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**APPENDIX A - LIST OF PARTIES****A. Petitions for Reconsideration or Clarification : September 3, 1996**

1. Ameritech
2. AMTA (American Mobile Telecommunications Associations, Inc.)
3. AT&T (AT&T Wireless Services, Inc.)
4. BANM (Bell Atlantic NYNEX Mobile)
5. BellSouth (BellSouth Corporation)
6. Coast Guard (United States Coast Guard)
7. CTIA (Cellular Telecommunications Industry Association)
8. Nextel (Nextel Communications, Inc.)
9. Nokia (Nokia Telecommunications, Inc.)
10. Omnipoint (Omnipoint Communications, Inc.)
11. PCIA (Personal Communications Industry Association)
12. PrimeCo (PrimeCo Personal Communications, L.P.)
13. SBMS (Southwestern Bell Mobile Systems, Inc.)
14. SBT (Small Business in Telecommunications, Inc.)
15. TIA (Telecommunications Industry Association)
16. XYPOINT (XYPOINT Corporation)

**B. Oppositions and Comments to Petitions for Reconsideration : October 8, 1996**

1. AMSC (AMSC Subsidiary Corp.)
2. Alliance (Ad Hoc Alliance for Public Access to 911)
3. Chicago (The City of Chicago)
4. I-95 Coalition (I-95 Corridor Coalition)
5. Joint Commenters (APCO, NENA, and NASNA)
6. KSI (KSI Inc. and MULOC Inc.)
7. LQL (L/Q Licensee, Inc.)
8. Nextel (Nextel Communications)
9. PBMS (Pacific Bell Mobile Services)
10. TX-ACSEC (Texas Advisory Commission on State Emergency Communications)

**C. Replies to Oppositions : October 18, 1996**

1. Ameritech (Ameritech Corporation)
2. AT&T (AT&T Wireless Services, Inc.)
3. BellSouth (BellSouth Corporation)
4. CAN (Consumer Action Network)
5. COMSAT (COMSAT Corporation)
6. Motorola (Motorola, Inc.)
7. Motorola Satellite (Motorola Satellite Communications, Inc.)

8. NAD (National Association of the Deaf)
9. Nextel (Nextel Communications, Inc.)
10. Omnipoint (Omnipoint Communications, Inc.)

**D. Ex Parte Presentations Subject to July 16, 1997, Public Notice**

1. Alliance (Ad Hoc Alliance for Public Access to 911): July 11, 1997.
2. Coalition (Wireless E911 Coalition): July 10, 1997.
3. GTE (GTE Wireless Service Corporation): July 7, 1997.

**F. Additional Comments Filed in Response to the July 16 Public Notice : July 28, 1997.**

1. AirTouch (AirTouch Communications, Inc.)
2. APCO (Association of Public-Safety Communications Officials-International, Inc.)
3. AT&T (AT&T Wireless Services, Inc.)
4. BANM (Bell Atlantic NYNEX Mobile)
5. CTIA (Cellular Telecommunications Industry Association)
6. MULOC (MULOC, Inc.)
7. NENA (National Emergency Number Association)
8. Nextel (Nextel Communications, Inc.)
9. RCA (Rural Cellular Association)
10. SBMS (Southwestern Bell Mobile Systems)
11. XYPOINT (XYPOINT Corporation)
12. 360° (360° Communications Company)

**G. Ex Parte Presentations Subject to October 3, 1997, Public Notice**

1. Joint Letter (CTIA, PCIA, APCO, NENA, and NASNA) : September 25, 1997
2. Eshoo Letter (Congresswoman Anna Eshoo) : September 29, 1997
3. Alliance Letter (Ad Hoc Alliance for Public Access to 911) : September 30, 1997

**H. Further Comments in Response to the October 3 Public Notice**

■ **Comments : Filed October 17, 1997**

1. AirTouch (AirTouch Communications, Inc.)
2. AT&T (AT&T Wireless Services, Inc.)
3. BellSouth (BellSouth Corporation)
4. CTIA (Cellular Telecommunications Industry Association)
5. GTE (GTE Service Corporation)
6. Nextel (Nextel Communications, Inc.)
7. MCC (Matsushita Communication Industrial Corporation of America)

8. PCIA (Personal Communications Industry Association)
9. PrimeCo (PrimeCo Personal Communications, L.P.)
10. Sprint PCS (Sprint Spectrum, L.P.)
11. TruePosition (TruePosition, Inc.)
12. US West (US West, Inc.)

