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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

BEFORE THE
Federal Communications Commission
WASHINGTON, D.C.

In the Matter of)
)
Joint Petition to Ensure) RM-9343
Interoperability of E9-1-1 Emergency)
Calling Systems)

COMMENTS OF THE CELLULAR TELECOMMUNICATIONS
INDUSTRY ASSOCIATION

The Cellular Telecommunications Industry Association ("CTIA")¹ respectfully submits these comments in response to the Public Notice concerning the above mentioned Petition.²

In its Petition, the Joint Petitioners³ explain that a lack of interoperability for 9-1-1 networks and 9-1-1 CPE can have a detrimental impact and impose additional costs with respect to

¹ CTIA is the international organization of the wireless communications industry for both wireless carriers and manufacturers. Membership in the association covers all Commercial Mobile Radio Service ("CMRS") providers, and includes forty-eight of the fifty largest cellular and broadband PCS providers. CTIA represents more broadband PCS carriers and more cellular carriers than any other trade association.

² See "Petition by Joint Petitioners To Ensure Interoperability of 9-1-1 Emergency Calling Systems", RM-9343, Public Notice, DA 98-1652, (released August 18, 1998), ("Public Notice").

³ The Joint Petitioners are the Texas Advisory Commission on State Emergency Communications, the Greater Harris County 9-1-1 Emergency Network, Tarrant County 9-1-1, Denton County 9-1-, Bexar County 9-1-1, and the National Association of State Nine-One-One Administrators.

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the implementation of the Phase 1 and Phase 2 requirements of the FCC's rules governing wireless E9-1-1 emergency services.⁴ Combined with the imposition of other costly Federal mandates⁵ and the economic demands of an increasingly competitive CMRS market, CMRS carriers must provide E9-1-1 in a cost-effective, efficient, and timely manner. The lack of 9-1-1 interoperability creates uncertainty that poses the risk of delaying implementation of wireless E9-1-1. Therefore, CTIA supports the Joint Petitioners' request for an investigation on 9-1-1 interoperability issues, *provided that* such investigation provides sufficient evaluation of the issues in an expeditious manner.

As PSAPS and CMRS carriers have commenced implementation of Phase 1 of the FCC's wireless E9-1-1 requirements, there have been instances where concerns over the capabilities and the interoperability of the existing LEC network and cost recovery for LEC upgrades have hindered negotiations. CTIA, PCIA, NENA and

⁴ See In the Matter of Joint Petition to Ensure Interoperability of E9-1-1 Emergency Calling Systems, RM-9343, 2 (filed Aug. 4, 1998) ("Petition").

⁵ These Federal mandates include, but are not limited to, universal service funding, CALEA requirements, number portability, Year 2000 compliance, CPNI compliance, and annual regulatory fees.

APCO previously have informed Commission staff that CMRS carriers and PSAPs in some areas of the country are encountering such problems that adversely affect the timely implementation of the Phase 1 requirements.⁶

In the *E911 First Report and Order*, the Commission recognized that it may be technically impossible for a LEC to transmit 10-digit telephone numbers and cell site information.⁷ Accordingly, the Commission determined that in such cases, CMRS carriers may request a waiver of the Phase 1 requirements, "based on [the Commission's] understanding that the upgrade of the existing LEC networks is a prerequisite to compliance with the Phase 1 requirements."⁸ While the Commission has acknowledged that implementation of wireless E9-1-1 services may require upgrades in the LEC switch, the Commission assumed that such

⁶ See In the Matter of Revision of the Commission's Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, Letter to Magalie R. Salas, Secretary, Federal Communications Commission from Cleveland Lawrence III, Cellular Telecommunications Industry Association, filed Feb. 10, 1998, (*Ex parte* meeting with Wireless Telecommunications Bureau staff to discuss implementation issues that wireless carriers and PSAP are encountering).

⁷ See 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, 11 FCC Rcd 18676, 18710 ¶66 (1996) ("E911 First Report and Order").

