

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

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

**JOINT RESPONSE OF APCO INTERNATIONAL, INTERNATIONAL
ASSOCIATION OF CHIEFS OF POLICE, MAJOR CITIES CHIEFS
ASSOCIATION, MAJOR COUNTY SHERIFFS OF AMERICA, NATIONAL
ASSOCIATION OF STATE EMS OFFICIALS, NATIONAL PUBLIC SAFETY
TELECOMMUNICATIONS COUNCIL, AND NATIONAL SHERIFFS’
ASSOCIATION TO PETITIONS FOR RECONSIDERATION**

The Association of Public-Safety Communications Officials-International, Inc. (APCO), International Association of Chiefs of Police, Major Cities Chiefs Association, Major County Sheriffs of America, National Association of State EMS Officials, National Public Safety Telecommunications Council, and National Sheriffs’ Association submit this joint opposition to the petition for reconsideration filed by CTIA¹ and express support for the petition for reconsideration filed by APCO² to the Sixth Report and Order in the above-captioned proceeding.³

As explained below, our organizations urge the Commission to reject CTIA’s effort to delay the location accuracy timelines. We also agree that it would be appropriate to revisit the recently amended NEAD-based benchmark to close a potential loophole that the carriers might exploit to avoid their obligations to improve emergency location information.

I. The Commission Should Not Reconsider the Z-Axis Timelines

Our organizations are strongly opposed to any delay to the location accuracy benchmarks. Achieving three-meter accuracy for 80% of calls has been shown to be technically feasible. Carriers cannot be permitted to alter the timeline based on a desire for additional, late-stage testing, regardless of the reason that this testing has not been possible.

CTIA claims that the carriers will not be able to meet the upcoming deadline because the vendors have not integrated their solutions into devices.⁴ This wrongly attempts to absolve the

¹ CTIA, Petition for Reconsideration, PS Docket No. 07-114 (filed Sept. 28, 2020) (“CTIA Petition”).

² APCO International, Petition for Reconsideration, PS Docket No. 07-114 (filed Sept. 25, 2020) (“APCO Petition”).

³ Wireless E911 Location Accuracy Requirements, PS Docket No. 07-114, *Sixth Report and Order and Order on Reconsideration*, FCC 20-98 (rel. July 17, 2020) (“July 2020 Order”).

⁴ CTIA Petition at pp. 7-8.

carriers of their ability and *responsibility* to influence the capabilities of devices operating on the carriers' own networks. The Commission has already decided that carriers "are capable of negotiating requirements with [handset manufacturers and operating system providers] and establishing contractual timelines that will enable timely deployment of z-axis solutions in time to meet the deadlines in the rules."⁵ If the carriers were acting in good faith to achieve the benchmark but encountering difficulty in their negotiations with handset and OS providers, perhaps they'd be seeking assistance from the Commission to resolve the impasse. Instead, the carriers ask the Commission to move the goalposts on public safety.

CTIA's petition also reiterates a brazen contradiction of the Commission's rules. In suggesting that only devices with barometric pressure sensors could be considered z-axis capable,⁶ CTIA is impermissibly seeking reconsideration of the Commission's decision that z-axis capable devices include all handsets that have the capability to measure and report vertical location information without a hardware upgrade, regardless of technology, handset age, *or having a barometric pressure sensor*.⁷ If carriers are not achieving the z-axis metric for all types of z-axis capable devices in use on their networks, they would not be compliant with the Commission's rules.

Public safety professionals and the communities they serve should not have to wait longer than they already have to benefit from improved location information that is possible for carriers to provide. When the April 2021 benchmark arrives, public safety professionals should immediately see benefits and be able to verify carriers' compliance by placing test 9-1-1 calls from devices that are capable of reporting vertical location without a hardware upgrade (z-axis capable handsets) and seeing that at least 80% of the calls are delivered with 3-meter vertical accuracy or better.

NPSTC rightly pointed out that CTIA's petition is untimely and relies on arguments that were fully considered and rejected by the commission.⁸ The Commission should send a clear signal that it will not tolerate further delay tactics from the carriers.

