

Ad Hoc Alliance for Public Access to 911

Alliance for Technology Access•Arizona Consumers League•National Consumers League•World Institute on Disability•National Emergency Number Association-California Chapter•Crime Victims United•Justice for Murder Victims•California Cellular Phone Owners Association•Florida Consumer Fraud Watch•Center for Public Interest Law•Consumer Action•Consumer Coalition of California•Consumers First•California Alliance for Consumer Protection•Californians Against Regulatory Excess•The Office of Communication of the United Church of Christ•Utility Consumer Action Network•Children's Advocacy Institute

November 13, 1997

The Honorable William Kennard
Chairman
Federal Communications Commission
1919 M Street, NW
Room 814
Washington, DC 20554

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Re: CC Docket 94-102

Dear Chairman Kennard:

Last night, PrimeTime Live told the story of Marcia Speilholtz's desperate efforts to reach 9-1-1 on her cell phone. Her car was chased for approximately eight minutes until she was boxed in and shot in the face by her pursuers. The Ad Hoc Alliance for Public Access to 911 (Alliance) did a frequency strength survey over the route Marcia followed that fateful evening. A copy of that study was filed with the Commission over one year ago. The study shows a marginal signal from Marcia's cell carrier and a strong signal from the competing cell carrier. Unfortunately, Marcia's cell phone was programmed to select only her carrier, which is the usual situation in most cities.

Over two years ago the Alliance proposed a simple rule change which would cause a cell phone to select the strongest available compatible signal when 9-1-1 is dialed. Had Marcia's cell phone been equipped with this simple life saving feature, her call to 9-1-1 would have gone through. We understand that there was a police helicopter within two minutes of Marcia at the time of the incident. This helicopter was equipped with a powerful searchlight which could have illuminated the area and acted as a deterrent. Furthermore, the helicopter pilot could have given Marcia driving instructions to prevent her from turning the wrong way. We also understand that there was a police cruiser within two minutes of Marcia. In sum, had she been able to contact 9-1-1, it is reasonable to assume that she would not have been shot.

We performed other frequency strength studies in other cities which demonstrated that the actual coverage area from the perspective of a portable cell phone looks like a piece of Swiss cheese. Our studies also show that when you overlay the coverage areas for the two cell carriers, most of these holes are filled in. Thus, selection of the strongest available compatible signal gives the portable cell phone caller the best available channel of communication to 9-1-1. These studies have been filed with the Commission.

During the two years the Alliance's petition has been pending before the Commission, approximately twenty-two million cell phones have been manufactured and programmed in the same way as Marcia's phone. Sixteen months ago, the Commission issued a Further Notice of Proposed Rulemaking seeking comment concerning the Alliance's strongest signal proposal. Commentators were specifically told to file engineering studies in support of any objections to this proposal. No engineering studies were filed. Instead the opposition engaged in the same rhetoric without providing any foundation for their statements. However, the Alliance commissioned an engineering study by the Trott Communications Group which was filed with the Commission during the comment period. This study concluded :

"In summary, the proposal by the Alliance to 'Seek the Strongest Compatible Signal' when placing a call to 9-1-1 is achievable with very little impact on the equipment manufacturer, while providing the benefit of the best possible reliability to the user and providing the closest cell site information to the PSAP. This proposed change will also benefit the PSAP by minimizing the probability of dropped or uncompleted calls requiring call-back by either the PSAP or the user."

Despite the Commission's mandate some sixteen months ago that the interested parties meet and discuss various issues in the E-911 proceeding, the Alliance was excluded while the Cellular Industry met with the Public Safety community in an effort to persuade them to support the proposition rejected by the Commission that, in order to reach 9-1-1 at all, the caller must be a paid-up subscriber or roamer authorized to use the particular cell system which handles the call. This position was soundly rejected by the Commission as contrary to the public interest. Nevertheless, the Cellular Industry has persisted in its efforts to over turn this decision. The latest proposal from the industry simply puts a new label, i.e. "successfully validated calls" on what was original called "service initialized".

The Alliance proposed an amendment to Part 22 sub part k, Paragraph 22.933, which incorporates OET 53 cellular system mobile station-land station compatibility specifications, to define how mobile telephones operate. Paragraph 2.6.3.2 defines how a mobile unit will scan its preferred system channels during call origination. The Alliance proposed the following addition to the beginning of this paragraph:

"If the purpose of this "origination" is to complete a call to 9-1-1 (an emergency call), the mobile station must examine the signal strength of all of the control channels assigned to System A and System B and select a compatible channel with the strongest signal. In all other cases,..."