⁸ Id.

upgrades will not require major infrastructure changes in the current LEC networks or to PSAP equipment.⁹ Moreover, the Commission has not addressed the cost recovery issues as it relates to upgrades in the LEC switch, *i.e.*, who pays for the cost of the upgrades to the LEC switch, whether a LEC may seek reimbursement for its upgrades under the state cost recovery plan for wireless E9-1-1 services or through the regular state tariff process. CMRS carriers and PSAPs have always recognized the significant role of the LEC in the delivery of wireless E9-1-1 services.¹⁰ If the Commission determines that an expeditious investigation is appropriate, CTIA recommends that the Commission evaluate the interoperability issues related to cost recovery for LEC upgrades and the extent to which such upgrades require major infrastructure changes in the CMRS and LEC networks.

The Joint Petitioners suggest that the Commission initiate a notice of inquiry, a joint experts meeting, negotiated rulemaking or some other investigative procedure to address E9-1-1

⁹ See In the Matter of Revision of the Commission's Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Memorandum Opinion and Order, 12 FCC Rcd 22665, 22716-22717 ¶¶ 104, 106-107. (1997).

¹⁰ CTIA also recognizes that significant jurisdictional issues are implicated, particularly the scope of the FCC's jurisdiction over a LEC's provisioning of 911 services. CTIA hopes that the Commission's evaluation and resolution of these issues do not further delay the deployment of wireless E9-1-1 services.

interoperability issues. CTIA is concerned that such processes and procedures may only serve to create further uncertainty and delay in the implementation of Phase 1.¹¹ For CMRS carriers that are poised to deploy wireless E9-1-1 services and have incurred substantial costs associated with implementation, such uncertainty would have a detrimental effect. It is imperative that whatever process or procedure the Commission selects to investigate and evaluate E9-1-1 interoperability issues, it must be completed expeditiously in order for CMRS carriers to meet the Phase 1 and Phase 2 compliance dates and to recoup their investment.

Alternatively, the Commission should consider CTIA's offer to the public safety community to reassemble the group that developed the Consensus Agreement to address issues that impede implementation of Phase 1 and Phase 2 wireless E9-1-1 capabilities.¹² With the input of the public safety community, CTIA is willing to consider expanding the group to include

¹¹ Other wireless E9-1-1 issues still pending before the Commission include "strongest signal" issue, limitation of liability, and technology selection.

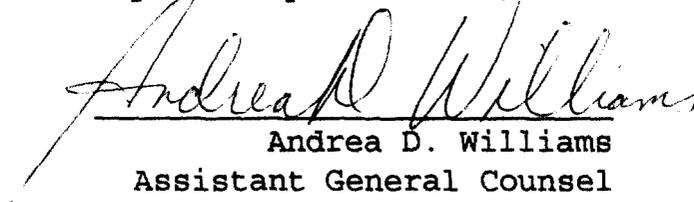
¹² See Letters to Ms. Leah Senitte, President, National Emergency Number Association and Mr. Jack Keating, President, Association of Public-Safety Communications Officials, from Mr. Thomas E. Wheeler, President and CEO, Cellular Telecommunications

representation from the wireline industry so that together we can resolve the LEC-CMRS interoperability issues.

Conclusion

Based on the foregoing, CTIA supports the Joint Petitioners request for an investigation of LEC-CMRS interoperability issues. CTIA strongly encourages the Commission to select an investigative process that provides the appropriate evaluation and resolution of the issues and does not further delay the delivery of wireless E9-1-1 services to consumers.

Respectfully submitted,


Andrea D. Williams
Assistant General Counsel

Michael F. Altschul
Vice President, General Counsel

Randall S. Coleman
Vice President for
Regulatory Policy and Law

**CELLULAR TELECOMMUNICATIONS
INDUSTRY ASSOCIATION**
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Suite 200
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(202) 785-0081

September 18, 1998

Industry Association (Aug. 26, 1998), attached hereto as Appendix A.

APPENDIX A

CTIA

Cellular Telecommunications Industry Association

Thomas E. Wheeler

President / CEO

August 26, 1998

Ms. Leah Senitte
President
National Emergency Number Association
State of California 9-1-1 Program
601 Sequoia Pacific Boulevard
Sacramento, CA 95814-0282

Dear Leah,

CTIA is proud of what our associations have accomplished working together to enhance the safety of our communities and to save people's lives. Today, by this letter and through my videotaped remarks to the participants at our jointly-sponsored *Location Implementation Conference for Phase 2 E9-1-1 Location Technology*, I am inviting you to join with CTIA in developing a plan for implementing wireless E9-1-1 service on a coordinated basis.

