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

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In the Matter of	)	
	)	
Revision of the Commission's Rules	)	CC Docket No. 94-102
To Ensure Compatibility with	)	RM-8143
Enhanced 911 Emergency Calling Systems	)	
	)	

Reply Comments of Ericsson Inc.

Ericsson Inc. ("Ericsson"), by its attorney, hereby submits its reply comments in the above-captioned proceeding.[1] In support of its reply comments Ericsson states as follows:

I. Discussion

In the FNPRM the Commission proposed, among other things, to require wireless 911 calls to be located within a radius of 40 feet in a three dimensional environment 90% of the time (hereinafter referred to as the "40 foot rule"). More than 25 parties filed comments in this proceeding and almost all flatly opposed the 40 foot rule either because (1) there is no technical means of achieving that degree of accuracy given the current state of wireless location technology; (2) the proposed rule is premature in view of the fact neither the wireless industry nor the public safety community know if the less stringent Phase II requirements can be met; or (3) assuming that the 40 foot rule can be achieved

[1] *In the Matter of Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, Report and Order and Further Notice of Proposed Rulemaking, FCC 96-264, __ Rcd __ (released July 29, 1996) (hereinafter "FNPRM").

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from a technical standpoint, the costs of implementation will be too great. Ericsson agrees wholeheartedly with the comments of the numerous parties that expressed those views.

Even the few parties that filed comments on this issue who may be considered supporters of Automatic Location Identification requirements more stringent than the Phase II requirements established in the *Report and Order* in this Docket, are not certain that it is prudent to implement the 40 foot rule at this time. For example, the Texas Advisory Commission on State Emergency Communications stated:

> TX-ACSEC recognizes that before implementation of Phase I has even begun, sufficient information may not yet exist to determine definitively the reasonableness of each of the expanded standards and requirements or to determine definitively the costs.[2]

KSI Inc. and MULOC Inc., parties that claim to be able to meet the Phase II requirements, are also skeptical of the ability of any party to meet the 40 foot rule. In their comments KSI Inc. and MULOC Inc. assert:

> KSI did not and does not aver that implementing its system, or any other system, can economically provide location accuracy to within a radius of 40 feet, 90 percent of the time, in all environments.[3]
>
> Furthermore, the Commission's proposal regarding three-dimensional, 40-foot accuracy will not be economically feasible in many operational environments.[4]
>
> In addition to economic and operational difficulties, KSI is concerned about the chilling effect that a proposal to adopt a "standard of 90 percent accuracy, within a radius of 40 feet, at the end of the initial five-year period" will have on the adoption of the currently mandated 125 meter, 67 percent accuracy requirement.[5]

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[2] Comments of the Texas Advisory Commission on State Emergency Communications, p. 2.
[3] Comments of KSI Inc. and MULOC Inc., p. 5.
[4] *Id.* at p. 5.
[5] *Id.* at p. 6.

And lastly, even APCO, NENA and NASNA express some doubts about the wisdom of requiring wireless carriers to meet the proposed 40 foot rule in all circumstances and for that reason their comments must be viewed as expressing "soft" support for the Commission's proposal at best. In noting that the Phase II 125 meter standard "is probably sufficient" to locate a 911 caller within line of sight of emergency responders in rural areas[6] and asking the FCC to adopt the 40 foot rule for urban areas, APCO, NENA and NASNA stated:

> We recognize, however, that vertical data may be difficult to obtain in a cost-effective manner with current technology. Therefore, we would not oppose rules that eliminate the vertical data requirement in certain rural and other geographic areas that have few, if any, structures over two stories in height.[7]

Aside from the admission that the vertical component of the 40 foot rule would be difficult to achieve in the context of current technology, APCO, NENA and NASNA are incorrect that the use of vertical data is more important in an urban high rise environment. Ericsson agrees with the comments of AirTouch Communications, Inc. that the need for vertical data in high rise buildings is not as important as in rural areas since persons inside buildings will likely have access to wired handsets which can provide emergency service providers with very accurate information.[8]

II. Conclusion

As noted in its initial comments in this proceeding, Ericsson does not believe adoption of the proposed 40 foot rule is in the public interest. No party filing comments in

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[6] Comments of APCO, NENA and NASNA, p. 3.
[7] *Id.* at p. 4.
[8] Comments of AirTouch Communications, Inc., p. 4.

this proceeding has demonstrated that locating a wireless 911 caller in a radius of 40 feet in a three dimensional environment 90% of the time can be achieved based on the use of current technology or in a timeframe as short as five years. Rather than having the wireless industry and public safety community commit resources to solving this issue before Phase II requirements are met, Ericsson suggests the Commission refrain from adopting the 40 foot rule. To the extent an economically viable, technically reliable solution to the problem can be commercially implemented, the Commission is free to initiate a proceeding in the future to determine whether a more stringent rule would serve the public interest, convenience and necessity.

Respectfully submitted,

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October 25, 1996

CERTIFICATE OF SERVICE

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