

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

In the Matter of)
)
Implementation of the National Suicide) WC Docket No. 18-336
Hotline Improvement Act of 2018)
)

**COMMENTS OF
COMMUNICATIONS EQUALITY ADVOCATES
ON FURTHER NOTICE OF PROPOSED RULEMAKING**

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SUMMARY

Communications Equality Advocates (“CEA”) is a coalition of groups and organizations representing disability communities and other groups having communications accessibility needs who would experience difficulties or be completely prevented from making voice calls to 988 in the conventional manner. It is vital that the alternative modalities of text-to-988 and Direct Video Communication (“DVC”) be provided so that these individuals gain equal access to the enormous benefits of 988 services. CEA applauds the Commission’s issuance of the Further Notice of Proposed Rulemaking in this proceeding, which is an important step to make suicide prevention services more widely available to all individuals, to leverage new technologies to allow persons in distress to choose their preferred communications channel to seek help in their time of crisis, and – most fundamentally – to save lives. CEA urges the Commission to adopt its proposal to require covered text providers to support text messaging to 988. CEA also urges the Commission to move quickly to adopt similar measures with regard to DVC.

To secure the maximum benefit from text-to-988, CEA urges the Commission to extend the scope of its text-to-988 order as broadly as possible, to include not only Short Message Service (“SMS”) and Multimedia Message Service (“MMS”) formats, but also Real-Time Text (“RTT”), Rich Communications Service (“RCS”) and any new and successor formats. For the same reason, the requirements should include as wide a variety of providers as possible. Thus, providers subject to the text-to-988 requirements should include not only wireless carriers, but all providers of interconnected text messaging services. In addition, to the maximum extent technically feasible, non-

interconnected text message providers should be included within the scope of “covered text providers.”

CEA also supports the Commission’s proposal that covered text providers route text messages to the National Suicide Prevention Lifeline’s (“Lifeline”) 10-digit number, and that the Lifeline then forward those messages to the appropriate local crisis center. Both the Lifeline administrator and CTIA support this routing solution for text-to-988 and under present circumstances this method appears both reliable and cost-effective.

If the Commission determines that it is appropriate to require the transmission of location information with voice calls, it should also require covered text providers to furnish the location of the originating device used to text the Lifeline. However, for privacy reasons, it would be best to provide an option for users to opt out of sending such information at the outset of the process.

CEA agrees with the Commission’s proposal to apply the same deadline for implementation of text-to-988 that it has already adopted for voice-to-988, i.e., July 16, 2022. The Commission should not grant advance exemptions from this deadline, but should use its standard waiver procedure in cases of genuine hardship. In addition, covered text providers should bear their own costs of implementing text-to-988. Finally, covered text providers should be required to send individuals who attempt to text to 988 a bounce-back message if the Lifeline services are unavailable for any reason.

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Pursuant to Section 1.415 of the Commission’s rules,¹ the National Association of the Deaf (the “NAD”), through its undersigned counsel, along with co-signing organizations² (collectively, “Communications Equality Advocates” or “CEA”) respectfully submit these Comments in response to the Further Notice of Proposed Rulemaking

¹ 47 C.F.R. § 1.415.

² Organizations joining in these Comments are: National Association of the Deaf (NAD), AccesSOS, American Council of the Blind (ACB), Association of Late-Deafened Adults (ALDA), Autistic Self Advocacy Network (ASAN), Autistic Women & Nonbinary Network (AWN), Bazelon Center for Mental Health Law, Cerebral Palsy and Deaf Organization (CPADO), Civil Rights Education and Enforcement Center (CREEC), Communication Service for the Deaf, Inc. (CSD), CommunicationFIRST, Conference of Educational Administrators of Schools and Programs for the Deaf (CEASD), Deaf Seniors of America (DSA), Disability Rights Education and Defense Fund (DREDF), Hearing Loss Association of America (HLAA), National Association of State Agencies of the Deaf and Hard of Hearing (NASADHH), National Coalition for Mental Health Recovery (NCMHR), National Council on Independent Living, National Disability Rights Network (NDRN), Northern Virginia Resource Center for Deaf and Hard of Hearing Persons (NVRC), Not Dead Yet (NDY), Paralyzed Veterans of America (PVA), Registry of Interpreters for the Deaf, Inc. (RID), Telecommunications for the Deaf and Hard of Hearing, Inc. (TDI), and United Spinal Association. Information about each of these organizations is available at their websites listed on the signature pages of these Comments.