■ **Reply Comments : Filed October 27, 1997**

1. Ameritech (Ameritech Corporation)
2. AMTA (American Mobile Telecommunications Associations, Inc.)
3. AT&T (AT&T Wireless Services, Inc.)
4. Joint Reply Comments (APCO, NENA and NASNA)
5. Zoltar (Zoltar Satellite Alarm Systems)

## APPENDIX B - FINAL RULES

Part 20 of Title 47 of the Code of Federal Regulations is amended as follows:

**Part 20 - COMMERCIAL MOBILE RADIO SERVICES**

1. Section 20.3 is amended by revising the following definitions to read as follows:

**Section 20.3 Definitions**

\* \* \* \* \*

Automatic Number Identification (ANI). A system that identifies the billing account for a call. For 911 systems, the ANI identifies the calling party and may be used as a call back number.

\* \* \* \* \*

Pseudo Automatic Number Identification (Pseudo-ANI). A number, consisting of the same number of digits as ANI, that is not a North American Numbering Plan telephone directory number and may be used in place of an ANI to convey special meaning. The special meaning assigned to the pseudo-ANI is determined by agreements, as necessary, between the system originating the call, intermediate systems handling and routing the call, and the destination system.

\* \* \* \* \*

2. Section 20.3 is amended by deleting the following definitions:

Code Identification. A Mobile Identification Number for calls carried over the facilities of a cellular or Broadband PCS licensees, or the functional equivalent of a Mobile Identification Number in the case of calls carried over the facilities of a Specialized Mobile Radio Services.

\* \* \* \* \*

Mobile Identification Number. A 34-bit number that is a digital representation of the 10-digit directory telephone number assigned to a mobile station.

\* \* \* \* \*

3. Section 20.3 is amended by adding the following definition to read as follows:

Designated PSAP. The Public Safety Answering Point (PSAP) designated by the local or state entity that has the authority and responsibility to designate the PSAP to receive wireless 911 calls.

\* \* \* \* \*

4. Section 20.18 is amended by revising it to read as follows:

**§ 20.18 911 Service.**

(a) Scope of Section. The following requirements are only applicable to Broadband Personal Communications Services (part 24, subpart E of this chapter), Cellular Radio Telephone Service (part 22, subpart H of this chapter), Geographic Area Specialized Mobile Radio Services and Incumbent Wide Area SMR Licensees in the 800 MHz and 900 MHz bands and (included in Part 90, subpart S of this chapter). In addition, service providers in these enumerated services are subject to the following requirements solely to the extent that they offer real-time, two way switched voice service that is interconnected with the public switched network and utilize an in-network switching facility which enables the provider to reuse frequencies and accomplish seamless hand-offs of subscriber calls.

(b) Basic 911 Service : Licensees subject to this section must transmit all wireless 911 calls without respect to their call validation process to a Public Safety Answering Point, provided that "all wireless 911 calls" is defined as "any call initiated by a wireless user dialing 911 on a phone using a compliant radio frequency protocol of the serving carrier."

(c) TTY Access to 911 Services : Licensees subject to this section must be capable of transmitting 911 calls from individuals with speech or hearing disabilities through means other than mobile radio handsets, *e.g.*, through the use of Text Telephone Devices (TTY).

NOTE: Enforcement of the provisions of this subsection is suspended until October 1, 1998, in the case of calls made using a digital wireless system that is not compatible with TTY calls, provided that the licensee operating such a digital system shall make every reasonable effort to notify current and potential subscribers who use or may use such a system that they will not be able to make a 911 call over such system through the use of a TTY device.

