

JONES DAY

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November 18, 2019

BY ELECTRONIC DELIVERY

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street S.W.
Washington D.C. 20554

**Re: Permitted Written Reply to *Ex Parte* Notice
Wireless E911 Location Accuracy Requirements
PS Docket No. 07-114**

Dear Ms. Dortch:

NextNav, LLC (“NextNav”) herein files this permitted reply to the *ex parte* notice that was filed on behalf of Apple Inc. on November 15, 2019.¹ In its notice, Apple claims that vendors of vertical location information could still generate accurate z-axis data to support public safety without ever having access to a consumer’s precise location information.²

Although vertical location vendors do not require access to the precise location of any consumer, location vendors do need occasional access to the location of each handset in order to calibrate the accuracy of the barometric pressure sensor within the handset as compared to the known barometric pressure readings generated by the vendors’ external network. This information is necessary to determine the appropriate correction (measured in pascals) between the readings reported by a barometric pressure sensor and the actual air pressure at the point of calibration. Multiple parties have noted the critical importance of this calibration process, including CTIA, which explained that the z-axis test bed clearly demonstrated that “active calibration is necessary

¹ See 47 C.F.R. § 1.1203(c) (exempting from the Sunshine rule “permitted replies” to summaries of an oral *ex parte* presentation made on the day before the Sunshine period begins); 47 C.F.R. 1.1206(b)(2)(iv) (requiring that “[w]ritten replies” to the summary of an oral *ex parte* presentation made on the day before the Sunshine period begins be filed no later than two business days following the date of the presentation).

² See Letter from Paul Margie, Counsel for Apple Inc. to Marlene H. Dortch, Secretary, Federal Communications Commission, PS Docket 07-114, at 1 (Nov. 15, 2019).

Marlene H. Dortch
November 18, 2019
Page 2

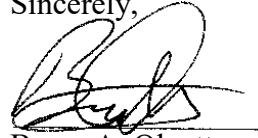
to overcome the handset bias of a barometric pressure sensor-based z-axis solution” and thereby achieve vertical location accuracy of within 3 meters.³

As NextNav has previously explained, handset location information is used only briefly during the sensor calibration process, is discarded immediately after sensor calibration, and is never associated with any individual user, telephone number, or subscriber account, none of which is ever provided to NextNav by the wireless carriers. Further, the pressure correction information that is generated through this calibration process cannot be converted into location information for any individual absent additional inputs, such as a consumer initiating a 911 emergency call.

Given these facts, NextNav opposes any changes to Section 9.10(i)(4)(v) of the Commission’s draft rules that would require wireless carriers to certify that they have withheld from vertical location vendors access to handset location information that may be needed to ensure the accuracy and reliability of the z-axis location data that is provided to emergency first responders. NextNav concurs with the remainder of the edits proposed by Apple, including certification that 911 call information is never used for non-911 purposes and certification that the privacy and security provisions equivalent to the NEAD are utilized for coordinate-based location.

NextNav has long supported the Commission’s efforts to ensure consumers’ location information is protected from misuse, but urges the Commission to avoid overly broad language that may imply that the required software calibration of sensors is prohibited. As CTIA further noted, collecting and reporting calibrated sensor readings requires cooperation from manufacturers of handsets and associated operating systems, and such cooperation is essential to successfully providing public safety with vital location data.⁴ The Commission should encourage these cooperative relationships and not impose restrictions on access to information that is critical to compliance with the Commission’s wireless location rules.

Please contact the undersigned if you have any questions about this matter.

Sincerely,

Bruce A. Olcott

³ See Letter from Matt Gerst, Vice President, Regulatory Affairs, CTIA, to Marlene H. Dortch, Secretary, Federal Communications Commission, PS Docket No. 07-114 at 6 (Nov. 5, 2019).

⁴ See *id.*