

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

In the Matter of	)	
	)	
Improving 9-1-1 Reliability	)	PS Docket No. 13-75
	)	
Reliability and Continuity of Communications	)	
Networks, Including Broadband Technologies	)	PS Docket No. 11-60

**REPLY COMMENTS OF  
THE NATIONAL TRIBAL TELECOMMUNICATIONS ASSOCIATION**

**I. INTRODUCTION AND SUMMARY**

The National Tribal Telecommunications Association (NTTA) provides these reply comments regarding 9-1-1 Reliability, as requested by the Federal Communications Commission (FCC or Commission) in its Notice of Proposed Rulemaking.<sup>1</sup>

NTTA consists of Tribally-owned communications companies including Cheyenne River Sioux Telephone Authority, Fort Mojave Telecommunications, Inc., Gila River Telecommunications, Inc., Hopi Telecommunications, Inc., Mescalero Apache Telecom, Inc., Native American Telecom – Crow Creek, Native American Telecom - Pine Ridge, Saddleback Communications, San Carlos Apache Telecommunications Utility, Inc., Tohono O’odham Utility Authority, and Warm Springs Telecom. NTTA’s mission is to be the national advocate for telecommunications service on behalf of its member companies and to provide guidance and assistance to members who are working to providing modern telecommunications services to Tribal lands.

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<sup>1</sup> *In the Matter of Improving 9-1-1 Reliability, PS Docket No. 13-75; In the Matter of Reliability and Continuity of Communications Networks, Including Broadband Technologies, PS Docket No. 11-60; Notice of Proposed Rulemaking, released March 20, 2013 (NPRM)*

NTTA recognizes the extraordinary events that led to the NPRM, including the June 2012 derecho, and thus agrees that important questions are being asked and vital issues are being explored. However, NTTA cautions the Commission to not impose substantial and costly new regulations that cover all ILECs, especially those serving Tribal areas, where resources are better utilized meeting other Commission mandates that have a better chance of bringing quality voice and broadband services to Tribal areas.

## **II. REPLY TO COMMENTS**

NTTA agrees with comments made by rural carriers that there is no basis for placing new regulations on small carriers resulting from the events that led to the widespread 9-1-1 outage in June 2012.<sup>2</sup> While NTTA agrees that avoidable mistakes were likely one of the root causes of the derecho-initiated 9-1-1 outages in 2012, it is clear from the record that it was two carriers - Frontier and Verizon - most impacted by the storm and thus most involved with the outages.<sup>3</sup> Conversely, the carriers represented by NTTA operate reliable 9-1-1 networks that conform to industry best practices and therefore avoid a majority of the avoidable mistakes noted in the *NPRM*. Thus, any efforts to address the widespread outages resulting from the June 2012 derecho must be focused on those carriers operating the systems that failed, and not on an overall basis to all carriers.

NTTA also recognizes the importance of all entities involved in the operation of reliable 9-1-1 systems working in concert to ensure, to the greatest extent possible, wide-spread outages do not occur in the future. Stakeholders in this process include the telecommunications carriers, electric companies, local and state governments, and public safety agencies.<sup>4</sup> To this end, it must be recognized that Tribal governments, those served by NTTA members and those served by other carriers, have to be included in any process the Commission adopts to ensure future reliability of all 9-1-1 systems. While the Commission

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<sup>2</sup> See comments of the Blooston Rural Carriers at 2

<sup>3</sup> *NPRM* at 36

<sup>4</sup> See *e.g.*, comments of the Western Telecommunications Alliance at 7

makes brief reference to such an important aspect of intergovernmental cooperation<sup>5</sup>, little, if any, has been said thus far to ensure Tribal government participation in this process actually occurs. Thus, the Commission must ensure that any actions taken, such as new reporting requirements for carriers most involved in the June 2012 storm, include the involvement of Tribal governments. This involvement could include, for example, that results of compliance reviews and inspections be provided to Tribal governments where Tribal areas are impacted.<sup>6</sup>