released by the Federal Communications Commission (“Commission” or “FCC”) in the above-captioned proceeding on April 23, 2021 (“FNPRM”).³

INTRODUCTION

The NAD is the nation’s premier civil rights organization of, by, and for deaf and hard-of-hearing individuals in the United States. Established in 1880, the NAD was shaped by deaf leaders who believed in the right of the American deaf community to use sign language, to congregate on issues important to them, and to have their interests represented at the national level. The NAD is a 501(c)(3) nonprofit organization supported by the generosity of individual and organizational donors, including corporations and foundations. Deaf or hard-of-hearing individuals represent more than 48 million, or one out of every five, Americans over the age of 12, according to the Johns Hopkins University School of Medicine.⁴ An additional 6-8 million Americans are speech-disabled.⁵

Communications Equality Advocates is a coalition of groups and organizations representing disability communities and other groups having communications accessibility needs who would experience difficulties or be completely prevented from making voice calls to 988 in the conventional manner. Therefore, it is vital that the alternative modalities of text-to-988 and Direct Video Communication (“DVC”) be made

³ *Implementation of the National Suicide Hotline Improvement Act of 2018*, WC Docket No. 18-336, Further Notice of Proposed Rulemaking, FCC 21-47 (released April 23, 2021), pub. 86 FR 31404 (June 11, 2021).

⁴ Lin, Frank R., et al., *Hearing Loss Prevalence in the United States*, Arch. Intern. Med. 2011 Nov 14; 171(20): 1851–1852, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3564588/>.

⁵ NIH, National Institutes on Deafness and Other Communication Disorders, *Statistics on Voice, Speech, and Language*, <https://www.nidcd.nih.gov/health/statistics/statistics-voice-speech-and-language#2> (September 28, 2020).

available for these individuals to gain equal access to the enormous benefits of 988 services. Additional information regarding CEA's members may be found at the websites listed on the cover of these Comments.

BACKGROUND

As the Commission has recognized, the deaf, hard-of-hearing, late-deafened, speech-disabled, DeafBlind, or deaf with other disabilities populations have at least as great, and likely a greater, proportion of people at risk for suicide.⁶ CEA's members believe that all individuals, regardless of abilities, should have equal access to critical social services such as the National Suicide Prevention Lifeline ("Lifeline"), and its members have advocated consistently in this proceeding for a text-to-988 requirement such as that which the Commission has proposed, including in the Petition for Reconsideration that led to the issuance of the FNPRM.⁷ We applaud the Commission for taking this important step to make suicide prevention services more widely available to all individuals and to leverage new technologies to allow persons in distress to choose their preferred communications channel to seek help. CEA urges the Commission to adopt the proposal in the FNPRM to require covered text providers to support text messaging to 988. Below, CEA responds to many of the Commission's questions about

⁶ FNPRM at ¶ 15; *Implementation of the National Suicide Hotline Improvement Act of 2018*, WC Docket No. 18-336, Report and Order, 35 FCC Rcd 7373 (2020), pub. 85 FR 57767 (Dec. 16, 2020) ("Order") at ¶ 2 ("[A] 2020 study showed that college students who are deaf or hard of hearing are twice as likely to consider or attempt suicide than students without hearing loss").

⁷ Petition of Communications Equality Advocates for Reconsideration, WC Docket No. 18-336 (filed Oct. 16, 2020) ("CEA Petition"); see also, e.g., Comments of Telecommunications for the Deaf and Hard of Hearing, Inc., et al., on the NPRM, WC Docket No. 18-336 (filed Feb. 14, 2020); Communications Equality Advocates, Notice of *Ex Parte* in WC Docket No. 18-336 (filed January 13, 2021).

how best to deploy text-to-988 to create the greatest benefit to the public while balancing costs and implementation burdens on service providers and crisis centers.