(d) Phase I Enhanced 911 Services

(1) As of April 1, 1998, licensees subject to this section must provide the telephone number of the originator of a 911 call and the location of the cell site or base station receiving a 911 call from any mobile handset accessing their systems to the designated Public Safety Answering Point through the use of ANI and Pseudo-ANI.

(2) When the directory number of the handset used to originate a 911 call is not available to the serving carrier, such carrier's obligations under the paragraph (d)(1) extend only to delivering 911 calls and available calling party information to the designated Public Safety Answering Point.

NOTE: With respect to 911 calls accessing their systems through the use of TTYs, licensees subject to this section must comply with the requirements in paragraphs (d)(1) and (d)(2) above, as to calls made using a digital wireless system, as of October 1, 1998.

(e) Phase II Enhanced 911 Services As of October 1, 2001, licensees subject to this section must provide to the designated Public Safety Answering Point the location of all 911 calls by longitude and latitude such that the accuracy for all calls is 125 meters or less using a Root Mean Square (RMS) methodology.

(f) Conditions for Enhanced 911 Services The requirements set forth in paragraphs (d) and (e) of this section shall be applicable only if the administrator of the designated Public Safety Answering Point has requested the services required under those paragraphs and is capable of receiving and utilizing the data elements associated with the service, and a mechanism for recovering the costs of the service is in place.

(g) Dispatch Service A service provider covered by this section who offers dispatch service to customers may meet the requirements of this section with respect to customers who utilize dispatch service either by complying with the requirements set forth in paragraphs (b) through (e) of this section, or by routing the customer's emergency calls through a dispatcher. If the service provider chooses the latter alternative, it must make every reasonable effort to explicitly notify its current and potential dispatch customers and their users that they are not able to directly reach a PSAP by calling 911 and that, in the event of an emergency, the dispatcher should be contacted.

## APPENDIX C

**Supplemental Final Regulatory Flexibility Analysis**

As required by the Regulatory Flexibility Act, 5 U.S.C. § 603 (RFA), a Final Regulatory Flexibility Analysis (FRFA) was incorporated in Appendix B of the *E911 First Report and Order* in this proceeding. The Commission's Supplemental Final Regulatory Flexibility Analysis (SFRFA) in this *Memorandum Opinion and Order (MO&O)* reflects revised or additional information to that contained in the FRFA. The SFRFA is thus limited to matters raised in response to the *E911 First Report and Order* and addressed in this *MO&O*. This SFRFA conforms to the RFA, as amended by the Contract with America Advancement Act of 1996 (CWAAA), Pub. L. No. 104-121, 110 Stat. 846 (1996).<sup>1</sup>

**I. Need For and Objectives of the Action**

The actions taken in this *MO&O* are in response to petitions for reconsideration or clarification of the rules adopted in the *E911 First Report and Order* requiring wireless carriers to implement 911 and Enhanced 911 (E911) services. The limited revisions made in the *MO&O* are intended to remedy technical problems raised in the record while otherwise reaffirming the Commission's commitment to the rapid implementation of the technologies needed to bring emergency help to wireless callers throughout the United States.

**II. Summary of Significant Issues raised by the Public Comments in Response to the Final Regulatory Flexibility Statement**

No comments were received in direct response to the FRFA, but the Commission received 16 petitions for reconsideration of the *E911 First Report and Order*.<sup>2</sup> The majority of petitioners ask that the Commission reconsider the rules governing when covered wireless carriers must make 911 access available to callers. Other petitioners ask that the Commission reconsider or clarify a variety of issues ranging from the implementation date for covered carriers to provide 911 access to people with hearing or speech disabilities through the use of Text Telephone Devices, such as TTYs, to the definition of which wireless carriers must comply with the rules, particularly in regard to "covered Special Mobile Radios (SMRs)." Paragraphs 1-5 of this *MO&O* provide a more detailed discussions of the petitions and the resulting actions. Additionally, as discussed in paragraphs 10-12, several parties filed *ex parte* presentations raising technical issues which prompted the Commission to stay the October 1, 1997 implementation dates for Section 20.18(a), (b), and (c) through November 30, 1997, and to seek further comment.

