https://www.usshortcodes.com/learn-more/faq> (last visited Apr. 5, 2022); CTIA, Programs, *Short Code Registry*, <https://www.ctia.org/programs> (last visited May 6, 2022) (“Short Codes offer marketers unique opportunities to engage their audiences via text messaging. Short Codes are five- or six-digit codes that may be personalized to spell out a company, organization or a related word.”). CTIA administers the Short Code Registry, which is a “single database of available, reserved and registered codes.” *Id.*; *see also* CTIA Mar. 22 *Ex Parte* Letter 2-3.

¹² CTIA Mar. 22 *Ex Parte* Letter at 3.

¹³ *See id.* at 2; *see also* CTIA Mar. 2 *Ex Parte* Letter at 2..

¹⁴ *See* CTIA Mar. 2 *Ex Parte* Letter at 2.

¹⁵ *Id.*

individuals in crisis who do not receive a response from 988 may abandon their efforts to reach the Lifeline without receiving critical mental health services.¹⁶

II. DISCUSSION

5. In order to ensure a smooth transition and ubiquitous implementation of text-to-988, and to ensure the individuals using the Lifeline can more easily access health care professionals and have a meaningful experience, we grant CTIA's request to waive section 52.201(a) of the Commission's rules¹⁷ to the extent necessary to allow covered text providers the flexibility to route covered 988 text messages to the Lifeline without translation to the current toll free access number, 1-800-273-8255.¹⁸ Generally, the Commission's rules may be waived for good cause shown.¹⁹ The Commission may exercise its discretion to waive a rule where (a) the particular facts make strict compliance inconsistent with the public interest, (b) special circumstances warrant a deviation from the general rule, and (c) such deviation will serve the public interest.²⁰

6. We find that there is good cause for this waiver, as required by section 1.3 of the Commission's rules, and that granting the waiver serves the public interest by ensuring texters have a positive experience when contacting the Lifeline.²¹ Under section 52.201(a), beginning July 16, 2022, all covered text providers must route a covered 988 text message to the current toll free access number for the Lifeline, 1-800-273-8255 (TALK).²² Section 52.201 was adopted to expand access to critical mental health and crises counseling resources by requiring covered text providers to route covered 988 text messages to the Lifeline's current toll free access number.²³ Allowing covered text providers to centrally route text messages to the Lifeline using short code protocol without translation to the current toll free access number will ensure a more positive customer experience for individuals seeking suicide prevention and mental health crisis intervention services. It is vital that carriers provide an optimal experience for individuals texting the Lifeline for critical assistance, and we find that the option of centrally routing text messages to the Lifeline using short code protocol is a technically reasonable and practical means for doing so.

7. We further find that this waiver advances the Commission's policy to allow covered text providers flexibility in developing the technical requirements to achieve texting to 988.²⁴ Indeed, in the *Text-to-988 Second Report and Order*, the Commission explained that "covered text providers may use any reliable method or methods to support text routing and transmission to 988" and emphasized our

¹⁶ *Id.*

¹⁷ 47 CFR § 52.201(a) ("Beginning July 16, 2022, all covered text providers must route a covered 988 text message to the current toll free access number for the National Suicide Prevention Lifeline, presently 1-800-273-8255 (TALK).").

¹⁸ We reject CTIA's contention that section 52.201(a) permits text messages to be routed directly to the Lifeline using short code protocol without translation to the current toll free access number. *See* CTIA Mar. 22 *Ex Parte* Letter at 3.

¹⁹ 47 CFR § 1.3; *see also* *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969), *cert denied*, 409 U.S. 1027 (1972).

²⁰ *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

²¹ 47 CFR § 1.3; *see* CTIA Mar. 22 *Ex Parte* Letter at 4 (advocating that treating 988 as a short code "is crucial to ensuring the optimal consumer experience for people in crisis trying to reach the Lifeline" and explaining that translation to the Lifeline's current toll free access number causes consumer confusion).

²² 47 CFR § 52.201(a).

²³ *See Text-to-988 Second Report and Order* at 3, para. 2.

²⁴ *Id.* at 27, para. 43.

“neutrality on the technologies that covered text providers use to support text messaging to 988.”²⁵ Moreover, the routing of text messages to the Lifeline using short code protocol without translation will not prevent individuals from sending text messages directly to the Lifeline’s current toll free access number.²⁶ Consistent with the Commission’s policy, we believe this additional solution provides covered text providers the flexibility to employ another option to reliably transmit text messages to the Lifeline.

8. The waiver is also consistent with the Commission’s efforts to enable quick implementation of texting to the Lifeline by minimizing the technical requirements and providing flexibility for covered text providers. In the *Text-to-988 Second Report and Order*, the Commission explained that a “centralized routing rule allow[s] for swift implementation of text-to-988 to the Lifeline’s 10-digit number by lowering technical requirements and costs for covered text providers to route texts to the Lifeline.”²⁷ CTIA and other stakeholders explain that routing text messages to the Lifeline as a short code without translation to the current toll free access number is consistent with industry short code messaging protocol and compatible with current messaging technology.²⁸ While routing text messages to the Lifeline using short code protocol and routing text messages to the Lifeline’s text-enabled toll free access number are both centralized routing solutions, using short code protocol is less technically complex. In both contexts, a text message is transmitted from the texter’s device by means of a carrier’s short message service center (SMSC) and gateway providers, but translating text messages to a toll free access number involves a more complex route that “introduces additional hops between additional aggregators.”²⁹

9. Last, we also find that effectively and efficiently addressing the growing suicide epidemic by timely implementing texting to 988 constitutes special circumstances that warrant granting the waiver. In the *Text-to-988 Second Report and Order*, the Commission adopted an implementation deadline for text-to-988 that is concurrent with the deadline for voice calling, in part, because doing so helps avoid consumer confusion and saves lives.³⁰ We also recognized that minimizing the time required to implement texting to 988 is necessary to address the epidemic of suicide as quickly as possible.³¹ We find that routing text messages to the Lifeline as a short code without translation to the current toll free access number will serve the public interest by ensuring that covered text providers can implement texting to 988 in a manner that provides a more positive experience for texters by the July 16, 2022 implementation deadline.

10. Accordingly, IT IS ORDERED, pursuant to sections 4(i), 251(e) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 251(e), and sections 0.291 and 1.3 of the Commission’s rules, 47 CFR §§ 0.291, 1.3, that section 52.201(a), 47 CFR § 52.201(a), is waived to the extent described herein.

²⁵ *Id.* at 27, para. 43 & n.183.

²⁶ CTIA Mar. 22 *Ex Parte* Letter at 3.

²⁷ *Text-to-988 Second Report and Order* at 21, para. 35.

²⁸ See CTIA Mar. 22 *Ex Parte* Letter at 3.

²⁹ *Id.* at 2.

³⁰ See *Text-to-988 Second Report and Order* at 25, para. 40.

³¹ *Id.*

11. IT IS FURTHER ORDERED, that pursuant to section 1.102(b)(1) of the Commission's rules, 47 CFR § 1.102(b)(1), this Order SHALL BE EFFECTIVE upon release.

FEDERAL COMMUNICATIONS COMMISSION

Trent B. Harkrader
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