COMMENTS

CEA commends the Commission for recognizing that text-to-988 will save lives, particularly among at-risk communities such as persons living with disabilities, the LGBTQ community, younger people, rural individuals, racial and ethnic minorities, and veterans.⁸ For these communities and indeed all individuals who may at some point be in crisis, a text-to-988 mandate will promote the Commission's goals behind designating 988 for access to the Lifeline namely to "help increase the effectiveness of suicide prevention efforts, ease access to crisis services, reduce the stigma surrounding suicide and mental health conditions, and ultimately save lives."⁹ CEA agrees with the Commission that "establishing text access to 988 will further advance these important objectives by providing mental health crisis counseling through a nationally available, easy-to-remember number that Americans will also associate with the telephonic Lifeline."¹⁰ When the Lifeline announced last winter that it was accepting text messages, arguments that crisis centers were not yet ready to accept texts became moot, and even those who had questioned the feasibility of text-to-988 joined the chorus calling for its implementation. The record in this proceeding demonstrates broad support for text-to-988 among all stakeholders.

⁸ FNPRM at ¶¶ 9-16.

⁹ *Id.*, at ¶ 16 (quoting *Implementation of the National Suicide Hotline Improvement Act of 2018*, WC Docket No. 18-336, Notice of Proposed Rulemaking, 34 FCC Rcd 12562 (2019) at 12572, ¶ 23).

¹⁰ *Id.*

As the Commission has noted, as far back as 2014, more and more members of the public were using texting as their preferred mode of communication and text-to-911 was essential to provide the full benefit of 911 to these users:

People faced with the stress of emergency situations can communicate more quickly and effectively when they are able to use the same ubiquitous technologies that they use for everyday communications. This principle, which has long been applicable to voice calling, is increasingly true for text messaging communication as well.... Thus, as the Commission has stated before, expanding existing text technology to support 911 will provide the public with a familiar mode of communication for emergency use, and we anticipate that subscribers will continue to use text messaging at the same or a greater rate than in the past.¹¹

And the trend toward texting has only accelerated in recent years. CTIA's most recent survey showed that combined messaging (SMS + MMS) traffic had increased by 15.8% between 2017 and 2018 alone.¹² Another estimate shows U.S. monthly texting traffic for all platforms (not just SMS and MMS) rising from 634 billion to 781 billion messages between June 2016 and June 2017 – a rise of some 23 percent.¹³ Further, this usage surged explosively during the COVID-19 pandemic, with one industry watcher estimating that text traffic had increased by a multiple of two to seven times in the pandemic's first few months alone!¹⁴

¹¹ *Facilitating the Deployment of Text-to-911 and Other Next Generation 911 Applications*, PS Dkt. No. 11-153, Second Report and Order, 29 FCC Rcd 9846 (2014) (“Text-to-911 Order”) at ¶ 12 (footnotes omitted).

¹² CTIA, *2019 Annual Survey Highlights*, <https://www.ctia.org/news/2019-annual-survey-highlights> (Jun. 20, 2019).

¹³ Burke, Kenneth, Text Request, *How Many Texts Do People Send Every Day (2018)?* (orig. May 18, 2016, updated Nov. 2018), <https://www.textrequest.com/blog/how-many-texts-people-send-per-day/>.

¹⁴ Deep, Joy, TeleMessage, *TeleMessage Statistics for Mobile and WhatsApp Traffic Spike During Pandemic* (August 12, 2020), <https://www.telemessage.com/telemessage-statistics-for-mobile-and-whatsapp-traffic-spike-during-pandemic/>.

As with people trying to reach 911 in an emergency, persons in crisis who may be considering suicide are likely to first use their preferred, familiar mode of communication to reach out for help. Similar to interactions with 911, time is at a premium and the more obstacles an individual has to overcome to reach help, the less likely they will be able to do so in time to prevent catastrophe. Thus, for all users who normally use text messaging for the bulk of their communications, the ability to reach trained mental health professionals using text-to-988 will be of paramount importance. This is especially true because, if consumer education succeeds – as we expect it will – in making 988 as familiar and “ubiquitous” as 911, text-preferring people are likely to try that number first and to be frustrated when they are unable to connect with help.¹⁵ These individuals may not try an alternative communication mode that requires a ten-digit number or six-digit code that is harder to remember and that they may even not have heard about.

