

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

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

**COMMENTS OF THE VOICE ON THE NET COALITION**

The Voice on the Net (“VON”) Coalition<sup>1</sup> hereby submits these comments in response to the Further Notice of Proposed Rulemaking (the “FNPRM”),<sup>2</sup> wherein the Commission proposes that covered providers implement texting to 988, the new 3-digit code designated to reach the National Suicide Prevention Lifeline (“Lifeline”). VON supports the Commission’s goal of ensuring easy, intuitive and available access to suicide prevention and mental health crisis intervention services. However, VON recommends that the Commission apply the same exemptions adopted in the context of text-to-911 to text-to-988. Specifically, the following should be exempted from Text-to-988 requirements: (1) non-interconnected texting applications, and (2) covered text providers in Wi-Fi-only locations. Additionally, VON suggests that implementation of new routing and technical standards for text-to-988 could challenge the Commission’s proposed deadline on July 16, 2022. Lastly, VON does not support requiring covered text providers to transmit location information because current technologies still have

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<sup>1</sup> The VON Coalition works to advance regulatory policies that enable Americans to take advantage of the promise and potential of VoIP. For more information, see [www.von.org](http://www.von.org).

<sup>2</sup> *Further Notice of Proposed Rulemaking*, WC Docket No. 18-366; See also, 86 Fed. Reg. 31404 (June 11, 2021) (establishing a comment date of July 12, 2021).

reliability issues and transmitting location information might deter potential users who prefer anonymity.

**I. The Commission Should Apply the Same Exemptions for Text-to-988 that Were Adopted for Text-To-911.**

In the FNPRM, the Commission proposes to apply its text-to-988 requirements to interconnected text messaging services and exclude non-interconnected applications.<sup>3</sup> The Commission also asks whether it should (as it did in the case of text-to-911) exclude from the requirements “text messages that originate from Wi-Fi only locations or that are transmitted from devices that cannot access the CMRS network.”<sup>4</sup> Because of the similarity between text-to-911 and text-to-988, the same exceptions should apply.

Non-interconnected texting applications should be exempted because users of such services cannot send text messages to users of other text applications or to substantially all text-capable U.S. telephone numbers. Such applications only use telephone numbers to identify their contacts who also use the same application. For instance, when a user of WhatsApp tries to send a message to another person who does not have WhatsApp, WhatsApp forces the user to send an invite to his or her friend to download and install the WhatsApp application before they can communicate through the app. The Commission has exempted such non-interconnected providers from the text-to-911 requirements,<sup>5</sup> and they should continue to do so in the context of text-to-988.

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<sup>3</sup> FNPRM at paras. 28-29.

<sup>4</sup> *Id.* at para 24.

<sup>5</sup> Facilitating the Deployment of Text-to-911 and Other Next Generation 911 Applications, PS Docket Nos. 11-153, 10-255, Second Report and Order, 29 FCC Rcd 9846 (12), 17 n. 96 (2014).

Second, covered text providers in Wi-Fi-only locations should be exempted because there remain challenges to the reliability of routing text messages to interconnected networks without the benefit of a CMRS provider.

## **II. New Routing and Technical Standards are Required to Implement Text-to-988, Creating Possible Challenges to a June 16, 2022 Implementation Deadline**

In the FNPRM, The Commission asks what challenges equipment (e.g., handsets, network infrastructure) and software vendors will face with respect to the implementation and deployment of text-to-988, if required to do so by July 16, 2022.<sup>6</sup> VON members are working diligently to comply with the requirement to route voice calls to 988 by the deadline. However, VON urges the Commission to consider that covered text providers may face difficulties in meeting the proposed date. In particular, new routing and technical standards must be created to have a reliable and effective system, like the ATIS/TIA J-STD-110 standard that was created for text-to-911.<sup>7</sup>

In text-to-911, ATIS and TIA created the joint standard ATIS/TIA J-STD-110 which was used by CMRS providers, public safety answering points (PSAPs), and wireless carriers, to comply with the requirement. There are a number of 911 calls directed to the Lifeline network, but they are two distinct infrastructures. Generally, PSAPs consist of local police departments,

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<sup>6</sup> FNPRM at para. 47.

<sup>7</sup> See e.g., Comments of USTelecom – The Broadband Association, WC Docket No. 18-336 at 3-4 (filed Dec. 21, 2020) (through advancements in the telecommunications infrastructure and economic models that follow there is no reason to adopt a 1960s/1970s infrastructure model – especially, when a national center, with the right protocols and procedures, could just as easily get the call to local assistance. Moreover, the Commission should be mindful that requiring overly localized infrastructure may result in excessive and duplicative expenditures for equipment and network facilities, undermining the convergence and optimization that has occurred in the telecommunications industry).

fire departments, emergency medical teams and military teams.<sup>8</sup> Meanwhile, the Lifeline is a network of more than 180 accredited call centers which was launched in 2015.<sup>9</sup> Thus, the difference between the two network infrastructures supports the need for new routing and technical standards.

The need to develop and implement new routing and technical standards might pose challenges to meeting the voice deadline of July 16, 2022 – which is about 12 months away. Handset and switch manufacturers, along with software vendors and service providers will have to work cooperatively to develop, test and implement from the new routing and technical standards. Implementation of routing and technical standards would not be a simple upgrade or update. For certain VoIP providers, it would require actual product development and involve technical assessments, roadmap planning/prioritization and coordination, and designation of resources. This would require additional investment (e.g., human capital costs) and a much longer timeline to implement. Some companies also finalize resource planning and budgets by August of the preceding year, so if resources aren't fully scoped by the end of July, implementation and product development would be pushed back another year. Accordingly, VON recommends that if text-to-988 is required, the implementation deadline should be 12 months following the effective date of the order issued in this proceeding.

