

**STATEMENT OF  
COMMISSIONER MICHAEL O'RIELLY**

Re: *Facilitating the Deployment of Text-to-911 and Other Next Generation Applications*, PS Docket No. 11-153; *Framework for Next Generation 911 Deployment*, PS Docket 10-255.

The Commission has a responsibility to promote the safety of life and property of the American public using certain communications services. Americans must be able to reach 911 operators to ensure that first responders are dispatched in a time of need. For this reason, I approve today's inquiry into text-to-911 capability.

Notwithstanding my overall support, I do have some reservations and questions that need to be addressed going forward. First, as I have stated on several occasions, it is the Commission's duty to faithfully implement the laws of Congress and part of that is ensuring that the Commission remains within the bounds of its statutory authority. I will, of course, keep an open mind as I review the record, but I am concerned about our legal authority to regulate in this area, especially in regard to over-the-top text providers. I am pleased that this notice provides further opportunity for commenters to supplement the record regarding the Commission's authority to potentially implement text-to-911 requirements.

Second, in the rulemaking process, the Commission has the obligation to ask questions, collect data, and acquire a complete record to inform its decision-making. I have been disappointed that the record in this proceeding contains many weakly supported assertions and outdated data. I hope commenters will provide up-to-date statistics to demonstrate whether or not Americans expect text-to-911 capability and are using it currently, even if they are receiving bounce-back messages. I also want to hear from the deaf and hard of hearing users and those with speech disabilities about the benefits that they obtain from texting and their needs and expectations. I am confident that the contents of this notice will prompt a robust response from commenters.

I also look forward to engaging with interconnected text providers—many of which have not been active in this proceeding—and the smaller wireless companies regarding the timeframes and challenges of implementing text-to-911. From what I see, the record contains no input—except for one short *ex parte* letter<sup>1</sup>—from the top three text applications.<sup>2</sup> Although their focus is appropriately on their businesses and not on the FCC, I am hopeful that interconnected text providers will submit comments in response to this latest notice to help us determine what is technically feasible or achievable.

Third, I am particularly interested in learning more from stakeholders about the costs of implementing text-to-911. Since most applications run on a zero or minimal profit basis, could the increased cost of such regulations put at risk the availability of free texting applications or prevent new entry? Do potential problems regarding location accuracy and the routing of texts to the appropriate PSAP while texters are roaming raise liability concerns and, therefore, significantly increase the costs of

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<sup>1</sup> Letter from David J. Dougall, Director, Accessibility & Sustainability, Research In Motion, to Marlene H. Dortch, Secretary, Federal Communications Commission (Apr. 26, 2012).

<sup>2</sup> Letter from H. Russell Frisby, Jr., Counsel to TeleCommunication Systems, Inc., to Marlene H. Dortch, Secretary, Federal Communications Commission, at Attachment (Dec. 9, 2013).

doing business? Could regulatory mandates ultimately drive text providers out of the application business? And what are the potential consequences to consumers, especially those with disabilities, if these costs chill innovation and limit the various options available to consumers?

Fourth, I am troubled by the suggestion that the Commission may expand text-to-911 requirements to additional non-traditional applications, such as non-interconnected text messaging. There are many questions—such as statutory authority and whether it is technically feasible or achievable for these applications to connect to 911—that need to be answered before we proceed down this path.

Finally, it is extremely important for public safety purposes that we do not raise consumer expectations that text-to-911 will soon be a viable alternative to a phone call. Even if text-to-911 is deployed by CMRS and interconnected text providers in the near future, the vast majority of PSAPs throughout the nation are not capable of receiving texts. Ultimately, text-to-911 will only be successful if the PSAPs can receive the message. Additionally, the usefulness of text-to-911 may be further diminished if the information provided to PSAPs does not provide adequate location information for those who text for help and if the texts of those in need who are roaming are routed to the wrong PSAP. Americans must know how they can reliably communicate with 911, therefore we must ensure that the current limitations of texting to 911 are understood and that everyone knows that a phone call is still best in an emergency.

I thank the Chairman and his staff for incorporating several of my proposed edits and the staff of the Public Safety and Homeland Security Bureau for their hard work on this item.