This problem is compounded for deaf, hard-of-hearing, late-deafened, speech-disabled, DeafBlind, or deaf with other disabilities people who, unlike individuals without these disabilities, will not have the option of a voice call to 988.¹⁶ In the *Text-to-911* Order,

¹⁵ In the *Text-to-911* Order (§ 18) the Commission also noted that there are instances where, for privacy or safety reasons, individuals who are not deaf, hard of hearing, late-deafened, speech-disabled or deaf with other disabilities may be in danger, or would violate their own privacy, if overheard, and therefore need to be able to access emergency services via text rather than voice. That reasoning applies with equal force here, since for obvious reasons such an individual may not wish to be overheard by family members, roommates, officemates or passersby.

¹⁶ Many people with significant speech-related disabilities who rely on various forms of augmentative and alternative communication (AAC) face barriers even to using texting-based forms of communication due to motoric and other disabilities. First, most AAC users type very slowly. If they are able to engage in a texting-based conversation in the first place, there will often be a lag time in their typing and responses. Such lag times should be anticipated, respected, and accommodated by Lifeline and other hotlines. Second, many AAC users do not have cell phones in the first place because they are not accessible to those with significant motoric disabilities. While texting is

the Commission recognized the critical importance of assuring these individuals the same ability to reach help in emergencies that others have and to have the ability to do so using their familiar devices and modalities:

[P]eople who are deaf, hard of hearing, or speech disabled have been consistently migrating away from specialized legacy devices, and towards more ubiquitous forms of text messaging communications because of the ease of access, wide availability, and practicability of modern text-capable devices. This migration has had the unique benefit of bringing these users into the mainstream of our nation's communications systems, but it also has led some commenters to suggest that it leaves people who are deaf, hard of hearing, or speech disabled without an effective, reliable and direct means of accessing 911 services in the event of an emergency.

...
[A] significant number of people who are deaf, hard of hearing, or speech disabled will benefit from the ability to directly send a text message to 911 from any device that is text-capable. Moreover, enabling direct text messaging to 911 by the many people who are deaf, hard of hearing, or speech disabled will allow them to use mass market communication devices that have more advanced and increasingly evolving capabilities.¹⁷

In the Order, the Commission recognized that a key objective is to make 988 “as ubiquitous as 911”¹⁸ – and this will be simply impossible unless text-to-988 is established on the same footing as text-to-911, i.e., subject to the same deployment milestones, location information requirements, and so forth.

possible from most computers, accessing the texting feature often requires several mouse or switch movements that are time consuming. To accommodate these technological barriers experienced by many AAC users with significant speech and motoric disabilities, Lifeline should consider developing an email-based option. While email is not real-time or anonymous, and would therefore be less desirable for many in crisis situations, an asynchronous email connection may be more accessible and could indeed be the only way for some in this isolated and underserved population to access much needed mental health support in a crisis.

¹⁷ *Id.* at ¶¶ 14, 17.

¹⁸ Order at ¶ 28 & n.123 (quoting the Comments of Entercom Communications Corp. at 2-3).

CEA is encouraged that the Commission now understands the critical nature of text-to-988 for affected individuals in desperate need of help and urges the Commission to required covered text providers to provide text-to-988 capability. Below, we address several of the Commission’s questions regarding the appropriate implementation of text-to-988.

A. The Commission Should Require Transmission of Text Messages in SMS, MMS, RTT, and RCS Formats, as well as Emerging Formats, as Transmission of Those Formats Becomes Technologically Feasible.

In the FNPRM, the Commission asks which text messaging formats it should include in its text-to-988 mandate.¹⁹ It notes that the Lifeline is currently accepting text messages in Short Message Service (SMS) format via its existing ten-digit number,²⁰ but the Commission “seek[s] to adopt a forward-looking, flexible scope [of messaging formats] that can expand with the capabilities of the Lifeline without unnecessarily burdening covered text providers”²¹ CEA wholeheartedly agrees that such flexibility and adaptability are critical in our fast-changing tech environment.

As a starting point, CEA agrees with the Commission’s proposal to include within its text-to-988 mandate at a minimum all types of messages covered by the definition of “text message” found in the 2018 Truth in Caller ID requirements²² but believes the Commission should go further. The Truth in Caller ID definition includes Multimedia Message Service (“MMS”), which the Commission has also required to be supported for text-to-911, and which should be supported in this context. It does not, however, include Real-Time Text (“RTT”), which has operational benefits for deaf or hard of hearing

¹⁹ FNPRM at ¶ 19.