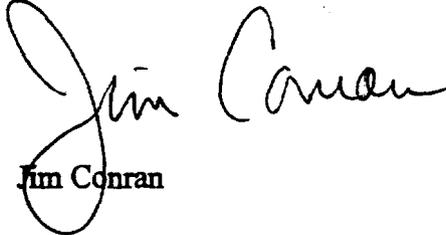
The Cellular Industry's current objections to this proposal are centered around the characteristics of newly deployed PCS technologies that do not operate in the same manner as the cell systems which currently serve some fifty four million subscribers. The Alliance has taken the position in its filings before the Commission that the industry had full knowledge of this proceeding and should have included provisions to enable the cell phone to select the strongest signal. Nevertheless the technical issues surrounding PCS systems are being used as a basis for delay, which we submit is contrary to the public interest. Each day some thirty five thousand cell phones are being manufactured for use on non-PCS systems without the simple, low cost life and property saving feature proposed by the Alliance. In order to break this log jam the Alliance proposed the following change to its proposal:

"If the purpose of this "origination" is to complete a call to 9-1-1 (an emergency call), the *each IS95 certified* mobile station must examine the signal strength of all of the control channels assigned to System A and System B and select a compatible channel with the strongest signal. In all other cases,..."

This proposal was rejected out of hand by the Cellular industry who want to nit pick and argue based on hypotheticals based on improbable sets of assumptions. It is very apparent to us that no change will occur unless the Commission mandates change now. In view of the fact that the Alliance proposal has been pending for over two years and has been the subject of extensive public comment, we suggest that this modification, as changed, be adopted as soon as possible. We believe that the cell phone manufacturers can implement such a decision in six months.

Over seventy percent of all cellular users say that they purchased their cell phone for safety and security reasons. We think that the public interest requires the adoption of the Alliance's proposed rule change without delay. As we said above, some thirty five thousand new cell phones are being manufactured each day without this simple feature which would have saved Marcia and others who find themselves in a similar situation. We respectfully ask that the Commission act now to prevent further unconscionable delay.

Sincerely,

A handwritten signature in cursive script that reads "Jim Conran". The signature is written in black ink and is positioned above the printed name.

Jim Conran

cc: The Honorable Susan Ness
The Honorable Michael Powell
The Honorable Harold Furchgott-Roth
The Honorable Gloria Tristani
William Caton, Secretary

enclosures

WASHINGTON EDITION

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Newspaper

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No Holes When Lives Are at Risk

FCC should ensure that 911 calls on cell phones are put through

Many Americans bought cellular telephones for immediate access to emergency help, but it hasn't always worked out that way.

For instance, your 911 call might not go through if you're in one of your cellular service's weak transmission areas. Yes, every cell phone is equipped with the means to use either of a region's competing cellular signals, but you won't automatically be switched to the stronger one. The companies block that option out of a competitive concern that the opposition might have a better signal in an area that is important to you. And, if you are out of state, your 911 attempt might not go through because you're not a subscriber to the local network.

The Federal Communications Commission is aware of these problems. In June 1996, for example, it approved new rules that required wireless carriers to put 911 calls through whether or not the caller was a local subscriber. But the October start date for compliance now has been pushed back to the end of this month, while the cellular industry argues against the change.

We are talking about emergencies here. There should be no further delays on the new FCC rules. The commission should also force compliance and adopt a rule that allows a 911 caller to be switched automatically to the strongest signal in the area, presuming there is a competing service. That means no more

signal blocking.

Next, cellular phone companies should be required to inform customers of dead or weak signal areas in their service range. That alone should spur competition on improved technology.

The industry is also concerned about losing business if there is a federal rule allowing all cell phone owners to make 911 calls even if they have not subscribed to a cellular service. Well, regular service can be prohibitively expensive and some who own cell phones for security reasons cannot afford to subscribe. If the cell phone companies are concerned about losing subscribers, they ought to think about more competitive pricing. The federal policy of permitting just two cellular companies per service region makes little sense for that very reason. It inhibits competition.

Until these remedies take place, consumers can take some basic precautions. Know your location when you dial 911 because the technology for automatic tracking is still in the test stage. You can find the weak service areas along your normal driving routes by keeping your phone on and periodically checking the signal strength. If the FCC and the cellular industry do what they should, and soon, you won't be on your own in these matters for too long. But any delay is unacceptable for what is supposed to be an emergency service.