

**Before the
NAVAJO NATION TELECOMMUNICATIONS REGULATORY COMMISSION**

In the Matter of)
)
Navajo Nation 9-1-1 Service and Public Safety) No. NNTRC-12-001
Answering Point (PSAP))

COMMENTS OF CTIA – THE WIRELESS ASSOCIATION®

CTIA – The Wireless Association® (“CTIA”)¹ respectfully offers comment on the Notice of Inquiry (“NOI”) issued by the Navajo Nation Telecommunications Regulatory Commission (“NNTRC”) regarding the establishment of rules, regulations, and policies that are necessary for the establishment of Enhanced 9-1-1 (“E9-1-1”) or Next Generation 9-1-1 (“NG9-1-1”) services throughout the Navajo Nation.² In these comments, CTIA:

- encourages the NNTRC to engage and coordinate its efforts in this proceeding with national stakeholder groups representing the wireless industry, public safety and consumers to ensure that its citizens have access to an emergency communication system that is consistent with existing E9-1-1 and emerging NG9-1-1 services;
- recommends the Navajo Nation coordinate the development, deployment and implementation of its 9-1-1 system with the FCC, National 9-1-1 Program, and surrounding state and local 9-1-1 authorities to expeditiously advance a regional approach to deployment of 9-1-1 services;
- urges the Navajo Nation to ensure that any rules related to E9-1-1 services are consistent with existing federal rules and requirements that govern the technical and operational provision of wireless 9-1-1 services, and state and local rules that govern 9-1-1 administration, funding, privacy, liability and other related issues; and

¹ CTIA is the international organization of the wireless communications industry for both carriers and manufacturers. Membership in the organization covers Commercial Mobile Radio Service (“CMRS”) providers and manufacturers, including cellular, Advanced Wireless Service, 700 MHz, broadband PCS, and ESMR, as well as providers and manufacturers of wireless data services and products. More information is available at www.ctia.org.

² *Navajo Nation 9-1-1 Service and Public Safety Answering Point (PSAP)*, Notice of Inquiry, No. NNTRC-12-001 (Nov. 9, 2012) (“NOI”).

- suggests that the NNTRC pursue reasonable and viable funding mechanisms for PSAP operations.

CTIA applauds the NNTRC for initiating a process to develop and implement a 9-1-1 emergency communication system as an essential public safety tool for the Navajo Nation. The Navajo Nation has properly embarked on a thoughtful and reasonable process to develop and implement 9-1-1 emergency communications for its citizens. CTIA and its member companies have been technical and policy leaders in the development of 9-1-1, E9-1-1 and NG9-1-1 services. CTIA's member companies have supported the development of these technologies and policies by actively engaging with technical standards organizations and policymakers at all levels of government. The wireless industry also has dedicated substantial resources toward upgrading and maintaining wireless network infrastructure to support 9-1-1 emergency communications, and developed technologies that enable wireless consumers to reach emergency services when they need it most.

CTIA and its member companies stand ready to provide assistance and guidance to the NNTRC as it undertakes this critical upgrade of communications functionality. In these Comments, CTIA provides the NNTRC with information on resources that have proven invaluable to the wireless industry's deployment of E9-1-1 and development of NG9-1-1 technology. The Navajo Nation can ensure an efficient and effective rollout of 9-1-1 services by relying upon the ample technical and operational resources already supporting 9-1-1 systems throughout the United States.

CTIA encourages the NNTRC to engage and coordinate its efforts in this proceeding with national stakeholder groups representing the wireless industry, public safety and consumers to ensure that its citizens have access to an emergency communication system that is consistent

with existing 9-1-1 services.³ Extensive stakeholder efforts already have ensured the consistent implementation of wireless E9-1-1 services, standards, operations, and policies throughout the U.S.⁴ For example, the Navajo Nation should utilize recognized standards for 9-1-1 technologies and operations available from NENA, the Alliance for Telecommunications Industry Solutions (“ATIS”), the Telecommunications Industry Association (“TIA”), and the Third Generation Partnership Project (“3GPP”), and other relevant groups.⁵

CTIA also suggests that the Navajo Nation coordinate the development, deployment and implementation of its 9-1-1 system with the FCC, National 9-1-1 Program, and surrounding state and local 9-1-1 authorities. CTIA and its member companies have found that a regional approach to deployment of 9-1-1 services can help expedite the availability of a consistent E9-1-1 system. A regional approach can also help minimize the cost to the citizens of the Navajo Nation and reduce public confusion regarding 9-1-1 service availability.⁶

These entities can provide the Navajo Nation with valuable resources that will enable the NNTRC to more quickly establish a 9-1-1 system that is technologically and operationally

³ See e.g. National Emergency Number Association (“NENA”), at www.nena.org (last visited Dec. 26, 2012) and APCO International, at www.apco911.org (last visited Dec. 26, 2012).

⁴ A number of federal, state and local government authorities have been engaged in the development and implementation of 9-1-1 services and offer educational and financial resources for 9-1-1 authorities. See e.g., the National 9-1-1 Program, at <http://www.911.gov/> (last visited Dec. 26, 2012); FCC Public Safety and Homeland Security Bureau, at <http://www.fcc.gov/topic/9-1-1-and-e-9-1-1> (last visited Dec. 26, 2012); National Association of State 911 Administrators (“NASNA”), at www.nasna911.org (last visited Dec. 26, 2012).

