



Competitive Carriers Association
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January 23, 2015

Via ECFS

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: EX PARTE NOTICE

PS Docket No. 07-114: *Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*

WC Docket No. 10-90: *Connect America Fund*

Ms. Dortch:

On January 21st and 22nd, Competitive Carriers Association (“CCA”) met with advisors and staff from the offices of Chairman Wheeler, Commissioner Clyburn, Commissioner Pai and Commissioner O’Rielly, as well as the Public Safety and Homeland Security Bureau (the “Bureau”),¹ to discuss the *Parallel Path for Competitive Carriers’ Improvement of E911 Location Accuracy Standards* recently submitted by CCA in the above-referenced proceeding (the “Parallel Path”).² During each of these meetings, CCA detailed the differences between its Parallel Path and the *Roadmap for Improving E911 Location Accuracy* submitted by APCO, NENA and the four nationwide wireless service providers (the “Roadmap”).³ These differences also are outlined below. While the Parallel Path generally follows the same structure as the Roadmap, there are several reasons why it would be inappropriate and impractical to apply the Roadmap’s deadlines and performance benchmarks to non-nationwide carriers.⁴ Additionally, in its meeting with Chairman Wheeler’s office CCA briefly discussed its prior advocacy related to the Universal Service Fund.

¹ A list of attendees for each of these meetings is included in Attachment A to this *ex parte* notice.

² *Ex Parte* Letter from Rebecca Murphy Thompson, General Counsel, CCA to Marlene H. Dortch, Secretary, FCC, PS Docket No. 07-114 (filed Jan. 16, 2015) (“CCA *Ex Parte*”) (attaching *A Parallel Path for Competitive Carriers’ Improvement of E911 Location Accuracy Standards* (“Parallel Path”).

³ See *Ex Parte* Letter from John Wright, President, APCO International *et al.* to Marlene H. Dortch, Secretary, FCC, PS Docket No. 07-114 (filed Nov. 18, 2014), Attachment A, *Roadmap for Improving E911 Location Accuracy* (“Roadmap”).

⁴ CCA did voice in each of the meetings its support of adoption of the Roadmap exclusively for the four nationwide carriers.

Test Bed

CCA noted that the Parallel Path fosters opportunities for non-nationwide carriers to take advantage of the test bed process.⁵ CCA supports the idea of a technology neutral test bed to evaluate possible location solutions. Nevertheless, a vast majority of CCA carrier members are likely to not hold spectrum licenses or other authorizations in the area selected for the test bed.⁶ CCA recounted work done by the Communications Security, Reliability and Interoperability Council IV (“CSRIC IV”) Working Group 1 which found that, assuming a particular location solution is implemented in a similar fashion, it should perform relatively the same on one LTE network versus another.⁷

Timing of Handset/VoLTE Deployments

As CCA has repeatedly argued in this proceeding, non-nationwide providers face significant challenges in procuring handsets for their subscribers, particularly iconic handsets that incorporate state-of-the-art components.⁸ Similarly, non-nationwide providers are not on the same LTE and VoLTE deployment timelines as the nationwide carriers.⁹ In fact, nationwide providers often dictate the timing by which next generation technologies are deployed and non-nationwide providers’ deployments tend to follow. For these reasons, CCA has asked for additional time beyond that agreed to in the Roadmap for non-nationwide carriers to meet certain benchmarks.

Handset Benchmarks

The Roadmap and the Parallel Path contain two sets of handset benchmarks: one for supporting delivery of beacon information,¹⁰ and a second for supporting A-GNSS capability.¹¹ For delivery of beacon information, the Parallel Path proposes a 12-month extension for each of the benchmarks.¹² Specific to A-GNSS capabilities, the Parallel Path proposes 12-month extensions of the 50 and 75 percent benchmarks agreed to in the Roadmap, and a six-month extension of the final (100 percent) benchmark, for those non-nationwide carriers that offers five or more VoLTE-capable handsets.¹³ If a non-nationwide carrier offers four or less VoLTE-capable handsets, however, at least one such handset must support A-GNSS capability.¹⁴

⁵ See Parallel Path at § 1.

⁶ CCA *Ex Parte* at 1.

⁷ *Final Report – Location Accuracy and Testing for Voice-over-LTE Networks*, Working Group 1, Communications Security, Reliability and Interoperability Council IV at § 4.2.2 (Sept. 2014), available at <http://transition.fcc.gov/pshs/advisory/csric4/CSRIC%20IV%20WG1%20TG2%20Report.pdf> (“CSRIC IV Final Report”) (finding that “[s]ince any deployed location technology will be standardized, different vendor implementations are not expected to result in significant differences in location performance, assuming similar field conditions and deployment parameters,” and therefore “it is reasonable for the Commission to generally expect the same level of location performance across various carrier networks deploying VoLTE.”).

⁸ See, e.g., Comments of Competitive Carriers Association, PS Docket No. 07-114 at 4-5 (filed Dec. 15, 2014) (“CCA Roadmap Comments”); CCA *Ex Parte* at 1-2.

⁹ See *id.*

¹⁰ Compare Parallel Path at § 2(d) with Roadmap at § 2(f).

