

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Wireless E911 Location Accuracy Requirements)	PS Docket No. 07-114
)	
Boulder Emergency Telephone Service Authority Petition for Reconsideration)	

OPPOSITION OF AT&T

The Commission’s *Fourth Report and Order*¹ reflects a balance struck between the Commission, the public safety community, and industry. The Roadmap, which the Commission adopted with modifications in this *Order*, was itself the product of compromise between the industry and public safety entities. Granting BRETSA’s petition for reconsideration² would upset that balance and unnecessarily delay improvements to location accuracy, impose additional costs on public safety stakeholders, and dissuade technology providers from participating in the test bed regime.

The *Order* adopts rules designed to improve the location accuracy of wireless E911 calls in a technically and economically feasible manner. A CMRS provider’s compliance with the new wireless E911 location accuracy metrics and milestones will be measured by quarterly live 911 call data and its certification that the indoor location technologies it uses in its network are

¹ *Wireless E911 Location Accuracy Requirements*, PS Docket No. 07-114, Fourth Report and Order, FCC 15-9 (rel. Feb. 3, 2015) (*Fourth Report and Order* or *Order*).

² *Boulder Emergency Telephone Service Authority Petition for Reconsideration of the Fourth Report and Order*, PS Docket No. 07-114 (filed April 3, 2015) (Petition).

deployed consistently with the manner in which they have been tested in the test bed.³ BRETSA seeks reconsideration of several decisions in the *Order*, a number of which were part of the Roadmap. AT&T Services, Inc., on behalf of its affiliate AT&T Mobility, LLC (collectively, AT&T), which was a signatory of the Roadmap, opposes the Petition for reasons provided below.

BRETSA's Fifty-Meter Call Routing Proposal Is Outside the Scope of the Proceeding.

First, BRETSA asks the Commission to impose a 50-meter call routing location accuracy requirement on wireless providers.⁴ Putting aside the merits of BRETSA's request, the Commission must reject it on procedural grounds. The Commission never sought comment in its *Third Further Notice of Proposed Rulemaking*⁵ on adopting a call routing location accuracy rule (within 50 meters or at any distance) applicable to wireless providers and thus the Commission's failure to adopt such a rule in its *Order* cannot form the basis for reconsideration. Even if BRETSA's request were within the scope of the proceeding, which it is not, AT&T would have concerns with the substance of such a request.

According to BRETSA, in the event that 50 meter call routing is insufficient to enable first responders to locate the caller, the PSAPs would bid for more accurate location data.⁶ Proceeding in this manner, according to BRETSA would "potentially avoid provider costs of providing the more accurate location information for the majority of calls where such

³ See 47 C.F.R. § 20.18(i)(2)(iii). See also *id.* at § 20.18(i)(3)(i) (describing the test bed).

⁴ Petition at 5-6.

⁵ *Wireless E911 Location Accuracy Requirements*, Third Further Notice of Proposed Rulemaking, 29 FCC Rcd 2374 (2014).

⁶ Petition at 6.

information is not required.”⁷ AT&T appreciates suggestions to eliminate unnecessary costs to providers; however, AT&T does not believe adopting BRETSA’s suggestion would achieve that end because providers have already incurred the costs to obtain and deliver more accurate location information. The current technology that wireless providers use to determine location estimates within 50 meters may take upwards of 30 seconds. If this 50-meter location estimate was used to route calls to a specific PSAP, this 30-second delay would, in turn, result in a delay to the caller in obtaining assistance and would likely cause some callers to hang up and redial, further delaying potential lifesaving interaction with public safety entities. For this reason – as well as the procedural bar noted above – AT&T recommends that the Commission deny BRETSA’s 50-meter call routing request.

Mandating That Test Beds Be Located in All Six Test Cities Would Impose Unnecessary Costs on Providers and Location Technology Vendors. BRETSA argues that the Commission erred in not requiring wireless providers to locate indoor location accuracy test beds in the six test cities where providers’ performance will be measured. By failing to mandate the location of the test beds in the *Order*, BRETSA argues that “providers are free to select the least challenging test bed location for application to live call data from the Test Cities”⁸ in order to demonstrate their compliance with the indoor location accuracy requirements.

BRETSA erroneously assumes that CMRS providers have the discretion to select the “least challenging test bed location” in order to game their compliance with location accuracy performance benchmarks. That is not the case and, in any event, AT&T disagrees that it is in these carriers’ best interest to select the “least challenging test bed location.” Instead, it is in the

⁷ *Id.*

⁸ *Id.* at 8.

carriers' best interest to deploy location technologies that are successful across different morphologies and, at a minimum, are capable of meeting the Commission's accuracy requirements. The four nationwide CMRS providers are working with public safety through the Alliance for Telecommunications Industry Solutions Emergency Services Interconnection Forum (ATIS ESIF) to ensure that the test beds reflect real-world conditions and all of the Commission-specified morphologies.⁹ Should they fail, then the test results cannot be considered valid for compliance purposes.¹⁰ With such high stakes, the test bed working team is certain to rely on ATIS ESIF's recommendations for test bed locations, including the number of test beds necessary to satisfy the Commission's rule. BRETSA's arguments also ignore the rule the Commission adopted to enforce its location accuracy requirements. Specifically, section 20.18(i)(2)(iv) of the Commission's rules permits PSAPs to seek an enforcement action through the Commission in the event that a CMRS provider does not comply with its location accuracy requirements.¹¹

Finally, this latest BRETSA criticism appears to be a variation of its earlier test bed critique, which the Commission considered and rejected in its *Order*. In its comments opposing the Roadmap, BRETSA argued that tested technologies would not perform as well in the real world environment as they did in the test environment.¹² As a result, BRETSA argued that carriers should provide location accuracy data for all markets.¹³ BRETSA is arguing the same

⁹ See *Fourth Report and Order* at ¶ 128 (requiring each test bed to “include dense urban, urban, suburban and rural morphologies, as defined by the ATIS-0500013 standard”).

