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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

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

In the Matter of)
)
) CC Docket No. 94-102
Revisions of the Commission's Rules)
To Ensure Compatibility with) DA 98-2631
Enhanced 911 Emergency Calling)
Systems)

To: Chief, Wireless Telecommunications Bureau

COMMENTS OF THE PHASE II WORKING GROUP

KSI Inc. ("KSI")¹, TruePosition, Inc. ("TruePosition")², Corsair Communications, Inc. ("Corsair"),³ and SigmaOne Communications Corporation⁴ collectively as the Phase II Working Group ("Phase II WG") and pursuant to Section 1.415 of the Commission's rules, hereby respectfully submits its comments in response to the Wireless Telecommunications Bureau's (the "Bureau's") December 24, 1998 *Public Notice* in the above-captioned proceeding.⁵

The members of the Phase II WG are the leading developers of location solutions for integration into wireless communication networks in response to the mandate established by the FCC in the

¹ KSI is a fast growing, privately-held Company headquartered in Annandale, Virginia. KSI has developed and successfully demonstrated its TeleSentinel location system in connection with the location of both analog (AMPS) and digital (TDMA) wireless phones.

² TruePosition is a wholly owned subsidiary of the Associated Group, Inc. and a developer of the TruePosition Wireless Location System.

³ Corsair Communications, Inc. (Nasdaq:CAIR) is a leading provider of software and system solutions for the wireless industry. The company's products include systems for fraud prevention and churn reduction, prepaid wireless billing, and wireless location.

⁴ SigmaOne Communications Corporation is a leading provider of analog and digital wireless location systems and services for the cellular, PCS and ESMR industries. The company offers high capacity, low-cost turnkey E911 solutions for wireless carriers, infrastructure vendors and public safety answering points (PSAPs).

⁵ "Wireless Telecommunications Bureau Outlines Guidelines for Wireless E911 Rule Waivers for Handset-Based Approaches to Phase II Automatic Location Identification Requirements," *Public Notice*, DA 98-2631 (rel. Dec. 24, 1998) (the "*Public Notice*").

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instant Docket. The members have demonstrated repeatedly through field trials, live demonstrations and other efforts systems that are capable of exceeding the Phase II requirements adopted by the Commission. Members of the Phase II WG have made significant contributions in every stage of this Docket and in industry efforts designed to quickly bring the benefits of wireless location technologies to this nation's wireless telephone users.

As set forth below, the Phase II WG believes that the Bureau's *Public Notice* marks a significant departure from the FCC's decisions on the record in this Docket, is antithetical to the public interest, and undermines both the Commission's efforts to achieve technological neutrality and the market's attempt to bring location technologies to the public on a timely basis. To this end, the Phase II WG believes that waivers of the Phase II requirements to promote the use of handset-based technologies are both unnecessary and contrary to the public interest. Moreover, the Phase II WG believes that the *Public Notice* severely impairs the bedrock principle of technological neutrality established in the FCC's decisions in this Docket by singling out a specific technological approach (handset-based systems), and disrupts marketplace efforts to bring Automatic Location Identification ("ALI") systems to fruition by the FCC-mandated Phase II deadline. The *Public Notice* may well impede the introduction of life saving systems and technologies that are currently available. The Phase II WG thus urges prompt Bureau action to clarify that it will not adopt policies which, in effect, deprive more than sixty-eight million wireless users⁶ the benefits of Phase II capabilities.

I. Waivers for Handset-Based Approaches Are Unnecessary and Contrary to the Public Interest

The Bureau should not grant waivers for handset-based approaches because to do so is both unnecessary and contrary to the public interest. The various technologies developed by the

⁶ Of course, millions of additional handsets will be sold prior to the October 21, 2001 deadline.

members of the Phase II WG provide tangible proof that existing technology is available and capable of meeting the critical public safety needs identified by the Commission in this Docket. Hence, the provision of anything less than the Phase II capabilities as required by the Commission will needlessly place wireless subscribers at risk.

The Commission has articulated that its requirements for E911 were “intended to encourage the most efficient and effective technologies to report the location of wireless handsets.”⁷ Due to the public interest benefits inherent in providing Automatic Location Identification (“ALI”) for all 911 callers, the Commission determined that any technology, network or handset-based, that could meet the Phase II requirements by October 1, 2001, would have the opportunity to compete in the marketplace. The Commission’s decisions in this Docket, which are fully supported by the record, have therefore recognized the critical national interest in providing the locations of wireless 911 callers to public safety agencies as soon as possible. The record here clearly demonstrates that the provision of ALI for wireless 911 callers will save lives, and is available today.

