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February 21, 2020

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

VIA ELECTRONIC FILING

COMMENTS

Re: *In the Matter of Wireless E911 Location
Accuracy Requirements* (PS Docket No. 07-114)

Dear Ms. Dortch:

The Industry Council for Emergency Response Technologies (“iCERT”) respectfully submits the following Comments in response to the *Fifth Report and Order and Fifth Further Notice of Proposed Rulemaking* (“Order”) released by the Federal Communications Commission (“FCC” or “Commission”) on November 25, 2019, in conjunction with the above-referenced docket.¹ iCERT appreciates the opportunity to provide feedback to the Commission.

iCERT is the nation’s only trade association focused exclusively on the emergency response sector. Our member companies represent a broad cross section of companies with a collective interest in advancing innovative solutions that will improve public safety communications and help protect first responders and the public they serve. This includes companies working to improve the accuracy of location information provided with 911 calls, a cause iCERT and its member companies strongly support.

iCERT believes that public safety’s many challenges are best addressed through technological innovation and collaboration between industry and public safety stakeholders. In 2018, iCERT

¹ Wireless E911 Location Accuracy Requirements, Fifth Report and Order and Fifth Further Notice of Proposed Rulemaking, FCC 19-124 (rel. Nov. 25, 2019) amended by Erratum (rel. Jan. 15, 2020) (“Order”).
<https://ecfsapi.fcc.gov/file/11250618222682/FCC-19-124A1.pdf>

worked with the National Emergency Number Association (“NENA”), the National Association of State 911 Administrators (“NASNA”), and the National 9-1-1 Program to develop “*Recommended Best Practices for Supplemental 9-1-1 Location Data.*”² These best practices, published in February 2019, are designed to provide the nation’s Public Safety Answering Points (“PSAPs”) with guidance on the potential use of 911 location data provided outside of the traditional process used by wireless carriers. These best practices were guided by the experiences of some of iCERT’s members who pioneered the delivery of supplemental 911 location data and whose services are used by thousands of PSAPs around the country. The underlying technology that supports these supplemental location services is Device Based Hybrid (“DBH”), a technology also being deployed by wireless carriers. iCERT believes that innovations like these have already dramatically improved the accuracy of 911 location information and are expected to drive continued improvements in the future.

iCERT appreciates the FCC’s efforts over the years to work with industry and the public safety community to improve 911 location accuracy, and we believe these efforts have proven fruitful. Significant progress has been made since the adoption of indoor 911 location accuracy rules in 2015³, and the FCC’s recent adoption of a new 3-meter metric for vertical location accuracy in the Order will undoubtedly lead to even greater improvements.

In the wake of this Order, the Commission seeks comment on whether it should establish a future Z-axis metric for wireless 911 calls that is more stringent than the one adopted in its recent Order. iCERT does not support such a proposal. Despite improvements that have already occurred and the expectation of further improvements in the future, the Commission’s recent Order rejected arguments to adopt a Z-axis metric more stringent than 3-meters. In supporting such a finding, the Commission concluded that the imposition of a more stringent requirement is not technically feasible based on the existing record, and the Order notes that arguments to impose such a

² *Recommended Best Practices for Supplemental 911 Location Data*, (February 2019)

https://cdn.ymaws.com/www.nena.org/resource/resmgr/location/Recommended_Best_Practices_f.pdf

³ Wireless E911 Location Accuracy Requirements, Fourth Report and Order, 30 FCC Rcd 1259, 1304, para. 117 (2015) (Fourth Report and Order)(FCC-15-9). <https://www.fcc.gov/document/fcc-adopts-new-wireless-indoor-e911-location-accuracy-requirements>

requirement were “unpersuasive.”⁴ . Nothing has changed since the Order was adopted a few months ago to alter that conclusion. The establishment of a more stringent requirement, without the benefit of technical data to support it, would be arbitrary both in terms of the level of accuracy achievable and the timeframe in which it could be achieved.

