

January 21, 2015

VIA ECFS

Marlene H. Dortch, Secretary
Federal Communications Commission
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Washington, DC 20554

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Re: Permitted Ex Parte Presentation – Wireless E911 Location Accuracy Requirements
PS Docket No. 07-114

Dear Ms. Dortch:

TruePosition, Inc., an interested party in the above-referenced rulemaking proceeding, through counsel and pursuant to Section 1.1206 of the FCC's rules, hereby submits this written *ex parte* submission. In particular, TruePosition responds to the January 21, 2015 written *ex parte* submitted to the FCC by the four nationwide wireless carriers ("Modified Roadmap Letter").

The "Amended Roadmap" is not Supported by Public Safety

The indoor accuracy alternative proposal submitted to the FCC by these wireless carriers, the so-called "Roadmap," evidently did not have widespread support from public safety organizations and emergency responders, notwithstanding that it was signed by executives from APCO and NENA.¹ APCO and NENA did not sign this latest "Modified Roadmap," but even if these organizations do support it, this alternative to the FCC's proposed rules has not been thoroughly vetted and endorsed by the most critical participants in this rulemaking proceeding: the First Responders and Public Safety officers who desperately need accurate indoor location information for emergency 911 calls placed by wireless phones.

Further Dilution of Measurable Standards for Indoor Accuracy

The Modified Roadmap apparently intends to respond to widespread concern that the carriers' alternative to the FCC's measurable indoor accuracy standards are at best vague and largely unenforceable. If anything, the Modified Roadmap moves further away from accountable indoor accuracy standards in that it would deem the carriers to be in compliance so long as they have successfully "mapped" one WiFi or Bluetooth access point for every four persons living in a particular Cellular Market Area. In other words, the carriers will deem their

¹ See True Position "Comments in Response to Phone Company Plan," at 25-26 (Dec. 15, 2014); and "Reply Comments in Response to Phone Company Plan" at 10-11 (Dec. 22, 2014).

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proposal successful so long as they can create a database of WiFi hotspots in a city or town; it will not matter whether any local PSAPs can effectively use that data to send First Responders to find people in an emergency, and it will not matter if this mapping plan can successfully locate anyone who places an emergency 911 call from a cellphone at an indoor location.

While the carriers attempt to equate this WiFi mapping process to the delivery of a “dispatchable location” (see Modified Roadmap Letter, page 3), there is no correlation whatsoever between mapping and actually sending First Responders to someone’s civic address. The mapping concept does not specify how many addresses will be covered in a given CMA, it does not specify what percentage of E911 calls must include a “dispatchable address” to be counted toward carrier compliance, and it does not even specify that the WiFi address needs to be accurate or confirmed by local PSAPs.

To make this Modified Roadmap proposal even less safe for the public, the carriers have apparently proposed to water down their own “mapping standards” with a fall-back position. For those geographic areas where the mapping density requirement is not met, the Modified Roadmap proposes to use an alternative z-axis solution, but one that is far inferior and much later in availability than what the FCC has proposed. The carriers’ fall-back position makes z-axis locations available only on 50% of handset models six years after the FCC adopts new indoor safety regulations, 100% of models in seven years. The carriers presumably know that it will be more than a decade before there is significant penetration of the z-axis capable handsets throughout the U.S., hence, they can make this proposal now knowing that six years from now they will ask the FCC for a waiver citing “lack of availability” of the devices that would provide them an alternative means of complying with these horrible guidelines. Moreover, the Modified Roadmap provides absolutely no accuracy requirements for the z-axis.

The Blending of Indoor/Outdoor Standards Remains a Huge Problem

The Modified Roadmap removes the condition of VoLTE phones for the later x-y milestones, presumably in response to widespread criticism that the carriers’ Roadmap is far from technology neutral in that it relies predominantly on an assumption of widespread adoption of VoLTE phones, and widespread use of WiFi nodes and networks. In the original Roadmap, unless you were fortunate enough to own an as-yet unavailable VoLTE phone, the carriers made essentially no promise that they could accurately locate you in an emergency.

Even with those modifications, this latest scheme does not address one of the most significant problems posed by the Roadmap: the blending of indoor and outdoor metrics. The phone companies now acknowledge that their original plan would leave First Responders unable to locate tens of millions of users of handsets with older 3G and 4G technology; but, this Modified Roadmap would leave tens of millions of users of all phones without the ability to send

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accurate location information to First Responders. Under the Modified Roadmap the phone companies claim they will find 60% of all callers - both indoor and outdoors - within 50 meters within five years and 80% of all callers by year seven. The Commission's original plan, however, would find 67% of indoor callers within two years and 80% of indoor callers within five years. In short, the phone company's modified proposal would find fewer callers even after three additional years, and the measurements would be done on a blended indoor-outdoor basis, so they could meet much or all of their "indoor accuracy" obligations simply by improving their outdoor location accuracy.

For these and other reasons stated by public safety officials in the record, the phone company's Roadmap proposal is flawed in many material respects. TruePosition respectfully asks the FCC to adopt its original rules in the interests of public safety.

Sincerely,

/s/ James Arden Barnett, Jr.

James Arden Barnett, Jr.
Rear Admiral USN (Ret.)
Counsel for TruePosition

cc: RADM David Simpson, Chief
David Furth, Deputy Chief