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BY ELECTRONIC DELIVERY

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street S.W.
Washington D.C. 20554

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

Dear Ms. Dortch:

NextNav, LLC, provides this written reply to the oral *ex parte* presentations made by CTIA representatives on January 23, 2015.¹ CTIA's most recent proposals will do nothing to improve the current state of indoor location accuracy for wireless calls to E911.² The Commission would be better off suspending this proceeding rather than adopt rules that will allow the carriers to do virtually nothing to resolve the problem of securing accurate location data for wireless calls made indoors from urban areas.

First, CTIA offered the addition of two new interim milestones (a second year 40 percent milestone and a fifth year 60 percent milestone) to augment the existing proposed milestones of 50 percent by the third year and 80 percent by the sixth year.³ Importantly, however, each of these milestones would apply only to an indistinguishable mix of all wireless calls, including both indoor and outdoor calls, and suburban, urban, and rural calls.

It is abundantly clear that the major wireless carriers desperately seek to avoid any Commission requirement that would specifically address performance in locating callers indoors in the problematic urban and dense urban environments that are the acknowledged areas of greatest concern in this proceeding. Cooperative industry testing through CSRIC clearly

¹ See 47 C.F.R. § 1.1206(b)(2)(iv) (permitting written replies to be filed no later than two business days following a presentation made on the final day before the start of the Sunshine period).

² Letter from Scott K. Bergman, CTIA, to Marlene H. Dortch, Secretary, Federal Communications Commission, PS Docket No. 07-114 (Jan. 26, 2014) ("*CTIA Ex Parte*").

³ *Id.* at 1.

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identified that the technologies the carriers are currently using, even with their planned improvements, are totally incapable of meeting any meaningful indoor performance benchmark were one to be established. Rather than adopt different technologies that have proven to provide the required accuracy, the carriers propose instead to change the measurements such that the areas of poor performance can no longer be exposed.

Therefore, with their initial Roadmap proposal, and with each iteration including that of January 23rd, the carriers substitute a meaningless blended benchmark, which can be comfortably met, and which prevents any reliable assessment of indoor performance in the precise areas where all acknowledge the problem to exist. NARUC correctly observes that a benchmark approach that combines outdoor with indoor call performance averaged across dramatically different urban, suburban and rural environments “results in a much slower rollout of indoor location accuracy performance”⁴ and the Congressional Fire Service Institute and International Association of Fire Fighters conclude such a benchmark is “of almost no value.”⁵ Tellingly, many carrier filings purport to *already* achieve at or above 80 percent of location fixes with A-GPS,⁶ making offers to add a 40 percent year two and 60 percent year five benchmark of questionable relevance.

When the Chairman responded on January 8, 2015 by circulating a draft order that modified the carrier-proposed benchmark to again identify actual performance in difficult indoor areas, the carrier response was hyperbolic, declaring the very concept to be arbitrary and capricious. To be clear, the Commission’s proposed approach in its draft order would undeniably expose poor indoor location performance, as it should, but it was also well-founded and supported by CSRIC test results and the record at large. In its rebuttals to this point, CTIA offers studies and tests highlighting A-GPS accuracy in rural and suburban environments and thereby hopes to disguise the fact that the very same studies show exactly the opposite in urban and dense urban environments, which the Commission’s draft order is attempting to address.

Second, CTIA offered on Friday to provide the Commission with an assessment of the deployment of dispatchable location solutions three years after the adoption of an indoor location

⁴ Comments of the National Association of Regulatory Utility Commissioners, PS Docket No. 07-114, at 6 (Dec. 15, 2014).

⁵ Joint Comments of Congressional Fire Services Institute and the International Association of Fire Fighters, PS Docket No. 07-114, at 1-2 (Dec. 15, 2014).

⁶ Letter of Nneka Chiazor, Verizon, to Marlene H. Dortch, Secretary, Federal Communications Commission, PS Docket 07-114, at 3 (Sept. 11, 2013) (explaining 86% of Phase II calls involved GPS-only location); Comments of AT&T, PS Docket 07-114, at 4 (Sept. 25, 2013) (claiming more than 78% A-GPS locates to CalNENA).

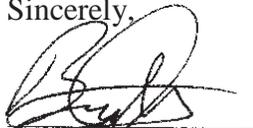
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order.⁷ This offer was also included in the Roadmap, so it is not new.⁸ Perhaps CTIA is now offering to let the Commission actually see the assessment, while the Roadmap implied that it would be confidential to the Roadmap signatories. In any event, this is hardly a concession.

Third, CTIA offered to let the Commission adopt a rule requiring carriers to deliver uncompensated barometric pressure sensor data to PSAPs from compatible handsets within three years. Here again, this is an offer the carriers have made before.⁹ Further, as the carriers have repeatedly acknowledged, uncompensated pressure sensor data will be highly inaccurate because it is greatly influence by daily changes in the weather and other factors, the very factors that compensated systems such as those of NextNav, Rx Networks and Bosch are designed to address.¹⁰ Therefore, this proposal will not provide actionable altitude information to benefit public safety and avoids the clear need for an identified accuracy metric such as that proposed in years three and five in the initial rules and reiterated, but deferred to year six in the draft order.

Given these facts, the Commission should follow the guidance of the substantial and persuasive record in this proceeding and adopt the indoor location order that was originally prepared by its Public Safety and Homeland Security Bureau. At the very least, the Commission should adopt a non-satellite performance metric (possibly applied only in major cities) in order to ensure that real improvements are made to the accuracy of wireless calls made from urban locations. In addition, the Commission should adopt a 3 meter Z-axis requirement that must be met by wireless carriers, possibly again only in major urban centers. Absent these common sense measures, any order adopted in this proceeding will fail to respond to the critical and urgent public safety need that has been thoroughly documented in this proceeding.

Sincerely,



Bruce A. Olcott

⁷ *CTIA Ex Parte* at 1.

⁸ See Letter, John Wright, APCO International, Charles W. McKee, Sprint, Joan Marsh, AT&T Services, Inc., Kathleen O'Brien Ham, T-Mobile USA, Christy Williams, NENA-The 9-1-1 Association, Kathleen Grillo, Verizon, to Marlene H. Dortch, Secretary, Federal Communications Commission, PS Docket No. 07-114 (filed Nov. 18, 2014), Attachment A, at 6 (section 2(i)) "Roadmap for Improving E911 Location Accuracy" ("*Roadmap*").

⁹ *Roadmap* at 10 (section 5(c)).

¹⁰ *T-Mobile Ex Parte* at 8.