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BEFORE THE
Federal Communications Commission
WASHINGTON, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of	)	
	)	
Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems	)	CC Docket No. 94-102 RM-8143
	)	
Petition for Rulemaking of the Ad Hoc Alliance for Public Access to 911	)	

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To: The Commission

COMMENTS

BellSouth Corporation and BellSouth Cellular Corp. (collectively "BellSouth"), by their attorneys, hereby submit comments in response to the Ad Hoc Alliance for Public Access to 911's ("Alliance"), Petition for Rulemaking filed in conjunction with the Commission's current proceeding in *Notice of Proposed Rule Making*, CC Docket No. 94-102, 9 FCC Rcd. 6170 (1994)("*NPRM*").

SUMMARY

The two main issues raised in the Alliance's petition, prompt connection of 911 calls without precondition and strongest signal selection, are the same issues raised by the Alliance in response to the Commission's *NPRM*. In its comments, the Alliance specifically requested that the Commission issue a "further notice of proposed rulemaking describing [its] proposal."[1] Instead of waiting for the Commission to act on its comments and those of all the other commenters in this proceeding, the Alliance has attempted to circumvent the Commission's procedures by submitting a petition for rulemaking on issues already before the Commission.

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1 Alliance Comments in *NPRM*, CC Docket No. 94-102, at 7.

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The Alliance must realize that access to 911 services by wireless customers is currently hampered because of a lack of standards and not because of a lack of effort by wireless providers. Because of this lack of standards and proven location technologies, BellSouth has urged the Commission to support and facilitate the ongoing technological developments, standard setting, and customer education already underway by affected groups.[2] BellSouth continues to urge the Commission to gather information regarding the most efficient method for establishing a universal 911 system, rather than to prematurely impose specific requirements mandating the imposition of such a system before standards have been developed and technology has sufficiently advanced.

Changing the forum for raising issues already before the Commission will not expedite development of the standards and technologies needed to address the Alliance's concerns. The Alliance's petition is premature given that the Commission has yet to issue its decision in CC Docket No. 94-102, and repetitive of issues already raised by the Alliance before the Commission in CC Docket No. 94-102. Thus, pursuant to Section 1.401(e) of the Commission's rules, the Alliance's petition should be dismissed.

I. Unrestricted Access to the Strongest Signal Available in a Market Should Not Be Required In Today's Cellular Marketplace.

The Alliance proposes that handsets be enhanced to require scanning of all cellular channels on both System A and System B to choose the strongest signal for 911 calls. The Alliance claims that this need arises due to the significant variation of signal strength between the two cellular systems and that at any given location the signal from one system will be

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[2] BellSouth Comments in *NPRM*, CC Docket No. 94-102, at 16-17; BellSouth Reply Comments at 6.

stronger than the other system's signal.[3]

First, the technology does not exist, nor is it under development, for handsets to select the stronger of the two cellular signals on a per-call basis.[4] Scanning both systems before call initiation would require fundamental changes in the Commission's cellular compatibility specifications, Report No. OET-53, and extensive re-engineering of cellular telephone designs and technology.[5] Moreover, such re-engineering is neither necessary nor appropriate.[6] Constant scans for the highest signal between the local cellular and PCS providers in a given market could actually lead to call delays while the mobile unit handset is checking for, and switching to, the strongest signal. In fact, a call does not necessarily have to be on the strongest signal possible in order to clearly be completed. While a call may be weak in a certain location or at the time of call initiation, the signal may strengthen as the mobile user continues to travel, or the originating cellular system may hand the call off to a cell with a stronger signal.

Unless systems have a similar interface, scanning for the strongest signal is of no value because compatibility must exist between handsets and interface. Even if a system can scan multiple carriers, there is no guarantee of an interface match. One of the top priority requirements proposed by the industry 911 task force, is the ability to provide user identification.

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3 Alliance, Petition for Rulemaking, CC Docket 94-102 at 4.

4 Many cellular handsets can be programmed to scan both systems for the stronger signal at power-up, but not per call.

5 Such a requirement on cellular providers would create a disparity between cellular and PCS service requirements in violation of Section 332 of the Communications Act which provides for regulatory parity among similar mobile services.

6 Such re-engineering would only affect cellular phones manufactured a year or more in the future. The entire embedded base of phones would remain, as now, incapable of scanning for the strongest cellular signal on a per-call basis.

This policy goal, however, is incompatible with a system that scans systems for the strongest signal. User information only resides with the customer's own wireless carrier. The per-call system selection advocated by the Alliance would result in a reduction of user identification information that could be promptly supplied to a Public Safety Answering Point ("PSAP"). If a Block B subscriber calls 911 over the Block A system because the latter system has a momentarily stronger signal, the serving carrier could not supply the caller's name and address to the PSAP, as the caller is not that carrier's subscriber.