²⁰ *Id.*

²¹ *Id.*

²² *Id.* at ¶ 20.

populations,²³ or Rich Communications Service (“RCS”), which has been described as the successor format to SMS.²⁴ The Commission should include those formats in its text-to-988 mandate. Each covered text provider should be required to provide text-to-988 on each above format by July 16, 2022, unless such covered text provider is not then providing such format to its texting customers generally or the Lifeline is not ready to receive such format at that time. In such a case, the affected covered text provider should be required to provide text-to-988 using the above formats by the later of (i) three months after the Lifeline states that it is ready to receive such format; or (ii) the date upon which the affected covered text provider begins providing such texting format to its customers generally. Indeed, if any other format meets this simple test, it too should be included in the mandate. Moreover, the Commission should stipulate that, if any of these initial texting formats are replaced by a new format, that successor format should automatically be included within the scope of text formats that providers are required to support.

CEA also endorses the Commission’s proposal to ensure that the Lifeline keeps pace with technological changes by requiring that the Wireline Competition Bureau (“Bureau”) conduct annual public hearings to explore whether the definition of supported text messaging formats should be expanded.²⁵ As the Commission has proposed, the Bureau should be empowered to seek comment on, and to establish, a fixed deadline by which any new format will have to be supported by covered text providers (the scope of which we discuss below).

²³ *Id.* at ¶ 16. In the FNPRM, the Commission noted that it permits wireless carriers to support RTT on their IP networks as a substitute for TTY over IP for purposes of 911 compliance. *Id.*

²⁴ *Id.* at ¶ 24.

²⁵ *Id.* at ¶ 25.

B. The Commission Should Apply the Text-to-988 Requirements to Interconnected Text Messaging Services, and Should Include Non-Interconnected Text Messaging Providers If, When and to the Extent Technologically Feasible.

Another fundamental threshold issue that must be resolved is which text messaging providers should be “covered text providers” subject to the new text-to-988 mandate.²⁶ Here too the Commission’s reference to the Text-to-911 rules serves as an appropriate starting point. In that proceeding, the Commission applied the texting requirements to “all CMRS providers as well as all providers of interconnected text messaging services that enable consumers to send text messages to and receive text messages from all or substantially all text-capable U.S. telephone numbers, including through the use of applications downloaded or other otherwise installed on mobile phones.”²⁷ This definition works equally well in the context of text-to-988, and it should be device-neutral, focusing solely on the software or service that is used to send texts to numbers on the PSTN, rather than the device that is running such software or services. Any service or software capable of sending text messages to all or substantially all text-capable U.S. numbers (including Over-the-Top (“OTT”) applications such as WhatsApp) should be included.

In addition, if, when and to the extent technically feasible, non-interconnected text message providers should be included within the scope of “covered text providers.” The Commission has defined “non-interconnected text message providers” as providers whose applications “only support communication within a defined set of users of compatible applications but do not support general communication with text-capable

²⁶ *Id.* at ¶ 27.

²⁷ *Id.* at ¶ 27 & n. 92 (quoting Text-to-911 Rules, 47 C.F.R. § 9.10(q)(1)).

telephone numbers.”²⁸ Although ordinarily limited to closed user groups, many of which are quite large, such services often allow their users to chat with a wide variety of recipients, and participants are not necessarily conscious of the fact that they can text only a closed group of users. In these instances, users have come to expect that they can send messages to a broad scope of recipients and are likely to attempt to use them to reach 988. Accordingly, where feasible, such services should be required to allow text access to 988.²⁹ Simply put, the more platforms and providers that are required to enable texting to 988, the more lives will be saved. It is CEA’s understanding that enabling text-to-988 on most or all of these platforms should be easily possible with existing technology; thus, the burden should be on these providers to demonstrate technological infeasibility if they wish to claim it. As with the texting *formats* that should be included within the scope of the text-to-988 rules, the Bureau should also conduct periodic public hearings to determine whether any new text messaging *platforms or providers* have become sufficiently widespread that they should be considered for inclusion as covered text message providers subject to a showing that it is reasonably feasible for them to provide text access to 988 or the 10-digit Lifeline number.

