



# PUBLIC NOTICE

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**Federal Communications Commission**  
**1919 M St. N.W.**  
**Washington, D.C. 20554**

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DA 98-1504  
 July 30, 1998

**WIRELESS TELECOMMUNICATION BUREAU SEEKS COMMENT ON  
 REQUEST FOR AN EMERGENCY DECLARATORY RULING  
 FILED REGARDING WIRELESS ENHANCED 911  
 RULEMAKING PROCEEDING**

CC Docket No. 94-102

**Comments Due: August 14, 1998**

**Reply Comments Due: August 24, 1998**

On July 20, 1998, the State of California 9-1-1 Program Manager filed a request for an emergency declaratory ruling in the wireless Enhanced 911 (E911) rulemaking proceeding.<sup>1</sup> The request seeks a ruling regarding certain issues related to the implementation of E911 Phase I requirements. Pursuant to Section 0.131 and Section 1.2 of the Commission's Rules, 47 C.F.R. §§ 0.131, 1.2, the Wireless Telecommunications Bureau seeks comment on this request for an emergency declaratory ruling. A copy of the request is attached.

In the wireless E911 rulemaking proceeding, the Commission established rules requiring wireless carriers to implement basic 911 and E911 services. Under the Commission's E911 Phase I requirement, 47 C.F.R. § 20.18(d)(1), as of April 1, 1998, covered carriers must provide the telephone number of the 911 caller 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 (PSAP) through the use of Automatic Number Identification (ANI) and Pseudo-ANI. The Phase I requirement, however, is applicable to the carriers only if the administrator of the designated PSAP has requested the services, the PSAP 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. *See* 47 C.F.R. § 20.18(f).

<sup>1</sup> *See* Revision of the Commission's Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, Report and Order and Further Notice of Proposed Rulemaking, 11 FCC Rcd 18676 (1996), 61 Fed. Reg. 40348, 40374 (1996) (*E911 First Report and Order and Second NPRM*); Memorandum Opinion and Order, 12 FCC Rcd 22665 (1997), 63 Fed. Reg. 2631 (1998).

In the request for an emergency declaratory ruling, the California 9-1-1 Program Manager requests an immediate ruling on the following questions:

1. Do carriers have an obligation to deploy wireless E911 service (Phase I) in California despite the fact that State statutes do not provide immunity from liability for E911 service provided?
2. If carriers are obligated to deliver Phase I service without immunity from liability (either statutory or contractual), is the State required under the cost recovery rules to reimburse carriers for the cost of insurance policies covering their provision of wireless E911 service?
3. Regarding selective routing, what is meant in the Commission's E911 First Report and Order by the reference to "appropriate PSAP"?

Interested parties may file comments to the request for an emergency declaratory ruling filed by the California 9-1-1 Program no later than **August 14, 1998**. Any interested parties may also file reply comments no later than **August 24, 1998**. To file formally in this proceeding, participants must file an original and five copies of all comments. If participants want each Commissioner to receive a personal copy of their comments, an original and nine copies must be filed. All comments should be filed with the Office of the Secretary, Federal Communications Commission, 1919 M Street, N.W., Room 222, Washington, D.C. 20554, referencing CC Docket No. 94-102.

The full text of the California 9-1-1 Program's request for an emergency declaratory ruling is available for inspection and duplication during regular business hours in the FCC Reference Center, Federal Communications Commission, 1919 M Street, N.W., Room 239, Washington, D.C. 20554. Copies may also be obtained from International Transcription Service, Inc. (ITS), 1231 20th Street, N.W., Suite 140, Washington, D.C. 20036, (202) 857-3800.

For further information, contact Won Kim at (202) 418-1310, Wireless Telecommunications Bureau, Policy Division.

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STATE OF CALIFORNIA - STATE AND CONSUMER SERVICES AGENCY

PETE WILSON, Governor

DEPARTMENT OF GENERAL SERVICES

**TELECOMMUNICATIONS DIVISION**601 SEQUOIA PACIFIC BOULEVARD  
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(916) 657-9903

July 20, 1998

The Honorable William F. Kennard  
Chairman  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

Dear Chairman Kennard:

The purpose of this letter is to request that the Federal Communications Commission (FCC) issue an emergency declaratory ruling regarding issues of wireless E9-1-1 service as it relates to immunity for wireless carriers, insurance policies, and deployment of the service required by Report & Order 94-102 and Memorandum 97-402.