The Alliance must recognize that the mobile service marketplace will ensure that cellular carriers provide access to 911 services both within a given local service area and while traveling outside that service area. Cellular carriers have every incentive to ensure high-quality connections for emergency communications. In fact, the cellular industry has offered 911 services to its customers in response to market demands, not any federal regulatory requirement, and many cellular providers have set up emergency service access in areas where landline 911 services are not available. Moreover, many cellular carriers have special rate plans for low-usage customers wanting a cellular phone principally for personal security.

When choosing a cellular carrier, customers look at coverage and quality of service in a given market, particularly if the customer is purchasing the phone for safety and security purposes. Customers also consider the emergency services available. In particular, customers who travel will likely look at the roaming options available to them when choosing a service provider.[7] Thus, the carrier providing the best coverage, service quality, roaming capabilities, and emergency services will set the standards that its competitor must attempt to meet to respond

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[7] In addition to 911 services, many cellular carriers provide direct access to state police or to traffic information services.

to the demands of the marketplace. BellSouth's efforts to ensure access to emergency services have resulted in the availability of such services to subscribers in approximately 95% of the geographic area served by BellSouth cellular systems, including areas where there is no landline 911 service available.

In its comments, BellSouth urged the Commission to refrain from imposing specific 911 capabilities for wireless systems until standards are developed by affected groups and technology develops further.[8] Once such standards and technologies are developed the Commission may then consider the Alliance's proposal. At this moment, however, such a requirement is premature.

III. Only Service-Initialized Mobile Radio Users Should be Required to Have Access to 911 Services

In its *NPRM*, the Commission proposed to adopt the recommendation in the Emergency Access Position Paper that a user have the ability to reach emergency services from any service initialized mobile radio handset in a home service area or a subscribed-to roamed service area by dialing 911.[9] The Alliance, however, is requesting that the Commission require cellular systems to process and complete all 911 calls unconditionally, regardless of the status of the cellular telephone used to place such a call. Under the Alliance's proposal, even 911 calls placed by nonsubscribers and unauthorized roamers would have to be processed.

Adoption of the Alliance's position would create the potential for fraudulent 911 calls. When cellular phones have not been service-initialized, cellular carriers have no information (e.g., name or address) concerning the user. Thus, these phones would be attractive tools for

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[8] BellSouth Comments at 12-13.

[9] *NPRM*, 9 FCC Rcd. at 6177, 6188.

generating prank or fraudulent 911 calls if cellular carriers are required to put through all such calls. In addition, unauthorized roamer phones lack accurate user identification information and may have been used for other fraudulent purposes. Fraudulent and prank calls would divert emergency service resources away from legitimate calls, and also restrict the normal traffic channels that would ordinarily be available. In short there is no public interest serviced by requiring cellular carriers to complete 911 calls from such phones, given the substantial likelihood of fraudulent use. Due to the interconnection and hand-off problems associated with a nonsubscriber handset, the perpetrator of such pranks will escape local police authorities due to the inability to trace or obtain location information regarding the call once such location information capabilities are feasible to provide.

In addition, numerous technological developments must occur before specific emergency service access requirements can be imposed. Interface standards must be developed and agreed upon before such requirements are imposed. The Alliance's proposal ignores the significant intersystem hand-off problems that would be generated by processing nonsubscriber calls without ensuring that the technology in the nonsubscriber's mobile unit will be compatible with technology used by the LEC and the local PSAP.

Just as wireline providers are not required by the Commission to offer 911 calling abilities to those individuals who are not local service subscribers, wireless providers should not be held to a higher standard and be required to offer 911 calling abilities to those individuals who have not subscribed to their service. One cannot buy a landline telephone at K-Mart and use it to call 911 without connecting it to a subscribed telephone line. Similarly, the purchaser of a cellular phone should have no expectation of using the phone to call 911 without subscribing to cellular telephone service.

BellSouth agrees with the Commission's ultimate objective that all CMRS users should "have the ability to reach emergency services from any service initialized mobile radio handset."[10] Once a user has subscribed to a CMRS service, the subscriber should be able to reach 911 services in both the home area and subscribed to "roaming" areas where wireless service is available in addition to areas where 911 services may be available via wireline facilities. The Alliance's proposal would frustrate all of the Commission's proposals for ANI and ALI requirements by the addition of a nonsubscriber call, as there will be no number for the PSAP operator to identify and no name or address can be obtained from the cellular carrier.

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10 *Id.* at 6177 (footnotes omitted).

CONCLUSION

For the forgoing reasons, BellSouth urges the Commission to dismiss the petition for rulemaking submitted by the Alliance as premature and repetitive of issues already presented before the Commission.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Phyllis Martin, a secretary in the law firm of Wilkinson, Barker, Knauer & Quinn, do hereby certify that a copy of the foregoing Comments in CC Docket No. 94-102, was served this 15th day of December, 1995 to the following by first class mail, postage prepaid:

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