

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

In the Matter of)	
)	
Public Safety and Homeland Security)	PS Docket No. 20-285
Bureau Seeks Comment on Emergency)	
Access to Wi-Fi Access Points and)	
Spectrum for Unlicensed Devices)	
Pursuant to Section 301 of RAY)	
BAUM'S Act of 2018)	



REPLY COMMENTS

ACA Connects hereby submits reply comments in response to the Public Notice issued by the Federal Communications Commission (“Commission”) Public Safety and Homeland Security Bureau in the above-captioned proceeding, which seeks comment to inform the development of a “study on network resiliency” that Section 301 of RAY BAUM’s Act directs the Commission to submit to Congress by March 23, 2021.¹ The study must address, among other matters, the “public safety benefits and technical feasibility and cost” of making Wi-Fi access points (“APs”) available to the public for 911

¹ See *Public Safety and Homeland Security Bureau Seeks Comment on Emergency Access to Wi-Fi Access Points and Spectrum for Unlicensed Devices Pursuant to Section 301 of RAY BAUM’s Act*, Public Notice, PS Docket No. 20-285 (PSHSB rel. Sept. 1, 2020); see also *Repack Airwaves Yielding Better Access for Users of Modern Services (RAY BAUM’S) Act of 2018*, Pub. L. 115-141, § 301, 132 Stat. 1080, 1108 (2018) (capitalization of section title omitted).

access in times of emergency when mobile service is unavailable.² In other words, the Commission is asked to examine the technical feasibility of providing 911 service in this manner and to perform an analysis of the costs and benefits of bringing the concept to fruition.

As community-based providers of communications services, ACA Connects members have a strong interest in ensuring that their customers—who include neighbors, friends and family—have reliable 911 access and are able to communicate effectively during emergencies.³ ACA Connects has been supportive of Commission efforts to improve 911 service, including its recent adoption of “dispatchable location” requirements pursuant to Section 506 of RAY BAUM’s Act.⁴ ACA Connects members also appreciate the importance of consumers having reliable service, and to that end they have invested billions of dollars over the past decade to construct high-performance, resilient networks.⁵ In addition, ACA Connects has been supportive of ongoing Commission efforts to improve coordination among communications providers,

² RAY BAUM’s Act, § 301. In conducting this study, the Commission shall consider both “telecommunications service provider-owned” and “non-telecommunications service provider-owned” WiFi APs. *See id.* With respect to the former but not the latter, the Commission is directed to address the provision of 911 access “without requiring any log-in credentials.” *See id.* In its initial comments on the Public Notice, NCTA identifies security concerns that would arise if service providers were required to “automatically authenticat[e] end-user devices to WiFi APs” in providing 911 access. See Comments of NCTA on Public Notice, PS Docket No. 20-235 at 17 (filed Oct. 1, 2020) (“NCTA Comments”).

³ *See Restoring Internet Freedom et al.*, WC Docket No. 17-108 et al., Public Draft Order on Remand, FCC-CIRC2010-01 at ¶ 40, n. 163 (rel. Oct. 6, 2020) (citing ACA Connects’ observation that “the community-based providers that it represents also ‘have a personal stake in ensuring the safety of their neighbors, family and friends.’”).

⁴ *See Reply Comments of ACA Connects on 911 Dispatchable Location*, PS Docket No. 18-261 at 4 (filed Feb. 8, 2019); *see also* RAY BAUM’s Act, § 506.

⁵ *See, e.g., Comments of American Cable Association on Hurricane Michael*, PS Docket No. 18-339 (filed Dec. 18, 2017).

electrical utilities and other parties in the restoration of services that have been lost during natural and other disasters.⁶

Our members are also committed to serving their communities, and in that spirit, many are providing free access to WiFi APs located in town squares, shopping centers or other publicly accessible locations.⁷ In times of distress, these WiFi APs can offer a vital source of connectivity for members of the community, helping them stay in contact with loved ones and keep apprised of the latest news updates.

WiFi APs can be a valuable communications resource during emergencies, but it is not “technically feasible” today for WiFi APs to provide a backup path to 911 when mobile networks are down. As NCTA explains in detail in its filing, WiFi APs are not intended to serve, or capable of serving, this purpose, and in fact they depend on the presence of a functioning mobile wireless network to complete WiFi-originated calls and texts, including to 911.⁸ If the mobile network is unavailable, the WiFi AP has no alternative means of routing a 911 call or text to the appropriate PSAP—or even identifying it as a 911 communication in the first place.⁹

⁶ See, e.g., Comments of American Cable Association on Backhaul and Power Company Public Notices, PS Docket No. 11-60 at 10 (filed Feb. 8, 2019) (supporting “cooperative efforts to improve coordination between power companies and communication providers before, during, and after a disaster strikes”); Comments of ACA Connects on Amendments to Part 4 of the Commission’s Rules, PS Docket No. 15-80 (filed Apr. 30, 2020) (recommending constructive revisions to the Commission’s proposed framework for sharing outage data confidentially with State government agencies to ensure that the sharing meets its public safety objectives while also safeguarding the confidentiality and proper use of the data).