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<sup>1</sup> Title II of the Contract with America Act is "The Small Business Regulatory Enforcement Fairness Act of 1996" (SBREFA), codified at 5 U.S.C. §§ 601 *et seq.*

<sup>2</sup> See Appendix A for a full list of parties in this proceeding.

### III. Description and Estimate of the Number of Small Entities to Which Rules Will Apply

The rules adopted in this *MO&O* will apply to providers of broadband Personal Communications Service (PCS), Cellular Radio Telephone Service, and Specialized Mobile Radio (SMR) Services in the 800 MHz and 900 MHz bands. Service providers in these services are subject to 911 requirements solely to the extent that they offer real-time, two way switched voice service that is interconnected with the public switched network and utilize an in-network switching facility which enables the provider to reuse frequencies and accomplish seamless hand-offs of subscriber calls.

#### *a. Estimates for Cellular Licensees*

As indicated in the FRFA, the Commission has not developed a definition of small entities applicable to cellular licensees. Therefore, the applicable definition of small entity is the definition under the Small Business Administration (SBA) rules applicable to radiotelephone companies. This definition provides that a small entity is a radiotelephone company employing fewer than 1,500 persons.<sup>3</sup> In addition to the data supplied in the FRFA, a more recent source of information regarding the number of cellular services carriers nationwide is the data that the Commission collects annually in connection with the Telecommunications Relay Service (TRS) Worksheet.<sup>4</sup> That data shows that 792 companies reported that they were engaged in the provision of cellular services. Although it seems certain that some of these carriers have fewer than 1,500 employees, and because a cellular licensee may have several licenses, we are unable at this time to estimate with greater precision the number of cellular carriers that would qualify as small business concerns under the SBA's definition. Consequently, we estimate that, for purposes of our evaluations and conclusions in the SFRFA, all of the current cellular licensees are small entities, as that term is defined by the SBA.

#### *b. Estimates for Broadband PCS Licensees*

As indicated in the FRFA, the broadband PCS spectrum is divided into six frequency blocks designated A through F. The FRFA provides a full explanation as to the definition of small business in the context of broadband PCS licensees, using the definition SBA approved, developed by the Commission for Blocks C-F, that a small business is an entity that has

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<sup>3</sup> 13 C.F.R. § 121.201, Standard Industrial Classification (SIC) Code 4812.

<sup>4</sup> Federal Communications Commission, CCB Industry Analysis Division, Telecommunication Industry Revenue: TRS Worksheet Data, Tbl. 1 (Average Total Telecommunication Revenue Reported by Class of Carrier) (December 1996) (TRS Worksheet).

average gross revenues of less than \$40 million in the three previous calendar years.<sup>5</sup> In addition, the SBA has approved a Commission definition (for Block F) of "very small business" which is an entity that, together with their affiliates, has average gross revenues of not more than \$15 million for the preceding three calendar years.<sup>6</sup> No small businesses within the SBA approved definition bid successfully for licenses in Blocks A and B. There were 90 winning bidders that qualified as small entities in the Block C auctions. A total of 93 small and very small business bidders won approximately 40 percent of the 1,479 licenses for Blocks D, E, and F.<sup>7</sup> However, not all licenses for Block F have been awarded. Because licenses were awarded only recently, there are few small businesses currently providing broadband PCS services. Based on this information, we conclude that the number of small broadband PCS licensees includes the 90 small business winning C Block bidders and the 93 qualifying bidders in the D, E, and F Blocks, for a total of 183 small broadband PCS providers as defined by the SBA and the Commission's auction rules.