¹¹ Compare Parallel Path at § 3(c) with Roadmap at § 3(c).

¹² See Parallel Path at § 2(d).

¹³ See Parallel Path at § 3(c).

¹⁴ *Id.*

An additional 12 months from the deadlines set for nationwide carriers is imperative for non-nationwide carriers to meet the handset benchmarks. As CCA noted in its reply comments in response to the Commission’s Third Further Notice of Proposed Rulemaking, a significant amount of standards work remains to be done, in addition to the time needed to implement standardized technologies into the handsets.¹⁵ Smaller carriers would also need to gain access to these devices, which is often challenging due to their lack of scope and scale and their inability to attract the attention of equipment manufacturers.¹⁶ Finally, assuming non-nationwide carriers get access to these devices, they will need to penetrate the market. CCA reiterated the fact that handset turnover is a lengthy process and that subscribers in rural America are oftentimes less likely to upgrade their handsets regularly.¹⁷

For these reasons, a 12-month extension of time is abundantly reasonable and consistent with Commission precedent. For example, when AT&T agreed to incorporate Band Class 12 into its devices as part of an industry-negotiated interoperability agreement, the Commission allowed AT&T 24 months from the date of the Order to incorporate MFBI into its network.¹⁸ Once complete, the FCC allowed AT&T another 12 months to begin rolling out Band Class 12 devices, and a total of 24 months to complete the integration.¹⁹ Notably, AT&T was provided with even more time than the modest extensions found in the Parallel Path, yet AT&T has significantly larger scope and scale than non-nationwide carriers. In the text-to-911 proceeding as well, the Commission noted that providing small and rural providers with additional time “should provide an opportunity for them to undertake the necessary preparatory action and spread their costs over a longer period”²⁰ Therefore, a 12-month extension to meet the handset benchmarks is appropriate for non-nationwide carriers.

Performance Benchmarks

In addition to the handset benchmarks, the Parallel Path seeks modifications to the performance benchmarks from those established in the Roadmap. Specifically, while the performance metrics for years two and three are the same in both the Parallel Path and the Roadmap, the metrics for years five and six differ.²¹ The Parallel Path proposes obtaining a location fix using heightened location accuracy technologies for 70 percent of all wireless 9-1-1 calls (not just VoLTE calls) within the later of five years or six months of a non-nationwide carrier having a commercially-operating VoLTE platform in their network, and obtaining a fix for 80 percent of all wireless 9-1-1 calls within the later of six years or one year of having a commercially-operating VoLTE platform in their network.²²

¹⁵ Reply Comments of Competitive Carriers Association, PS Docket No. 07-114 at 7-8 (filed July 14, 2014) (“CCA Third FN Reply Comments”).

¹⁶ *Id.* at 8-9.

¹⁷ *Id.*

¹⁸ *See Promoting Interoperability in the 700 MHz Commercial Spectrum, et al.*, WT Docket No. 12-69, *et al.*, Report and Order and Order of Proposed Modification, 28 FCC Rcd 15122, 15143 ¶ 48 (2013).

¹⁹ *Id.*

²⁰ *Facilitating the Deployment of Text-to-911 and Other Next Generation 911 Applications, et al.*, PS Docket No. 11-153, *et al.*, Policy Statement and Second Further Notice of Proposed Rulemaking, 29 FCC Rcd 1547, 1554 ¶ 19 (2014). Notably, the Second Further Notice of Proposed Rulemaking was adopted on January 30, 2014, and proposed an implementation deadline of December 31, 2014.

²¹ *Compare* Parallel Path at § 5(b) *with* Roadmap at § 4(c). CCA would note that, on January 21st the four nationwide providers submitted an amendment to the Roadmap. *See Ex Parte* Letter from Joan Marsh, AT&T Services, Inc. *et al.* to Marlene H. Dortch, Secretary, FCC, PS Docket No. 07-114 (filed Jan. 21, 2015).

²² *See* Parallel Path at § 5(b). A “commercially-operating VoLTE platform” should be identified as the point in time when a non-nationwide carrier is commercially offering VoLTE service to any subscriber in any portion of its service footprint.

In the first instance, CCA noted that all of the performance metrics proposed in the Parallel Path are based on calls obtaining fixes using (1) A-GNSS, (2) dispatchable location, and (3) the proportion of calls from any other technology or hybrid of technologies capable of location accuracy performance of 50 meters using a blended composite of indoor and outdoor, based on available data. These benchmarks would be significantly harder to meet (if not impossible to achieve), however, should the Commission exempt from consideration satellite-based heightened location accuracy technologies. For example, OTDOA is an LTE-based solution, and as many of CCA's non-nationwide members are behind the nationwide carriers in LTE deployments, this solution would not be available to them in meeting the initial benchmarks. Similarly, it is highly unlikely that metropolitan beacon systems will be available in rural areas, at least in the next few years. And as the standards process for dispatchable location solutions also will require time to develop, excising satellite-based solutions from consideration would put non-nationwide carriers in a precarious position.

