



## FCC ISSUES ORDER REQUIRING ALL CMRS AND INTERCONNECTED TEXT PROVIDERS TO ENABLE TEXT-TO-911 BOUNCE-BACK MESSAGES

On May 8, the FCC voted to approve an Order mandating that all CMRS providers and providers of “interconnected text messaging services” provide an automated “bounce-back” message by **September 30, 2013**, in situations where a consumer attempts to send a text message to 911 in a location where text-to-911 is not available. The text of the Order was released on May 17.

The Order comes on the heels of a voluntary commitment in December of 2012 by the four national wireless carriers—AT&T, Verizon Wireless, T-Mobile US, and Sprint Nextel—to provide text-to-911 service by May 15, 2014, and a bounce-back message by June 30, 2013. The Order applies much of the voluntary commitment to all CMRS carriers, and extends it to cover certain over-the-top text messaging service providers.

The FCC declined to mandate the same deadline for bounce-back implementation as that adopted by the voluntary commitment. Instead, covered providers must implement the bounce-back requirement by **September 30, 2013**. The Order requires that the message itself inform consumers that text-to-911 is not available and that the consumer should try to contact 911 using another means. Though the Order declined to adopt specific wording, it provides a model message that would satisfy the criteria: “There is no text-to-911 service available. Make a voice call to 911 or use another means to contact emergency services.”

The Order expands the scope of the bounce-back requirement beyond the voluntary commitment in several key ways. Notably, the Order requires bounce-back messages in the following situations:

- **When a text is sent to 911 via certain over-the-top applications.**

The Order applies the bounce-back requirement to providers the FCC calls “interconnected text providers.” Those entities are defined as providers of software applications that “enable a consumer to send text messages to all or substantially all text-capable U.S. telephone numbers and receive text messages from the same.” This definition specifically excludes non-interconnected IP-based messaging applications that support communications only among a defined set of users and that do not support general communication with all or substantially all text-capable numbers. The Order also explicitly excludes providers that only offer voice service.

- **When a text is sent in an area where no text-to-911 service is available.**

The Order mandates a bounce-back message where the Public Safety Answering Point (“PSAP”) in the consumer’s area does not accept texts or where the covered provider does not generally support text-to-911 or has not begun support for text-to-911 in that

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particular area. It does not require a provider to send a bounce-back message where the provider does not have direct control over the transmission of the text message.

- **When a text is sent by a consumer roaming on another provider's network.**

Although SMS messages are treated differently than voice calls, thus creating significant technical hurdles for proper routing of roaming SMS messages to 911, the Order declines to exempt undeliverable roaming texts to 911 from the bounce-back requirement. All CMRS providers must provide a bounce-back message when text-to-911 service is not available in an area, whether that message is sent to a subscriber or to a roaming customer.

The Order also mandates that covered providers enable PSAPs to request suspension of text-to-911 service for any reason, including because of network congestion, call-taker overload, PSAP failure, or security breach. In the case of a requested suspension, covered entities must provide a bounce-back message to consumers in those areas. Covered providers must also provide a mechanism to allow PSAPs to resume service after temporary suspensions. Bounce-back messages are not required where a PSAP has not requested a service suspension, suggesting that bounce-back messages will not be required in the case of inadvertent suspensions of text-to-911, though the Order does not explicitly exempt inadvertent suspensions from the rule.

The Order does exclude certain situations from its mandate. Notably, where a consumer is using a legacy device that does not support texting to a three-digit short code, the bounce-back requirement does not apply. Also, the bounce-back requirement does not apply to texts sent to 911 from non-service initialized phones.

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