*c. Estimates for SMR Licensees*

The FRFA indicates that, pursuant to 47 C.F.R. § 90.814(b)(1), the Commission has defined "small entity" for geographic area 800 MHz and 900 MHz SMR licenses as firms that had average gross revenues of less than \$15 million in the three previous calendar years. This regulation defining "small entity" in the context of 800 MHz and 900 MHz SMR has been approved by the SBA.<sup>8</sup> As the FRFA noted, we do not know how many firms provide 800 MHz or 900 MHz geographic area SMR service pursuant to extended implementation authorizations, nor how many of these providers have annual revenues of less than \$15 million. The number of licensees cannot be estimated, because, although we know that there are a total of slightly more than 31,000 SMR licensees, one licensee can hold more than one license. We do know, however, that one of these firms has over \$15 million in revenues. We assume, for purposes of our evaluations and conclusions in this SFRFA, that all of the

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<sup>5</sup> See Amendment of Parts 20 and 24 of the Commission's Rules — Broadband PCS Competitive Bidding and the Commercial Mobile Radio Service Spectrum Cap, WT Docket No. 96-59, Report and Order, 11 FCC Rcd 7824 (1996), 61 FR 33859 (July 1, 1996).

<sup>6</sup> *Id.* at para. 60.

<sup>7</sup> FCC News, Broadband PCS, D, E, and F Block Auction Closes, No. 71744 (released Jan. 14, 1997).

<sup>8</sup> See Amendment of Parts 2 and 90 of the Commission's Rules to Provide for the Use of 200 Channels Outside the Designated Filing Areas in the 896-901 MHz and the 935-940 MHz Bands Allotted to the Specialized Mobile Radio Pool, PR Docket No. 89-583, Second Order on Reconsideration and Seventh Report and Order, 11 FCC Rcd 2639, 2693-702 (1995); Amendment of Part 90 of the Commission's Rules to Facilitate Future Development of SMR Systems in the 800 MHz Frequency Band, PR Docket No. 93-144, First Report and Order, Eighth Report and Order, and Second Further Notice of Proposed Rulemaking, 11 FCC Rcd 1463 (1995).

remaining existing extended implementation authorizations are held by small entities, as that term is defined by the SBA.

Further, the Commission has no way of accurately determining which licensees would fall under the definition of "covered carrier" as expressed in the *MO&O*.<sup>9</sup> The Commission still concludes that the number of geographic area SMR licensees affected by our action in this proceeding includes the 55 small entities who bid for and won geographic licenses in the 900 MHz SMR band. These 55 small entities hold a total of 245 licenses. As of the adopted date of this decision, the auction for 800 MHz geographic area SMR licenses had not yet been completed. A total of 525 licenses will be awarded for the upper 200 channels in the 800 MHz geographic area SMR auction. However, the Commission has not yet determined how many licenses will be awarded for the lower 230 channels in the 800 MHz geographic area SMR auction. There is no basis to estimate, moreover, how many small entities within the SBA's definition will win these licenses. Given the facts that nearly all radiotelephone companies have fewer than 1,000 employees and that no reliable estimate of the number of prospective 800 MHz licensees can be made, we assume, for purposes of our evaluations and conclusions in this SFRFA, that all of the licenses will be awarded to small entities, as that term is defined by the SBA.

#### **IV. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements**

The Commission is submitting several burdens to the Office of Management and Budget for approval. First, Public Safety Answering Points (PSAP) who are willing to participate in Phase I and Phase II of E911 service must notify the covered carrier that they are capable of receiving and utilizing the data elements associated with the service and request the service.<sup>10</sup> Also, cost recovery mechanisms must be in place as a prerequisite to the imposition of enhanced 911 service requirements upon covered carriers.<sup>11</sup> In the *MO&O*, the Commission requires that covered carriers whose digital systems are not compatible with TTY calls must make every reasonable effort to notify current and potential subscribers that they will not be able to use TTYs to call 911 with digital wireless devices and services.<sup>12</sup>

In addition, to monitor the progress of the wireless industry regarding TTY compatibility, the Commission requires that the signatories to the TTY Consensus Agreement

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<sup>9</sup> See discussion at paras. 75-83, *supra*.