Specifically, we request an immediate ruling of the Commission on the following questions:

Do carriers have an obligation to deploy wireless E9-1-1 service (Phase I) in California despite the fact that state statute does not provide immunity from liability for E9-1-1 service provided?

If carriers are indeed obligated to deliver Phase I service without immunity (either statutory or contractual), are we required under the cost recovery rules to reimburse carriers for the cost of insurance policies covering wireless E9-1-1 service?

Regarding selective routing - what is meant in the Order by the reference to "appropriate PSAP?"

We are not making a case for a ruling either way, but rather request that the Commission immediately clarify its position on these issues so we can move forward. The issue of immunity from liability is now the only substantive obstacle preventing trials and commercial deployment of wireless E9-1-1 service and we believe all parties would benefit from clarification of the Commission's policy on this subject. California state law requires that cellular carriers route 9-1-1 calls to the California Highway Patrol. This raises the question of whether the Order can supersede state law and would permit carriers to route calls to local agencies if requested by PSAPs to do so.

The State of California believes that it has met the three conditions established by the FCC for the provision of wireless E9-1-1 service. First, we have formally requested the service, giving the wireless carriers far more than six months to provide the service. Second, public safety answering points in the area where service has been requested are able to receive and utilize the data. Third, we have a fully functioning cost recovery mechanism in place to reimburse carriers for their legitimate costs.

The California 9-1-1 Program, in partnership with the California Highway Patrol which currently receives cellular 9-1-1 calls, has been working with wireless carriers for nearly 12 months to conduct a comprehensive trial of Phase I service in the Los Angeles area. We have incurred literally hundreds of thousands of dollars in expense in preparation for this trial and yet we have been unable to reach an agreement with the wireless carriers—with the sole exception of Pacific Bell Mobile Services (PBMS) —on a contract to allow the Los Angeles trial to commence.

Wireless E9-1-1 service is now live in the trial area for PBMS customers only. All major technical hurdles have been overcome for the other wireless carriers and we are currently waiting for resolution of the immunity issue and for a signed contract between each wireless carrier and the State.

To date, LA Cellular, AirTouch Cellular and Sprint PCS have not agreed to proceed with the trial although a great deal of substantive, honest and cooperative dialogue has occurred in an attempt to resolve this issue. The wireless carriers have collectively attempted to secure an insurance policy that would offer specific protection for the trial period. The initial cost estimate of this special insurance policy is \$150,000 for 90 days, covering all four carriers. Using this cost projection, we estimate that it would require at least \$50 million annually for statewide, commercial reimbursement to wireless carriers for the insurance aspect only.

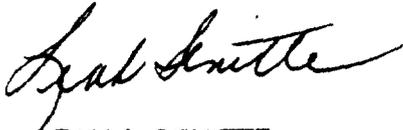
The rough, unofficial cost of wireless E9-1-1 service in California for statewide, commercial implementation of all wireless customers is estimated at approximately \$15 million annually. This is based on the initial estimate of some major wireless carriers that their cost of service is approximately \$0.25 per subscriber, per month. If the State of California is required—in order to receive commercial rollout of Phase I—to reimburse carriers for an insurance policy in the range of that quoted by the trial, it is clear to us that wireless E9-1-1 service will not be deployed statewide in California.

I would like to make it clear that wireless carriers have worked diligently to resolve this issue and that good faith attempts have been made to seek resolution of the immunity obstacle. Nonetheless, I must note that a great deal of tax money have been expended to prepare for this trial and it would be a disservice for the trial not to proceed.

We hope that you appreciate the time-sensitive nature of this issue as well as the tremendous expense being incurred and will make an attempt to assist us as quickly as possible.

Thank you for your immediate attention to this issue. Please let me know if I can provide you with additional information about our efforts to deploy wireless E9-1-1 service in California.

Sincerely,



LEAH A. SENITTE  
9-1-1 Program Manager  
Emergency Telephone Systems Section  
Telecommunications Division  
Department of General Services  
State of California

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cc: Magalie Salas, FCC Secretary, Federal Communications Commission  
Daniel Phythyon, Chief, FCC Wireless Telecommunications Bureau  
John Cimko, Chief, Policy Division, FCC Wireless Telecommunications Bureau  
Sue Wright, 911 Coordinator, Department of California Highway Patrol  
Steve Carlson, Executive Director, California Cellular Carrier's Association  
Michael Altschul, Counsel, Cellular Telephone Industry Association  
Bill Stanton, Executive Director, National Emergency Number Association  
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