C. Text Messages Should be Centrally Routed to the Lifeline for Further Re-Routing if Necessary.

CEA supports the Commission’s proposal that covered text providers route text messages to the Lifeline’s 10-digit number, and that the Lifeline then forward those

²⁸ *Id.* at ¶ 28 & n. 97 (quoting *Text-to-911 Order*, at 9847, ¶ 1 n.1).

²⁹ At the very least, where non-interconnected providers allow routing to other users by phone number, text-to-988 should be enabled, or, if it is technically impossible to do so, a bounce-back message should be required to inform the user that the text transmission cannot be completed. (See Section G below.)

messages to the appropriate local crisis center.³⁰ This is the same routing solution the Commission adopted with respect to voice calls to 988, and the record supports the conclusion that it would be the most cost-effective routing method.³¹ Indeed the FNPRM notes that both the Lifeline administrator and CTIA support this routing solution for text-to-988 and under present circumstances this method appears both reliable and cost-effective.³² That being said, if these key stakeholders were to agree on an alternative method for routing texts to 988 that is reliable and has built-in flexibility sufficient to handle unexpected surges or emergencies, such as an outage, and provided that the Commission revisits the efficiency of the chosen routing mechanism periodically to determine that it is still the most effective routing method available in light of technological advances, CEA would have no objection to the adoption of such a method.³³

D. If and When the Commission Requires Voice Service Providers to Transmit Location Information with Voice Calls to 988, the Commission Should Also Require Covered Text Messaging Providers to Transmit Location Information.

CEA acknowledges the considerable benefits of transmitting location information along with text messages to the Lifeline; however, it agrees with the Commission that it would be premature to impose such a requirement for text messages when the issue has

³⁰ *Id.* at ¶ 30.

³¹ *Id.* & n.103.

³² *Id.* at ¶ 31.

³³ CEA also encourages the Commission to act soon on the other requirement CEA advocated in its Petition for Reconsideration: the implementation of Digital Video Calling (“DVC”) as an alternative means of contacting the Lifeline. In the FNPRM (at n. 27), the Commission declined to act on that portion of the Petition, explaining that it was proceeding “incrementally.” While CEA appreciates that approach, it continues to believe that DVC access to the Lifeline would bring substantial additional benefits to deaf and hard of hearing communities at very little additional cost, and we urge the Commission to address that aspect of our Petition in the near future.

not yet been resolved with respect to voice calls.³⁴ For administrative efficiency, it makes sense for the Commission to consider the issue of location information in the context of both voice calls and text messages in the near future. If the Commission determines that it is appropriate to require the transmission of location information with voice calls, it should also require covered text providers to furnish the location of the originating device that a person in distress uses to text the Lifeline. However, the Commission should be cognizant of the fact that, for privacy reasons, not all users will want their location information to be passed. Thus, in the texting context, it would be desirable to allow users to opt out of sending such information at the outset of the process. For example, when an individual texts 988, the operator might type back (or an autoreply sent) that says: "Thank you for contacting the National Suicide Prevention Lifeline; please note that this conversation may be monitored for quality assurance and geolocation may be employed to find your location should it become necessary. Please reply NO to opt out of sending your location information. How may I assist you?" To the extent such an opt-out is technically feasible, such a process would give users the choice of whether they want their geolocation information transmitted and so further encourage the use of the Lifeline.

E. The Commission Should Mandate that Text-to-988 be Implemented on the Same Timeline as Voice-to-988, and Should Impose the Same Deadline Regardless of the Covered Text Provider's Underlying Technology.

The Commission has proposed adopting a uniform nationwide deadline for all covered text formats and all covered text providers to implement text-to-988,³⁵ and CEA supports this approach. We agree that a single implementation deadline would send the

³⁴ *Id.* at ¶ 35.

³⁵ *Id.* at ¶ 36.

clearest, most consistent message about the availability of voice calling and text messaging to 988.

