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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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

In the Matter of	)	
	)	
Amendment of the Commission's Rules to Establish New Personal Communications Services	)	GEN Docket No. 90-314
	)	
	)	RM-7140, RM-7175, RM-7618

REPLY OF THE

NATIONAL EMERGENCY NUMBER ASSOCIATION

The National Emergency Number Association ("NENA") hereby replies to certain comments on and oppositions to petitions for reconsideration of the Second Report and Order in the above-captioned proceeding. In its own comments of December 29, 1993, NENA endorsed the petition of the Texas Advisory Commission on State Emergency Communications ("TX-ACSEC") asking that (1) PCS licenses be conditioned on a commitment to provide calling party location information to E-9-1-1 systems and (2) PCS rules mandate a single, uniform standard for delivery of the calling party's location, with that set of criteria to be developed after proper consultation by and within private standards-setting bodies. Alternatively, said TX-ACSEC, the FCC should open immediately a separate proceeding to address application of E-9-1-1 capabilities not only to PCS but also to cellular and other public mobile radio services.

NENA continues to support vigorously the TX-ACSEC petition and challenges those, such as Telocator and American Personal Communications ("APC"), who assert that imposing automatic mobile caller location requirements now will unreasonably delay the introduction of new technology and/or cost too much.

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Telocator claims (Comments, 13-14) that issues of automatic number identification ("ANI") and automatic location information ("ALI") are "uncontentious" and can be left to the public mobile service and manufacturing industries, together with the states, to work out once PCS is up and running. It describes and continues to anticipate "an unprecedented level of voluntary cooperation." APC believes that prompt introduction of PCS will save lives, even without ANI and ALI features, but that development of such enhancements "should not take long." (Opposition, 18)

Without for a moment losing faith in the power of voluntary cooperation, NENA respectfully submits that this was not enough to get 9-1-1 started in the first place and it is not enough for mobile E-9-1-1 now. In historical retrospect, it is simply naive to imagine that issues involving speed of deployment, initial prices to consumers, and how much protection against how much risk are not "contentious" as between and among manufacturers, service providers, and emergency response/lifesaving organizations -- which include government at all levels.

Typically, the government, representing consumers as well as manufacturers and service providers, is called upon to cut through the disputation, and that is needed here and now. NENA agrees with APC that if the government, and particularly the FCC, will act quickly, it should not take long to introduce PCS products and services equipped with ANI, ALI and other features which, over time, are not only lifesaving but cost-saving. Without prompt action, the present hodge-podge of unenhanced, erratic and non-uniform cellular connections to 9-1-1 services is likely to be repeated for PCS.[1]

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[1] NENA agrees with TX-ACSEC and APCO that cellular "E-9-1-1" -- signifying minimum ANI and ALI features -- is virtually non-existent. See *infra* the discussion of a forthcoming article by J.L. Jones, Jr.

9-1-1 service required government declarations and public visions, just as mobile E-9-1-1 needs today.

In the late 1960s, the President's Commission on Law Enforcement recommended that a nationally uniform emergency number be established, and the undivested monopoly service provider AT&T was able to see to the reservation of the digits 9-1-1. In 1973, the White House Office of Telecommunications Policy declared the benefits of the single number, and encouraged its adoption. With the proliferation of telecommunications equipment and services accelerated by AT&T divestiture 10 years later, E-9-1-1 services began to appear and are now available to more than three-quarters of the nation's wire telephone access lines.[2]

Implementation of the Presidential commission and White House recommendations took long, laborious and collaborative effort by state legislatures, municipalities, local emergency response departments and citizens' groups. But even that protracted journey might not have begun without first steps from responsible agencies of national government. In the case at hand, that agency should be, at least initially, the FCC.[3] The fact that 9-1-1/E-9-1-1 took 25 years to build into the wired telephone system does not mean that new mobile technologies must experience the same slow deployment.[4]

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[2] Sue Pivetta, *The 9-1-1 Puzzle* (Coshocton, Ohio: National Emergency Number Association, 1993), 6-7.