<sup>10</sup> *E911 First Report and Order*, 11 FCC Rcd at 18708-10 (paras. 63-66).

<sup>11</sup> *Id.* at 18684 (paras. 11).

<sup>12</sup> See discussion at paras. 60-61, *supra*.

file quarterly progress reports in this docket within ten days after the end of the quarter beginning January 1, 1998, until the quarter ending September 30, 1998.<sup>13</sup> At the same time, the Commission grants the request of extension of time to file a Joint Status Report on TTY issues, that was due on October 1, 1997, and requires the signatories to the Consensus Agreement to file the Joint Status Report on TTY issues by December 30, 1997.<sup>14</sup>

In the *MO&O*, the Commission also requires that covered carriers who offer dispatch service to customers and choose to comply with Commission rules by routing dispatch customer emergency calls through a dispatcher, rather than directly routing to the PSAP, must make every reasonable effort to explicitly notify the current and potential dispatch customers and their users that they will not be able to directly reach a PSAP by calling 911 and that, in the event of an emergency, the dispatcher should be contacted.<sup>15</sup>

The *MO&O*, while revising the definition of "pseudo-ANI," provides that the specific meaning assigned to the pseudo-ANI is determined by agreements, as necessary, between the telephone system originating the call, intermediate telephone systems handling and routing the call, and the destination telephone system.<sup>16</sup> Additionally, in recognition of the difficulty involved in assigning wireless 911 calls to the appropriate PSAP based on location, the *MO&O* clarifies that the responsible local or State entity has the authority and responsibility to designate the PSAPs that are appropriate to receive wireless E911 calls, noting that this will require continued coordination between carriers and State and local entities.<sup>17</sup> The *MO&O* lastly provides that covered carriers can request a waiver of the Phase I implementation schedule based on inability to transmit 10-digit telephone numbers and cell site information, but requires that any waiver request based on a LEC's capability must be accompanied by a deployment schedule for meeting the Phase I requirements.<sup>18</sup>

#### **V. Significant Alternatives and Steps Taken By Agency to Minimize Significant Economic Impact on Small Entities Consistent with Stated Objectives**

This *MO&O* is adopted in response to petitions for reconsideration, including several filed by small businesses. After consideration of these petitions, the *MO&O* first modifies the

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<sup>13</sup> See discussion at paras. 63-64, *supra*.

<sup>14</sup> See para. 62, *supra*.

<sup>15</sup> See para. 80, *supra*.

<sup>16</sup> See discussion at paras. 100-103, *supra*.

<sup>17</sup> See discussion at paras. 98-99, *supra*.

<sup>18</sup> See para. 107, *supra*.

rules by requiring covered carriers to transmit all 911 calls.<sup>19</sup> Section 20.18(b) of the Commission's Rules, 47 C.F.R. § 20.18(b), as adopted in the *E911 First Report and Order*, required that carriers transmit 911 calls from all handsets which transmit "code identifications" and transmit all 911 calls, even those without code identification, if requested to do so by a PSAP administrator.<sup>20</sup> Thirteen of the sixteen petitioners ask that the Commission reconsider this requirement. After a review of the arguments raised by the petitioners in opposition to the rule, the *MO&O* finds that the rules adopted in the *E911 First Report and Order* would impose unreasonable cost, delay, and administrative burdens on wireless carriers, and that, at least for the present, the most practical, least expensive and most efficient option is to require covered carriers to forward all 911 calls.<sup>21</sup>

Three original petitioners request that the Commission modify or defer the implementation dates of rules requiring covered carriers to provide 911 access to people with hearing or speech disabilities through the use of TTYs with respect to digital wireless systems, due to technical incompatibility. Although the Commission decides against deferring the implementation date indefinitely until the industry standards bodies resolve all the technical issues, as these petitioners request, it temporarily suspends enforcement of the TTY requirement for digital wireless systems until October 1, 1998, subject to a notification requirement.<sup>22</sup>