### **III. The Commission Should Not Require Covered Text Providers to Transmit Location Information**

In the FNPRM, The Commission seeks comment on whether it should require covered text providers to enable text-to-988 messages to include location information.<sup>10</sup> Requiring

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<sup>8</sup> 911 Master PSAP Registry (last updated on May 28, 2021), available at <https://www.fcc.gov/general/9-1-1-master-psap-registry>.

<sup>9</sup> About the Lifeline (last visited on June 24, 2021), available at <https://suicidepreventionlifeline.org/about/>; Our Crisis Centers (last visited on June 24, 2021), available at <https://suicidepreventionlifeline.org/our-crisis-centers/>.

<sup>10</sup> FNPRM at para. 35.

covered text providers to transmit location information raises two concerns: (a) technical limitations regarding reliability and (b) potential users' privacy concerns.

Current Wi-Fi technologies present reliability issues when transmitting a user's location information. User location information is tied to the router to which the user is connected.<sup>11</sup> However, technology has not yet progressed to overcome problems regarding signal interference or lack of signal strength. In some instances, even entering a room merely several feet away from the router could significantly lower the Wi-Fi signal and thus lessen the accuracy and reliability of transmitting location information.<sup>12</sup> Moreover, users can always opt out of Wi-Fi location tracking altogether.<sup>13</sup>

Finally, VON agrees with commenters that recognize that the privacy expectations of Lifeline caller's may not align with sharing location information.<sup>14</sup> Importantly, requiring covered text providers to transmit location information may deter potential users from using text-to-988 due to privacy concerns. Users may prefer anonymity because of the stigma attached to mental illnesses and reaching out.<sup>15</sup> Meanwhile, Lifeline states that calls to the Lifeline are anonymous, but Lifeline concedes that, in rare occasions, they dispatch police intervention

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<sup>11</sup> Wi-Fi Alliance, *Discover Wi-Fi* (last visited June 24, 2021), available at <https://www.wi-fi.org/discover-wi-fi/wi-fi-location>; Fred Zahradnik, *An Explanation of Wi-Fi Triangulation* (last updated on April 13, 2020), available at <https://www.lifewire.com/wifi-positioning-system-1683343>.

<sup>12</sup> Bradley Mitchell, *Reasons Wi-Fi Connections Drop* (last updated on February 12, 2021), available at <https://www.lifewire.com/reasons-why-wifi-connections-drop-818210>.

<sup>13</sup> Fred Zahradnik, *An Explanation of Wi-Fi Triangulation* (last updated on April 13, 2020), available at <https://www.lifewire.com/wifi-positioning-system-1683343>.

<sup>14</sup> See Comments of USTelecom – The Broadband Association, WC Docket No. 18-336 at 8-9 (filed Dec. 21, 2020); Comments of CTIA – The Wireless Association, WC Docket No. 18-336 at 6-7 (filed Dec. 21, 2020); Comments of Mitel Cloud Services, Inc., WC Docket No. 18-336 at 3 (filed Dec. 21, 2020).

<sup>15</sup> See Michelle Ganley, *What to expect when calling a suicide prevention hotline* (Mar. 26, 2019), <https://www.clickorlando.com/news/2019/03/26/what-to-expect-when-calling-a-suicide-prevention-hotline/> (Dr. Ron Samarian, chief of the Department of Psychiatry at Beaumont Hospital in Metro Detroit stated that there is a stigma attached to reaching out. He added that people are afraid of getting embarrassed or of anyone finding out that they are reaching out).

regardless of the caller's consent and preference for anonymity.<sup>16</sup> These interventions have impacted some callers' careers and lives which destroyed their trust in the Lifeline.<sup>17</sup>

## CONCLUSION

The Commission should act in accordance with the recommendations herein

Respectfully submitted,

### VOICE ON THE NET COALITION

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<sup>16</sup> Ganley, *supra* note 17, (Dr. Samarian also stated that in an ideal situation where the caller is not a danger to himself/herself or to others that they will remain anonymous. He added that "if there's a threat, then the listener [from the Lifeline] can choose to trace the call") ; Alia Dastagir, *What actually happens when you call the National Suicide Prevention Lifeline* (last updated Dec. 17, 2018), <https://www.usatoday.com/story/news/2018/09/10/suicide-hotline-national-suicide-prevention-lifeline-what-happens-when-you-call/966151002/> (Lifeline's communication director Frances Gonzales stated that Lifeline would send police intervention in rare circumstances when people are not collaborative or when they are in imminent risk).

<sup>17</sup> See Rob Wipond, *Suicide Hotlines Bill Themselves as Confidential – Even as Some Trace Your Call* (Nov. 29, 2020), <https://www.madinamerica.com/2020/11/suicide-hotlines-trace-your-call/> (In several occasions, Lifeline sent police intervention to callers despite callers preferring anonymity. In one instance, the police were sent to the caller's workplace and the caller recalled the experience as-- "embarrassing and traumatizing." The caller required to get doctor's clearance to be allowed back to work but was terminated three months later. He stated that "he can't trust that place [Lifeline] anymore").