II. The Commission Should Reconsider Its Revision of the Dispatchable Location Benchmark

APCO's petition seeks reconsideration of the way in which the Order revised the dispatchable location benchmark to take into account the carriers' abandonment of the National Emergency Address Database (NEAD). The Commission revised the NEAD-based benchmark to permit carriers to comply by accumulating a certain number of reference points in "any database." This approach will create confusion. It arguably permits carriers to demonstrate compliance with a raw number of reference points leveraged by a solution regardless of whether

⁵ Wireless E911 Location Accuracy Requirements, PS Docket No. 07-114, *Fifth Report and Order and Fifth Further Notice of Proposed Rulemaking*, FCC 19-124, para. 30 (rel. Nov. 25, 2019) ("Nov. 2019 Order").

⁶ CTIA Petition at 10 (citing Letter from AT&T to FCC, PS Docket No. 07-114, at 1-2 (filed Apr. 22, 2020)).

⁷ Nov. 2019 Order at para. 25.

⁸ Letter from Ralph Haller, Chairman, National Public Safety Telecommunications Council, to Ajit Pai, Chairman, FCC, PS Docket 07-114 at pp. 1-2 (Oct. 6, 2020).

the solution can accurately estimate a dispatchable location or, more importantly, whether a carrier delivers dispatchable location information with 9-1-1 calls.

Since carriers are already using device-based hybrid location solutions, which rely on crowd-sourced Wi-Fi databases (aka, reference points), carriers might be tempted to argue that they have fulfilled their obligations without doing more. In other words, our organizations are concerned that the revised rule risks creating a way for carriers to comply with the location accuracy requirements without actually providing improved location information with 9-1-1 calls. The Commission can solve this problem by establishing a minimum percentage of 9-1-1 calls that must be delivered with dispatchable location information rather than basing compliance on the number of reference points in a database. As the Commission recognized, dispatchable location is being provided for some calls already and solutions are likely to become increasingly available.⁹ The benchmarks could start with conservative percentages based on reasonable estimates in the record of what's feasible.

The Commission should not wait to establish minimum percentages when the carriers reach consensus on what's feasible. As this proceeding has repeatedly made clear, the Commission's leadership is essential for improving 9-1-1 location information. Indeed, we are now months away from the z-axis benchmark, and the carriers are debating technical feasibility of complying with the z-axis metric despite multiple test beds (including the carrier's own test bed) having demonstrated feasibility. The Commission must hold the carriers to providing the improved emergency location information that has been promised.

Respectfully submitted,

APCO INTERNATIONAL

/s/ Jeffrey S. Cohen
Chief Counsel
1426 Prince Street
Alexandria, VA 22314

/s/ Mark S. Reddish
Senior Counsel
1426 Prince Street
Alexandria, VA 22314

INTERNATIONAL ASSOCIATION
OF CHIEFS OF POLICE

/s/ Vincent Talucci
Executive Director & CEO
44 Canal Center Plaza Ste. 200
Alexandria, VA 22314

⁹ July 2020 Order at para. 51.

MAJOR CITIES CHIEFS ASSOCIATION

/s/ Laura Cooper
Executive Director
Major Cities Chiefs Association
300 M Street SE Ste. 402
Washington, D.C. 20003

MAJOR COUNTY SHERIFFS OF AMERICA

/s/ Kimberly J. Wagner
Executive Director
Major County Sheriffs of America
1450 Duke Street
Alexandria, VA 22314

NATIONAL ASSOCIATION OF STATE EMS
OFFICIALS

/s/ Kyle Thornton
President
National Association of State EMS Officials
201 Park Washington Court
Falls Church, VA 22046

NATIONAL PUBLIC SAFETY
TELECOMMUNICATIONS COUNCIL

/s/ Ralph A. Haller
Chairman
National Public Safety Telecommunications
Council
9615 East County Line Road, Ste. B-246
Centennial, CO 80112

NATIONAL SHERIFFS' ASSOCIATION

/s/ Jonathan Thompson
Executive Director & CEO
National Sheriffs' Association
1450 Duke Street
Alexandria, VA 22314

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