⁷ Many ACA Connects member companies signed the “Keep Americans Connected” pledge, under which they pledged to “[o]pen [their] Wi-Fi hotspots to any American who needs them.” See FCC, Keep Americans Connected Pledge, <https://www.fcc.gov/keep-americans-connected> (last visited Oct. 16, 2020).

⁸ See NCTA Comments at 5-11.

⁹ NCTA identifies additional technical obstacles to the use WiFi APs for 911 service, including the fragmented state of the WiFi ecosystem, in which “certain voice protocols may be incompatible with an available Wi-Fi network or device, which could prevent a 911 call from being transmitted”. See *id.* at 11.

It is not only the cable industry that recognizes there are constraints on the “technical feasibility” of providing 911 service over WiFi APs. Verizon observes that there are “technical limitations and challenges of opening access to [WiFi] systems for 911 calling,” though it suggests that “[e]nabling devices to seamlessly connect to third party Wi-Fi access points for 911 calling could be technically feasible at some future date.”¹⁰ Public Knowledge, meanwhile, observes that “[w]ithout understanding how the technology works or establishing proper technological standards, the FCC cannot create effective policies to implement a reliable emergency access Wi-Fi program.”¹¹

Given this current lack of “technical feasibility,” the Commission must consider whether the “public safety benefits” of facilitating 911 service over WiFi APs are worth the “cost” to develop the concept and implement it in practice. Both Verizon and Public Knowledge suggest moving forward with the concept, which would require that substantial work be undertaken to develop the technical underpinnings that are lacking today. Verizon observes that these efforts “will require substantial time, investment, and engagement” from a host of stakeholders.¹²

We certainly agree that the completion of such tasks (among others) would need to precede the adoption of any requirements, or even the fostering of customer expectations, that WiFi APs provide a pathway to 911 in times of emergency when mobile networks are unavailable. In that regard, we share Public Knowledge’s concern

¹⁰ See Comments of Verizon on Public Notice, PS Docket No. 20-285 at 1-2 (filed Oct. 2, 2020) (“Verizon Comments”).

¹¹ See Comments of Public Knowledge on Public Notice, PS Docket No. 20-285 at 2 (filed Oct. 2, 2020) (“Public Knowledge Comments”).

¹² Verizon Comments at 3.

that the Commission “avoid creating an avenue of communication that only provides the appearance of access to 911 during an emergency and creates harms that outweigh the potential public benefits.”¹³ If the Commission is to promote the use of WiFi APs as an independent means of accessing 911 during emergencies, it must first ensure that the necessary technical and operational groundwork has been laid.

That said, we are not convinced that efforts to convert Wi-Fi APs into a backup for wireless 911 service would be the most productive use of resources to improve 911 access or communications network resiliency. As NCTA observes, “years of standards-setting work” would be required, “drawing resources from or duplicating important efforts to improve other aspects of the 911 ecosystem being developed today.”¹⁴ By the same token, this work could divert resources from the ongoing efforts of ACA Connects members and other broadband providers to strengthen the resiliency of their own networks and to improve coordination of restoration activities during disasters.¹⁵

At any rate, the public safety benefits are unlikely to justify allocating substantial resources towards enabling 911 service over Wi-Fi APs. Scenarios in which a WiFi AP is available to complete a 911 call, but the wireless network is not, are likely to be rare; and even in these rare scenarios, the 911 service will be available only to users that have enabled WiFi calling on their device.¹⁶ In addition, providing indiscriminate access

¹³ Public Knowledge Comments at 1. See also NCTA Comments at 11 (“Taking any action to require the use of Wi-Fi APs for 911 services could be a step backwards from the well-vetted and reliable process today, in which a Wi-Fi call to 911 routes over a CMRS network to the local PSAP with the necessary 911 location information.”).

¹⁴ NCTA Comments at 7.

¹⁵ See *supra* n.6.

¹⁶ See *id.* at 12-14.

to WiFi APs, even for the limited purpose of 911 service, would introduce serious privacy and cybersecurity risks that would be difficult and costly to overcome.¹⁷

For these reasons, we urge the Commission to report to Congress that opening WiFi APs to the public for 911 access remains an unproven concept, and that the balance of “technical feasibility”, “cost” and “public safety benefits” does not counsel in favor of moving forward with the idea at this time. At minimum, if the Commission wishes to pursue the idea further, it should recommend detailed study of the specific tasks that must be completed to bring it to fruition, including the associated costs and timeframes to complete each task, as well as a closer examination of the potential public safety benefits. The Commission should develop a clearer sense of the magnitude of such an undertaking before recommending that the industry commit substantial time, energy, and financial resources that could otherwise be spent on other initiatives to improve 911 access and network resiliency.

¹⁷ See *id.* at 17-18.

ACA Connects appreciates the opportunity to participate in this proceeding, and it encourages the Commission to take its comments into consideration.

Respectfully submitted,



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October 16, 2020