Also, in response to 5 petitions seeking reconsideration of the Commission's decision as to the wireless carriers to whom the rules apply particularly for covered SMRs, the *MO&O* narrows the definition of "Covered SMRs" for E911 purposes to include only those systems that offer real-time, two way switched voice service that is interconnected with the public switched network and utilize an in-network switching facility which enables the provider to reuse frequencies and accomplish seamless hand-offs of subscriber calls.<sup>23</sup> The Commission also decides to extend the modified definition to covered broadband PCS and cellular as well as SMR providers.<sup>24</sup> We agree with the petitioners on this issue that the current rule could encompass SMR providers that primarily offer traditional dispatch services but also offer limited interconnection capability and that such traditional dispatch providers would have to overcome significant and potentially costly obstacles to provide 911 access. Furthermore,

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<sup>19</sup> See discussion at paras. 25-41, *supra*.

<sup>20</sup> See *E911 First Report and Order*, 11 FCC Rcd at 18692-96 (paras. 29-40).

<sup>21</sup> See discussion at paras. 25-41, *supra*.

<sup>22</sup> See discussion at paras. 53-64, *supra*.

<sup>23</sup> See discussion at paras. 75-78, *supra*.

<sup>24</sup> See para. 78, *supra*.

under the revised rules, the "covered" SMR systems that offer dispatch services to customers may meet their 911 obligations either by providing customers with direct capability for 911 purposes, or alternatively, by routing dispatch customer emergency calls through a dispatcher, subject to a notification requirement.<sup>25</sup>

The Commission also reviewed and rejected the Coast Guard's petition, which requested the Commission to apply E911 requirements to Mobile Satellite Services (MSS) and to issue a further notice of proposed rulemaking regarding the provision of emergency communications by MSS systems. In the *MO&O*, the Commission upholds its decision that MSS should be exempt from the 911 and E911 rules because adding specific regulatory requirements to MSS in this early stage of its growth may impede the development of service in ways that might reduce its ability to meet public safety needs. However, the Commission does urge the MSS industry and the public safety community to continue their efforts to develop and establish public safety standards along with international standards bodies.<sup>26</sup>

Finally, although several petitioners asked the Commission to establish a specific cost recovery program (rather than the flexible alternative adopted in the *E911 First Report and Order*), the Commission declined to do so preferring to provide government entities with the option of keeping their existing cost recovery program in place or to create a cost recovery program that best suits the needs of all parties concerned in their locality.<sup>27</sup>

## VI. Report to Congress

We will submit a copy of this Supplementary Final Regulatory Flexibility Analysis, along with the *MO&O*, in a report to Congress pursuant to 5 U.S.C. § 801(a)(1)(A). A copy of this SFRFA will also be published in the Federal Register.

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<sup>25</sup> See discussion at paras. 79-80, *supra*.

<sup>26</sup> See discussion at paras. 87-89, *supra*.

<sup>27</sup> See discussion at paras. 143-146, *supra*.

**Separate Statement of Chairman William E. Kennard****Revision of the FCC's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket 94-102, Memorandum Opinion and Order**

Today, the FCC reaffirmed its commitment to the rapid implementation of technologies needed to bring emergency help to wireless callers throughout the United States. In view of the importance of this action for public safety, I want to take this opportunity to state my commitment to ensuring that wireless callers are able to reach emergency services when they need them, and to ensuring that, as soon as possible, wireless 911 callers receive the same location and call-back benefits of enhanced 911 systems that wireline callers currently receive.

The Order the Commission adopted today takes a common sense approach to public safety. Making 911 and enhanced 911 service available to wireless callers will help emergency service providers respond to people in emergency situations as quickly and as effectively as possible. Under the Commission's Order, wireless carriers subject to the 911 rules will be required to transmit all wireless 911 calls (from both subscribers and non-subscribers) to emergency assistance providers or Public Safety Answering Points (PSAPs). When it comes to helping people in emergency situations, we have an obligation to do all that we can to make sure that there are no impediments to their receiving help. Assuring prompt delivery of emergency 911 calls from whatever source, without delay, best serves the public interest.

