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January 31, 2014

The Federal Communications Commission ("FCC") today adopted a policy statement establishing the FCC's policy that all wireless carriers and all interconnected "over-the-top" text messaging application providers should enable customers to send emergency text messages to 911 call centers. At the same time, the FCC adopted a notice of rulemaking proposing to require text-to-911 capability by the end of the year. Interconnected text providers offer Internet-based applications that support sending or receiving text messages to and from phone numbers. The big four wireless carriers separately have committed to providing text-to-911 capability by May 15, 2014. In adopting the policy statement and rulemaking notice, FCC Chairman Tom Wheeler expressed disappointment that other text messaging providers have not followed the major carriers' example, and he warned that the FCC would impose regulations if application providers and others do not reach a voluntary text-to-911 solution:

"Unfortunately, there are many in the texting space who have not followed the example set by the four nationwide carriers. In particular, interconnected over-the-top messaging apps are among the most popular messaging apps that people use today. But instead of stepping up and responding to efforts by the FCC and the public safety community, these providers have affirmatively chosen not to engage. This is disappointing, and the failure to take action implicates the other side of the regulatory see-saw: when the public interest is not being served, the Commission will not be afraid to act."

The Chairman expressed his hope that text messaging providers and the public safety community can reach a consensus-based solution that the FCC could adopt and apply uniformly.

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