[3] Leaving aside the questions of preemption, the FCC is charged with "promoting safety of life and property through the use of wire and radio communication." 47 U.S.C.§151.

[4] NENA agrees with APCO (Reply Comments, 3) that simple, even-handed replication of unenhanced 9-1-1 access by PCS and cellular is not the proper goal of public policy. To the contrary, if PCS and cellular are seen as competitive services, why not impose on PCS an E-9-1-1 capability which cellular, in order to keep pace, might be moved to install even without government fiat. That is, PCS might "pull" cellular into the E-9-1-1 world.

Government's specifying of the end result should not be confused with standards-setting.

It is important to recognize that TX-ACSEC's petition calls for performance standards, not design specifications. It describes the "what," not the "how," of the undoubted public interest in ANI and ALI mobile service capabilities. This is not to dismiss the complexity of the problems of implementation. Technologies are diverse, suppliers and would-be suppliers numerous and regulatory responsibilities fragmented. But the difficulties are reasons to begin now, not a justification for paralysis and intimidation.

One of the commenters in this proceeding, KSI, describes its own patented Direction Finding Localization System ("DFLS"), apparently composed of terrestrial stations and said to have been developed initially for use with cellular systems. (Letter of Charles J. Hinkle, Jr., December 30, 1993) KSI also mentions "trilateration, Loran C, GPS [global positioning satellites] and map matching technologies" as other means now under development that might provide ALI for mobile radio services. Without endorsing any particular solution, NENA believes enough options exist for close examination of cost-effectiveness. This should begin with a government mandate and proceed through private cooperation.

Cellular radio is not evolving automatically toward E-9-1-1.

NENA need not repeat here the correct statements of TX-ACSEC and APCO that, despite Telocator's optimism, cellular and other mobile providers are not voluntarily offering E-9-1-1 access nationwide. TX-ACSEC's harrowing account of the Jeff Alm case (Reply, 2-4) is one illustration of how matters stand.

And NENA is about to publish in its February Newsletter several other examples.[5]

J.A. Jones, Jr., an emergency medical training instructor with 20 years of involvement in emergency communications, writes from his personal experience about efforts to gain cellular access to police/rescue assistance in several areas of Kentucky. In the first of three instances described in his forthcoming Newsletter article, occurring near the West Virginia border, he ended up having to ask the West Virginia state police to route his call to the Kentucky state police over their dedicated National Crime Information Center ("NCIC") network.

In the second instance encountered by Jones, a highly time-sensitive attempt to report via cellular phone an apparent burglary in progress was delayed by routing to county police of a call from a city location not in their jurisdiction. Jones took the trouble to investigate why this happened, and explains it in detail in the article. In the third and perhaps most serious instance, Jones learned that his call at one point was blocked because he was an unauthorized user -- meaning, in his words, that his phone "subscribes to a carrier that does not have a billing agreement with the carrier at the point of use."

Long-term consequences of poor 9-1-1 service are more costly than incremental investment now.

NENA understands that cellular and other mobile providers have legitimate concerns about costs, unauthorized use, and other daily business problems. But these considerations will pale in significance if misrouted and blocked calls, made in the user's expectation of prompt dispatch, become more and more frequent as mobile telephone usage grows proportionally.

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[5] When the article appears in print, NENA will place it on the record here, and will serve all parties served with this Reply.

Most importantly, the needless death or crippling injury traceable to a missed call for help (such as TX-ACSEC describes in the Alm case) may be only a statistic in the aggregate, but to the persons involved the loss is incalculable. Secondarily, the salary and other expenses of time wasted on wild goose chases to the wrong location of a mobile call for help are not easy to add up, but such costs exist and they are great. Finally, the billions invested in the wireline E-9-1-1 network may actually diminish in value if more mobile calling means relatively less access to ANI, ALI and other E-9-1-1 features. That also is an enormous loss in dollars, even if not readily measured.

CONCLUSION

For the reasons stated above, the Commission should grant either the main or alternative request for relief of TX-ACSEC and not allow PCS to fall into the cellular regulatory error of deferring much-needed enhanced emergency communications benefits.

Respectfully submitted,

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January 13, 1994

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