⁵ See NENA, at <http://www.nena.org>; Alliance for Telecommunications Industry Solutions, at <http://atis.org>; Telecommunications Industry Association, at <http://www.tiaonline.org/>; Third Generation Partnership Project, at <http://www.3gpp.org/>.

⁶ See, e.g., Reply Comments of CTIA – The Wireless Association®, FCC PCS Docket No. 11-153, at 25-27 (2012).

consistent with surrounding 9-1-1 systems. This foundation also can help lay the groundwork for the Navajo Nation's adoption of NG9-1-1 services. Similar procedures and policy work are already underway to develop and deploy an NG9-1-1 emergency communications system.⁷

In response to the specific questions raised in the NOI, CTIA respectfully offers the following guidance regarding the rules the NNTRC may adopt to govern its 9-1-1 system. First, the Navajo Nation should ensure that any rules related to E9-1-1 services are consistent with existing federal rules and requirements that govern the technical and operational provision of wireless 9-1-1 services, such as location accuracy, privacy and the procedures for requesting 9-1-1 services from CMRS providers. NNTRC should also consider state and local rules that govern 9-1-1 administration, funding, privacy and other related issues to ensure a 9-1-1 system that is consistent with surrounding 9-1-1 authorities.⁸ Second, the NNTRC should not prematurely develop rules for NG9-1-1 that are the subject of ongoing federal proceedings.⁹ Finally, the Navajo Nation should ensure its rules address liability protection for all entities involved in the support of a 9-1-1 emergency communications system, including service providers, PSAPs and other related entities.¹⁰ Consistent with other "good Samaritan" laws,

⁷ See *Framework for Next Generation 911 Deployment*, FCC PS Docket No. 10-255, Notice of Inquiry, 25 FCC Rcd 17869 (Dec. 21, 2010); *Facilitating the Deployment of Text-to-911 and Other Next Generation 911 Applications, Framework for Next Generation 911 Deployment*, FCC PS Docket No. 11-153, Notice of Proposed Rulemaking, 26 FCC Rcd 13615 (Sept. 22, 2011).

⁸ See e.g. 9-1-1 Legislation Tracking Database, National Conference of State Legislatures ("NCSL"), <http://www.ncsl.org/issues-research/telecom/911-database-overview.aspx> (last visited Dec. 26, 2012).

⁹ See FCC PS Docket Nos. 10-255, 11-153 and 12-333.

¹⁰ The Commission's pending NG9-1-1 proceedings are also exploring these issues in the NG9-1-1 context. See *Public Safety and Homeland Security Bureau Seeks Comment on the Legal and Statutory Framework for Next Generation 9-1-1 Services Pursuant to the Next*

liability protection will be important to encourage participation in the Navajo Nation's 9-1-1 system without unnecessary risk. This will help promote a more rapid and comprehensive rollout of 9-1-1 services to the Navajo Nation's citizens.

As the NNTRC correctly observed in the NOI, a PSAP is an essential component of a successful 9-1-1 system.¹¹ Given that the development and maintenance of a PSAP will require significant financial resources, the Navajo Nation should carefully consider funding options that will support an efficient PSAP operation. The NNTRC should pursue reasonable and viable funding mechanisms for PSAP operations. First, the NNTRC should consider available grants or appropriations from federal, state, and/or local government authorities, and take advantage of all reasonable grants available to it.¹² The NOI also contemplates the implementation of an E9-1-1 tax.¹³ To the extent that the Navajo Nation has the authority to impose a fee or collect a tax to obtain additional PSAP funding, the Navajo Nation should ensure that any revenue gained from an E9-1-1 tax be dedicated only to supporting the E911 communications system at the PSAP, rather than more general PSAP operations. The Navajo Nation should also carefully consider the impact that such a fee may have on its citizens. CTIA suggests that any fee or surcharge to support a 9-1-1 emergency communications system should be reasonable and used only for 9-1-1 purposes consistent with Federal law that conditions federal 9-1-1 funds on appropriate use of collected 9-1-1 fees or surcharges.

Generation 9-1-1 Advancement Act of 2012, Public Notice, FCC PS Docket No. 12-333 (Nov. 13, 2012).

¹¹ NOI at ¶ 17.

¹² For example, the National 911 Program has previously offered states more than \$40 million in grants to help PSAPs implement next-generation technologies. <http://www.911.gov/grants.html> (last visited Dec. 26, 2012).

¹³ *Id.* at ¶ 21.

CTIA – having played a leadership role in 9-1-1 implementation throughout the country – commends the NNTRC for undertaking this thoughtful proceeding and for beginning its process to develop and implement a 9-1-1 emergency communication system for the Navajo Nation. CTIA hopes that the resources provided in these comments will help to guide the NNTRC as it undertakes its 9-1-1 deployment, and looks forward to providing further guidance on these important public safety issues.

Respectfully submitted,

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