iCERT believes that establishing such an arbitrary metric could result in technical and financial resources being directed towards solutions that are less than optimal, while delaying the implementation of more promising solutions that would naturally evolve to better address public safety’s need for accurate location information for 911 calls. Experiences related to the development of the National Emergency Address Database (“NEAD”) are instructive on this point. At the time the initial indoor location accuracy rules were established in 2015, the NEAD concept held great promise, and the FCC’s rules were written to allow that approach to be pursued as an option. However, in the intervening five years, DBH technology has demonstrated the ability to deliver greater accuracy and has effectively replaced the NEAD approach. On February 14, 2020, the NEAD, LLC notified the FCC that the program has been terminated.⁵ This experience cautions against prescriptive rules that may prejudice the outcomes of technological innovation and argues in favor of flexible rules that encourage the development and implementation of a wide variety of potential solutions.

With such flexibility and resulting location accuracy improvements in mind, iCERT appreciates the FCC’s efforts via the *Further Notice* to reassess whether its existing rules should be modified to provide alternative options for measuring whether wireless carriers have satisfied their obligation to provide accurate vertical location information. In particular, the reliance on a CMA-by-CMA population-based approach to assess conformance appears to run counter to the direction

⁴ “Although some industry commenters contend that we should take a phased approach or delay adopting a metric pending further testing, and some public safety commenters advocate adopting stricter accuracy standards for the 2021 and 2023 deadlines, we find these arguments unpersuasive.” (Order at para. 9).

⁵ *National Emergency Address Database (NEAD) Decommissioning* (PS Docket No. 07-114) (February 14, 2020), Letter to the FCC from NEAD, LLC states that the, “National Emergency Address Database (NEAD) Platform has ceased operation and is no longer available to support wireless providers’ provision of dispatchable location information as the Commission described in the Fourth Report and Order on Wireless 9-1-1 Location Accuracy (4th R&O).” (letter at p. 1).

<https://ecfsapi.fcc.gov/file/1021420749567/200214%20NEAD%20Status%20Update%20to%20FCC.pdf>

of today's leading 911 location solutions, which are handset-based. The Commission should consider establishing an optional device-based compliance approach that would more closely align with industry efforts to implement DBH-based solutions. For example, allowing carriers the option to demonstrate compliance by incorporating compliant solutions in a certain percentage of devices within a specified timeframe might provide improved location accuracy to a larger percentage of 911 callers without regard to geography.

While handset-based solutions might be the predominant solution for 911 location accuracy in the future, the Commission should not foreclose other technological solutions. In keeping with a flexible approach, the Commission's rules should continue to accommodate network-based solutions, and we encourage the Commission to ensure those rules are designed to direct network investments into the areas where improved location accuracy is needed the most. For example, the Commission could consider modifying its rules to place a greater emphasis on dense urban and urban areas where there is a greater percentage of large, multi-story buildings. Such flexibility would allow carriers and technology companies to focus limited resources in areas where they will provide the greatest benefit to the 911 community, first responders, and the public.

iCERT believes that a preference in favor of flexibility should also guide the Commission as it considers changes to its rules related to the provision of a dispatchable location ("DL"). In its 2015 Order, the Commission adopted rules that support two alternative paths to providing wireless 911 location information, one based on x, y, and z coordinates, and one based on DL. In doing so, the Commission recognized both the need for flexibility, as well as the potential benefits afforded by a location based on street address, floor level, and other information relevant to a caller's location. While the NEAD presumably will not be a viable means for providing DL information, other options may exist to support this alternative form of location information. iCERT encourages the Commission to modify its rules in a manner that preserves the option of providing a DL but through means other than the NEAD. iCERT does not support, however, a rule requiring carriers to provide both coordinate-based and DL-based location.



iCERT appreciates the Commission's continued efforts to promote improved 911 location accuracy. Thanks to the ingenuity of a variety of technology companies, including many iCERT members, substantial improvements have been made and can be expected to continue in the future. The establishment of flexible rules will ensure that this broad innovation will continue and provides the best means for achieving the Commission's overarching public safety goals.

Respectfully submitted,

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/s/ Kim Robert Scovill

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