Inasmuch as the Lifeline administrator has stated that it is already capable of receiving texts, the least confusing and most efficient timetable for implementation of text-to-988 would be the same timetable that the Commission has adopted for voice calls to 988. All covered text providers should begin transmitting text messages in any of the covered formats to the Lifeline no later than July 16, 2022. Any other deadline would confuse the public, who reasonably will assume that they can reach 988 not only by voice but by text message. Both Lifeline and the Veterans Crisis Line have demonstrated that they are currently receiving and responding to text messages, which moots the CTIA's proposal for a different deadline.³⁶ There is no support in the record for establishing an implementation deadline later than July 16, 2022. Indeed, any covered text provider that is routing voice calls to 988 before July 16, 2022, and is capable of offering text to 988 before the deadline should be required to do so. The sooner this critical means of communication is available to the texting public, the more lives will be saved.

Prospective adoption of extensions or exemptions, including those based on a covered text provider's underlying technology, would not be advisable in the absence of record support for such extensions or exemptions. As CEA advocated in our Petition for Reconsideration,³⁷ the Bureau or Commission could, if warranted, grant waivers of the implementation deadline on a case-by-case basis, depending on the evidence presented by the party seeking a waiver.

³⁶ *Id.* at ¶ 38.

³⁷ CEA Petition at 18.

F. Covered Text Providers Should Bear their Own Costs of Providing Text-to-988.

CEA agrees with the Commission that covered text providers should bear their own cost of complying with the text-to-988 mandate.³⁸ We also agree that, as with call routing to 988, there will not be any shared industry costs associated with delivering text messages to the Lifeline's 10-digit number and so no cost recovery mechanism is needed.³⁹

Indeed, as CEA asserted in our Petition for Reconsideration,⁴⁰ the costs to covered text providers of implementing text-to-988 access to the Lifeline are likely to be substantially *lower* than those of implementing text-to-911 for both crisis centers in the aggregate and covered text providers. First, location information may not need to be passed by the provider. Second, there are far fewer Lifeline crisis centers (170) than there are PSAPs (more than 5,000), so the scale of effort (and expense) involved here would be a fraction of that in the *Text-to-911* proceeding. Third, 988 texts need be delivered only to a single ten-digit toll-free number (such as but not necessarily 800-273-8255 (TALK)),⁴¹ not to the thousands of separate ten-digit PSAP numbers required for text-to-911. The record below reflects the opinion of wireless carriers that the costs of implementing text-to-988 will not be significant.

G. Covered Text Providers Should Send a Bounce-Back Message in Circumstances Where Text-to-988 is Unavailable.

The Commission has asked whether it should require covered text providers to send individuals who attempt to text to 988 a bounce-back message if the Lifeline services

³⁸ *FNPRM* at ¶ 49.

³⁹ *Id.* at ¶¶ 49-50.

⁴⁰ CEA Petition at 16-17.

⁴¹ Order at App. B, ¶ 25.

are unavailable for any reason.⁴² The Commission’s approach to this question – to follow the text-to-911 model – is the correct one. As with text-to-911, “there is a clear benefit and present need for persons who attempt to send emergency text messages to know immediately if their text cannot be delivered to the proper authorities.”⁴³ In the same way, an individual contemplating suicide will want to know that their text message was undeliverable and that they are not merely being ignored. To the extent that the individual has alternative means of trying to reach the Lifeline, they may be willing to try such alternative, rather than being left in limbo during a personal crisis.

Notwithstanding the technical and operational distinctions between text-to-911 and text-to-988, the importance to users of both services of having some acknowledgement of their attempt to seek help – even if it is to say that their text did not go through – is the same. CEA encourages the Commission to follow its own lead in text-to-911 and require bounce-back messages for undeliverable texts to the Lifeline.

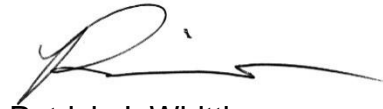
CONCLUSION

CEA strongly urges the Commission to adopt its proposal to require covered text providers to provide text-to-988 capabilities, to cover the broadest possible scope of message formats and providers, on or before the deadline established for voice-to-988. Such a course will save lives and place those who can’t or prefer not to make voice calls to 988 on an equal footing with other individuals. In addition, CEA urges the Commission to adopt similar requirements to enable DVC in the near future.

⁴² FNPRM at ¶ 51.

⁴³ *Id.* at ¶ 52 (quoting *Facilitating the Deployment of Text-to-911 and Other Next-Generation 911 Applications*, PS Docket Nos. 10-255 and 11-153, Report and Order, 28 FCC Rcd 7556 at 7561, ¶ 13).

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