¹⁰ 47 C.F.R. § 20.18(i)(3)(i) (“The test bed shall meet the following minimal requirements in order for the test results to be considered valid for compliance purposes. . . .”).

¹¹ See also *Fourth Report and Order* at ¶ 148.

¹² *Id.* at ¶ 125 (citing BRETSA Roadmap Comments at 8-9).

¹³ BRETSA Roadmap Comments at 9.

point in its Petition: The Commission cannot trust test bed results and, instead, it should require test calls for each jurisdiction to demonstrate compliance.¹⁴ The Commission previously considered BRETSA's arguments and appropriately rejected them in favor of the test bed and live 911 call data regime. BRETSA offers no compelling reason in its Petition why the Commission should reconsider this aspect of the *Order* and thus the Commission should reject this request for a second time.

No Modification Needed to PSAP Complaint Procedures. As BRETSA acknowledges, the Commission's rules permit a PSAP to obtain live call records from CMRS providers for its jurisdiction to evaluate whether the providers are in compliance with the Commission's location accuracy requirements.¹⁵ BRETSA asserts, however, that additional requirements are necessary to enable a PSAP to evaluate the call records in order to determine whether a violation exists and whether to pursue a complaint at the Commission. AT&T respectfully disagrees that providers and PSAPs will have disputes about how to interpret the live call records. Determining carrier compliance once the location accuracy testing is complete in the test beds will be a straightforward matter and adopting BRETSA's proposed test procedures will only complicate an otherwise simple review.

Publicizing Test Bed Technology Results Will Chill Location Solution Technology Provider Participation. BRETSA asserts that the Commission was incorrect to deem confidential "details of test results for technologies that have been certified by the independent test bed administrator" absent any demonstration that those results include confidential

¹⁴ Petition at 8-9.

¹⁵ *Id.* at 9.

information.¹⁶ AT&T disagrees and believes the Commission was correct to treat these technology test results as confidential commercial information.¹⁷ Providers of location solution technology-based services are subject to significant competition. The presence of such competition and the likelihood of competitive injury threatened by release of the information derived from the test beds would chill participation by location technology providers. The Commission should expect that these providers would decline to participate absent the assurance that details of the test results for their technologies would not be subject to public disclosure. AT&T submits that all public safety stakeholders benefit by the robust testing of multiple location solution technologies supplied by numerous providers. Having the Commission declare at the beginning of the process that the technology test results are confidential commercial information under Exemption 4 of the Freedom of Information Act is necessary to ensure broad technology provider participation. For these reasons, the Commission should reject BRETSA's request to make public the test bed test results.

The Order Does Not Assume That Particular Technologies Satisfy Location Accuracy Requirements Absent Testing. BRETSA asserts that the Commission's rules create an unwarranted presumption that dispatchable location information meets the 50 meter accuracy standard and that the Commission should not presume that any location technology complies with the location accuracy requirements unless that technology has been tested.¹⁸ AT&T notes that BRETSA cites no rule for the Commission to reconsider and thus it is unclear what relief BRETSA is seeking in this part of its Petition. AT&T also disagrees that the Commission

¹⁶ *Id.* at 12.

¹⁷ *Fourth Report and Order* at ¶ 131.

¹⁸ Petition at 13.

created a presumption of compliance with respect to dispatchable location technology and it is AT&T's understanding that this and other technologies will be tested in the test bed regime. For this reason, to the extent BRETSA identified a rule for reconsideration, AT&T asks the Commission to reject the request because the request is based on a misunderstanding of the test bed regime.

The Commission Lacks Authority to Approve or Reject Location Technologies That Satisfy the Commission's Location Accuracy Requirements. BRETSA erroneously asserts that the "Commission must *retain* the authority to approve or disapprove the location technology selected by providers. . . ." ¹⁹ BRETSA cites no statute to support its assertion that the Commission currently has the authority to dictate what location technology solution a provider must purchase – nor could it because the Commission simply does not have that authority. Instead, as it has done in other contexts, the Commission establishes requirements and leaves it to providers to make technology decisions that will enable the providers to comply with those Commission requirements. ²⁰ While BRETSA cites no rule for the Commission to reconsider, the Commission should nonetheless reject BRETSA's invitation to begin selecting technology winners and losers.

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¹⁹ *Id.* at 18 (emphasis added).

²⁰ See, e.g., *Connect America Fund*, 26 FCC Rcd 17663, ¶¶ 80, 91 (2011) (finding that high-cost recipients may use any technology to satisfy their Connect America Fund service obligations).

For the reasons provided above, the Commission should reject BRETSA's request to upset the careful balance that the Commission struck in its *Fourth Report and Order* and thus it should deny the Petition.

Respectfully Submitted,

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