CCA believes the proposed VoLTE deployment contingency in the later benchmarks is necessary in light of the disadvantages these carriers face in deploying LTE networks, such as competing with nationwide providers for the attention of network equipment vendors.²³ Moreover, this contingency will not discourage non-nationwide carriers from deploying VoLTE. In the first instance, as both nationwide and non-nationwide carriers continue to expand their LTE footprints and transition to VoLTE, it will become more and more of a competitive imperative for all non-nationwide carriers to move to VoLTE. Additionally, there are several categories of significant cost savings from deploying LTE networks as opposed to legacy (2G and 3G) networks, for things like voice circuits and backhaul.

Vertical (z-axis) Benchmarks

The Parallel Path proposes to exempt certain non-nationwide carriers who operate in very sparsely populated areas from delivering uncompensated barometric pressure data to PSAPs.²⁴ Specifically, non-nationwide carriers whose services footprints only include county or county equivalents with a population density of 19.9 people per square mile or less would be exempt from providing this data to PSAPs.²⁵ As CCA has previously argued, "it makes little sense to require a carrier serving towns in rural Arizona with only a few (if any) multi-story buildings to implement the same vertical accuracy requirements at the same time as providers serving cities like Manhattan."²⁶ The proposal in the Parallel Path would only apply to approximately three percent of the United States population, should it be adopted by the Commission.²⁷ For non-nationwide carriers operating in a county or county equivalent with a population density of 20 people per square mile or more, the Parallel Path (1) requires the provisioning of this information once signatories to the Roadmap determine that there is sufficient benefit associated with delivering this information, and (2) limits the requirement to those voice-capable handsets that support the capability.

²³ CCA Roadmap Comments at 4-5.

²⁴ Parallel Path at § 4(b).

²⁵ *Id.*

²⁶ CCA Third FN Reply Comments at 12.

²⁷ According to available U.S. Census Bureau data, in 2010, 9,431,857 people in resided in a total of 875 counties in the United States with a population density of less than 20 people per square mile. See American FactFinder, GCT-PH1, Population, Housing Units, Area, and Density: 2010 – State – County/County Equivalent (2010 Census Summary File 1), available for download at http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=DEC_10_SF1_GCTPH1.ST05&prodType=table.

On a similar note, should the Commission adopt additional z-axis requirements for carriers operating in the 25 or 50 most populous Cellular Market Areas (“CMAs”) following the 36 month assessment of dispatchable location solutions,²⁸ CCA urges the Commission to allow non-nationwide providers operating in these CMAs to count uncompensated barometric pressure data towards meeting any such additional requirements. In an effort to reduce the time and expense associated with additional z-axis requirements, should they apply, non-nationwide carriers would also be amenable to limited additional reporting requirements tracking the progress of dispatchable location solutions.

Involvement in the National Emergency Address Database (the “NEAD”)

Finally, the Parallel Path attempts to provide non-nationwide providers an opportunity to participate in any decisions made through standards bodies or working groups that are necessary to develop and implement the NEAD.²⁹ While several stakeholders, including APCO and NENA, have expressed support for non-nationwide carrier participation in these working groups, the Commission should guarantee non-nationwide providers this opportunity.

Relatedly, CCA discussed the advantages and disadvantages to populating the NEAD with civic addresses in less urban areas. While less-densely populated areas should have a smaller number of buildings to contend with, these areas can also be expected to have fewer public access points, including WiFi access points and Bluetooth beacons, with which to populate the NEAD. Instead, these areas will be more likely to rely on private WiFi access points, and it remains uncertain at this time how successful efforts will be to collect civic address information for populating the NEAD.

USF

CCA briefly discussed its prior advocacy related to the Universal Service Fund with Mr. Verveer and Mr. Alvarez. Specifically, CCA thanked the Chairman’s Office for its recognition of the complex nature of this proceeding and the Commission’s continued work on USF issues, and noted that rural carriers will continue to need sufficient support to sustain mobile broadband service in rural America.

* * *

The Parallel Path is a logical compliment to the Roadmap that aims to put non-nationwide carriers on a similar road towards obtaining what all interested stakeholders agree should be the ultimate objective for public safety: providing a dispatchable location to PSAPs. Due to competitive and technological constraints, carriers that are not parties to the Roadmap need additional time to achieve the same enhanced location accuracy performance milestones. While the concessions proposed in the Parallel Path will achieve this ultimate goal, the Commission should also provide a clear and reasonable waiver standard for non-nationwide carriers who face unique network or environmental challenges. For the reasons set forth herein, CCA urges the Commission to incorporate the proposals from the Parallel Path into its final rules.

²⁸ See Parallel Path at § 6; Roadmap at § 6.

²⁹ Parallel Path at § 2(c); CCA *Ex Parte* at 2.

This *ex parte* notification is being filed electronically with your office pursuant to Section 1.1206 of the Commission's Rules.

Regards,

/s/

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C. Sean Spivey

cc (via email): Daniel Alvarez
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Attachment A

Meeting Participants

Wednesday, January 21

Commissioner Pai's Office

Brendan Carr
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C. Sean Spivey

Public Safety & Homeland Security Bureau

RADM David G. Simpson
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Commissioner Clyburn's Office

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Thursday, January 22

Commissioner O'Rielly's Office

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