Every day, CTIA's members deliver more than 83,000 lifesaving 9-1-1 calls to the public safety professionals that make up your associations. We can all stand tall for what our industry, working collectively, is doing across America, but the challenge facing us now is to raise our accomplishments to the next level. Our goal is very clear: when a caller dials 9-1-1 on a wireless phone, we want the call to go through to the appropriate PSAP, and for that PSAP to know the caller's location and call-back number.

As you know, it was CTIA that negotiated the wireless E9-1-1 "Consensus Agreement" with the public safety industry. Together, we presented our proposal to the FCC, and our agreement provided the basis for the FCC's Phase 1 and Phase 2 wireless E9-1-1 rules. As today's conference clearly demonstrates, the Consensus Agreement unleashed unprecedented research efforts to develop new technologies that will enable wireless carriers to provide lifesaving location information to PSAPs when a person uses a wireless phone to call 9-1-1.



Ms. Leah Senitte
August 26, 1998
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Wrestling the laws of physics to the ground to develop multiple technologies for E9-1-1 was the easy part of the job – now comes the hard part: working together, we need to wrestle with the issues that stand in the way of implementing the Phase 1 and Phase 2 wireless E9-1-1 capabilities. Unfortunately, there are a myriad of issues that must be addressed before we can deliver the services that technology can now provide. These include establishing cost-recovery mechanisms that are acceptable to PSAPs, carriers, Federal and state policymakers, and most importantly, to the public we all serve; establishing the interoperability and connectivity of the wireless, wireline, and PSAP networks and insuring the availability of the equipment (and associated operating systems) required for wireless E9-1-1 location service; harnessing the competition issues confronting carriers and their vendors who offer wireless E9-1-1 technologies; and addressing the thorny subject of legal liability, and the even thornier complexities of human nature that lead different people, all with access to the same information, to bet on different horses.

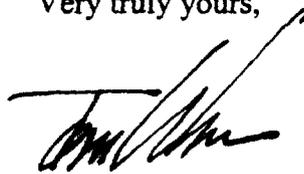
Facing the task ahead, we shouldn't lose sight of what we've already accomplished through our joint efforts. To respond to the priorities established in 1994 by the public safety associations, we jointly developed the original Consensus Agreement and presented it the FCC. Unfortunately, some outside of the public safety and wireless carrier communities have seized on what we sought to develop as an opportunity to bring forward their own ideas as to how the issue of wireless E9-1-1 and public safety should be addressed. While we sought, through the Consensus Agreement, a coordinated approach that would best meet our common needs, the FCC has frustrated the realization of our approach by its tendency to deal with wireless E9-1-1 issues on an *ad hoc* basis. While *ad hoc* decision-making may be appropriate for other policy matters, the FCC's actions in CC Docket 94-102 have exacerbated the resolution of the wireless E9-1-1 implementation issues that can be best addressed through the organized and collective efforts of wireless industry and public safety professionals.

I believe that the time has come to reassemble the group that developed the Consensus Agreement. I invite NENA and APCO to join CTIA in addressing the issues that stand in the way of implementing the Phase 1 and Phase 2 wireless E9-1-1 capabilities. Our goal should be to develop a plan that will resolve all of the wireless E9-1-1 implementation issues on a coordinated basis. We should resolve to develop an implementation plan we can jointly present to the FCC, and we should urge the Commission to address these issues on a collective, coordinated basis, rather than through piecemeal and *ad hoc* decision-making.

Ms. Leah Senitte
August 26, 1998
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On behalf of CTIA, I am personally committed to the success of this effort. The carriers who deliver emergency calls and the public safety professionals who receive them are in the best position to develop an implementation plan that will complete the work we started with the original Consensus Agreement. I invite you to join CTIA in realizing the promise of wireless E9-1-1 capabilities.

Very truly yours,

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Thomas E. Wheeler

CTIA

Cellular Telecommunications Industry Association

Thomas E. Wheeler

President / CEO

August 26, 1998

Mr. Jack Keating
President
Association of Public-Safety Communications Officials
City of West Covina
PO Box 1440
West Covina, CA 91793-1440

Dear Jack,

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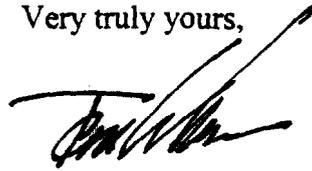
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