### **III. ANY NEW REGULATIONS MUST BE EXPLICITLY FUNDED**

The Commission must take into consideration the already considerable burdens placed on Tribal carriers by recent universal service and intercarrier compensation reforms. NTTA members are already under considerable pressure to find new ways to increase investment in broadband, and in many cases voice, networks while at the same time receiving less support, in a much less stable environment, for doing so. As a result, many of these reforms could have an adverse impact on maintaining and improving a reliable 9-1-1 system.<sup>7</sup> NTTA first recommends that the Commission not impose any new, costly regulations to address the issues identified in the NPRM on Tribal carriers. If, however, the Commission determines that new requirements are necessary for all carriers, then such requirements, to the extent they cause NTTA members to incur new costs, must be explicitly supported - either through current federal support mechanisms, or through a new mechanism. Doing otherwise would impose yet more unfunded mandates on Tribal carriers and Tribal governments, and would divert resources to fix issues that have not yet been proven to exist in regards to Tribally-owned carriers.

NTTA also notes that there are many other impediments to the operation and maintenance of reliable 9-1-1 systems in Tribal areas. One of these impediments is the lack of Tribally-operated public safety answering points (PSAPs), and the insufficient funding of those Tribally-operated PSAPs that exist today. Due to the differing geographies, government, and

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<sup>5</sup> NPRM at 32 “In evaluating specific proposals for Commission action, we also seek comment on how we can best work in cooperation with state, tribal, and local governments, which we have recognized ‘are the primary administrators of the legacy 911 system.’”

<sup>6</sup> NTTA notes that the Commission’s Tribal Engagement rules provide for a platform for such communication and coordination, but are currently under attack by the United States Telecommunications Association and others.

<sup>7</sup> See Blooston Rural Carrier comments at 6

operating aspects in Tribal lands, it is oftentimes difficult for non-Tribal PSAPs to alert the proper Tribal law enforcement agencies and/or provide the proper location information after receiving a 9-1-1 call. While some calls made on Tribal lands are routed to Tribal PSAPs, many calls, including wireless emergency calls, are routed to the PSAP nearest the tower from which the call originated. Having widely-prevalent Tribally-operated PSAPs would resolve many of these issues and provide for a more reliable overall 9-1-1 system. As a result, NTTA recommends the Commission investigate, through a collaborative effort, the funding of such PSAPs and determine how current funding of 9-1-1 systems operates, and whether such methods are as efficient and effective as possible for Tribal areas.<sup>8</sup>

Another impediment to the existence of reliable 9-1-1 systems in Tribal areas is the frequent lack of a standardized street address system. The lack of reliable street address data makes the administration and updating of the master street address guide (MSAG) in Tribal areas problematic. One way Tribal governments have found to address this situation is the use of Global Positioning Satellite (GPS) technology, where every residence and business has a GPS coordinate, which can then be used to dispatch emergency services when a properly-routed 9-1-1 call is received by a Tribal authority. NTTA recommends that the Commission additionally investigate the funding of this methodology of identifying customers in Tribal areas for purposes of the 9-1-1 system.

#### **IV. CONCLUSION**

NTTA recognizes the serious problems caused by largely avoidable mistakes for the 9-1-1 system in the wake of the June 2012 derecho. While these issues must be addressed immediately, to impose new regulations on the entire industry, due to the problems of a few carriers, is a mistake. Instead, the Commission should directly address the problems that led to wide-spread 9-1-1 system outages - that is, ensure the avoidable mistakes made do not happen again - with the carriers involved. NTTA members should not be burdened with further costly regulations in the current environment because (1) dwindling support revenues, caused by

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<sup>8</sup> NTTA notes that funding for 911 systems generally takes place at the state/local level. However, in some areas this funding is insufficient for Tribal PSAPs, making it imperative for the Commission to determine where such problems exist and to resolve funding problems with *federal* funding of PSAPs, if necessary.

Commission reforms, dilute the ability of Tribally-owned carriers to respond to Commission mandates, and (2) to NTTA's knowledge, Tribally-owned carriers operate reliable 9-1-1 systems that have not been subject to wide-spread outages. Furthermore, any regulation imposed on NTTA members that carries a cost must be explicitly funded. Finally, the Commission should consider additional steps that can be taken to ensure the 9-1-1 system operates as effectively as possible in Tribal areas.

Respectfully Submitted,

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National Tribal Telecommunications Association

May 28, 2013