I would also like to state my commitment to ensuring that persons with disabilities have the same access to telecommunications services, including emergency services, as the rest of the American people. While we were forced by the record in this proceeding to defer the obligation of wireless carriers to transmit 911 TTY calls made on digital systems, I call upon the industry to work with persons with disabilities and the organizations that represent them to resolve the technical problems that make this impossible at this time. I am concerned that the wireless industry has not yet been able to solve the problem of transmitting TTY calls over digital systems. I intend to monitor the efforts of the industry to work with persons with disabilities to ensure that sufficient progress is made to solve this problem. We all must do everything we can to make sure that no segment of our community is left behind when it comes to telecommunications and emergency services.

I am pleased that our order reaffirms our commitment to making enhanced 911 service available for wireless callers. In most places, emergency service teams have the ability to locate a 911 wireline caller and the ability to return that person's call. The Commission today reaffirms the deadlines for the rules for enhanced 911 services that will move us closer to making this a reality for wireless callers as well.

The rules we affirm respecting wireless E-911 move us closer to the day when wireless telephony will be viewed by consumers as a complete substitute for wireline telephony. Our rules are also technology-neutral, and encourage the development of efficient and effective methods for

reporting the location of calls placed from wireless phones. This is important if we are to encourage innovation within the industry. I look forward to working with industry, public safety groups, consumer groups, and consumers on this issue.

Finally, the Order we adopt today finishes the task of putting in place the basic building blocks of 911 and enhanced 911 services for wireless calls. We now must turn our attention to the issues that remain before us to refine the wireless 911 and enhanced 911 system, and that were raised in the Further Notice in this proceeding. One such issue of great importance to me is the issue of whether we should require that wireless 911 calls be sent to a PSAP by the wireless system with the strongest control channel signal. Supporters of this proposal have argued that it would provide a solution to situations where one carrier has a "blank spot" in its radio system but other carriers can provide coverage. I am committed to resolving the issues surrounding this proposal as soon as possible, so that a viable solution to the problem of "blank spots" can be implemented. Public safety demands that the industry work closely with public safety groups and consumer advocates to forge such a solution. I will make this Further Notice issue a priority, and will be closely monitoring efforts to forge technical solutions for effecting the "strongest signal" proposal.

**Separate Statement of Commissioner Gloria Tristani****Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, Memorandum Opinion and Order**

One of the Commission's mandates under the Communications Act is "promoting the safety of life and property through the use of wire and radio communication." Today, we act on that mandate by assuring that all wireless phone users will have access to 911 emergency services without cumbersome code identification or subscriber validation procedures. In doing so, we recognize that ensuring direct access to 911 services is a public good benefitting all Americans, not simply those placing the call. I note that many wireless carriers have acted in the public interest and already implemented the practice of passing all wireless 911 calls.

At the same time we broaden access to 911, it concerns me that we must delay implementation, for digital systems, of our previously adopted requirement that carriers provide 911 access to customers using TTY or text telephone devices. Wireless telephones have become part of our nation's culture precisely because they are about access -- with mobility, they afford constant communication. This key characteristic also makes the wireless phone uniquely useful as a safety device. Indeed, many wireless subscribers cite safety as the main reason for purchasing a mobile telephone, and public safety organizations have observed that a large and ever-increasing number of 911 calls originate from a wireless telephone. I am concerned that by delaying the requirement of TTY compatibility for digital systems, we effectively deny access to those Americans who are deaf, hard-of-hearing, or who have speech disabilities.

In agreeing to a 12-month delay in these requirements, I am mindful that representatives of consumer groups and the deaf and hard-of-hearing community have joined with industry representatives to request additional time for implementation of the TTY requirement. The technical hindrances to TTY compatibility must be resolved through the cooperative efforts of carriers, consumer groups, TTY users, public safety agencies and equipment manufacturers. While I am pleased that this effort has begun, in the coming months I will be particularly attentive to its progress. I expect these groups will exert their best efforts in assuring that all Americans, equally, have access to the combined benefits of wireless telephony and public safety services.