Notwithstanding the above, and without substantial explanation, the approach outlined in the *Public Notice* would depart from the steadfast “commitment to the rapid implementation of the technologies needed to bring emergency assistance to wireless callers throughout the United States.”⁸ The Commission itself has identified two significant problems implementing handset-based solutions. First, the Commission has stated that “[a] primary concern with applying these rules to handset-based technologies is that carriers may only be able to provide Phase II ALI for

⁷ “In Re Revision of the Commission’s Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems,” *Memorandum Opinion and Order*, 12 FCC Rcd 22665, 22668 (para. 5) (*E911 Reconsideration Order*).

⁸ *Id.* (para. 6).

new handsets or handsets that have been upgraded to support the chosen technology.”⁹ Second, the Commission noted its concern that “carriers employing handset-based ALI technologies . . . might not be able to provided reliable ALI service to ‘roamer’ customers whose home carrier adopts a network-based solution.”¹⁰ Despite these significant concerns, the Commission has retreated to considering waivers that “address any factors and steps” a carrier might take to implement handset-based approaches while minimizing the “the roamer problem to the fullest extent possible.”¹¹ Rather than mandating the provision of ALI for all 911 calls prior to the “firm target date”¹² of October 1, 2001, as the Commission’s rules intended, the acceptance of waivers will unnecessarily delay the implementation of location technology and will risk the lives of wireless callers during the delay.

Further, the *Public Notice* directly contradicts the Commission’s established policy regarding waivers of its E911 requirements. In its *Reconsideration Order*, the Commission specifically stated that it “encouraged wireless carriers, equipment manufacturers, and the location technology vendors to continue their efforts to deploy ALI technologies for digital wireless systems as scheduled rather than asking for delay so far in advance.”¹³ The Commission also acknowledged that the provision of ALI is the “most important feature for both those seeking help in emergencies and for the public safety organizations that respond to emergency calls.”¹⁴ Hence, promoting guidelines to obtain waivers is inconsistent with both of these clearly stated policies.

⁹ *Public Notice* at 2.

¹⁰ *Id.* at 3.

¹¹ *Id.* at 4.

¹² *E911 Reconsideration Order*, 12 FCC Rcd at 22722 (para. 117).

¹³ *E911 Reconsideration Order*, 12 FCC Rcd at 22724 (para. 122).

¹⁴ *Id.* at 22668 (para. 5).

The Phase II WG therefore respectfully submits that the *Public Notice* conflicts with important Commission and public safety policy objectives. Public policy dictates that ALI technology be employed as early as possible before the date and at the level of compliance established by the Commission on the basis of the comprehensive examination conducted in this Docket. In light of the fact that the Commission's Phase II E911 mandates are both technically and commercially feasible, the grant of waivers is unnecessary.

II. The Market Should Determine the Best Technological Solutions to Provide Wireless E-911

In its *Reconsideration Order* the Commission specifically stated that “setting a firm date [for the implementation of Phase II requirements] will encourage entrepreneurial efforts and investment to serve this market.”¹⁵ Charged with the Commission's E911 mandate, the companies that compose the Phase II WG have been diligently working to develop technologies that satisfy the Commission's requirement to locate all wireless 911 callers to a specified level of accuracy. Indeed, the ability to locate all handsets, both existing and new, without modifications is a significant feature offered by network-based solutions and is highly desired by the public safety community and consumers.

Under the belief that all technological solutions would be equally considered by the marketplace, the members of the Phase II working group have independently raised substantial capital, spent tens of millions of dollars for research and technology development, and crafted business plans to develop and deploy wireless location technology on a timeline that exceeds the Commission's Phase II implementation date. By initiating a waiver process for handset-based technologies, the Commission is introducing a new market force into the location technology business and “tipping the scales” toward handset-based technologies.

¹⁵ *Id.* at 22723 (para. 120).

The Phase II WG believes that the Public Notice distorts the carefully crafted balance reflected in the Commission's decisions in this Docket which, in fact, permit any technological approach to compete to meet the Phase II requirements. Simply put, the Commission's rules, as adopted, are technologically neutral. To "bend" or waive these rules in favor of a particular technology is not neutral. The Public Notice, however, does just that by singling out a particular technological approach – handset based solutions – for favored treatment in the form of waivers of the Phase II requirements. Moreover, any steps taken to favor the handset approach effectively shifts the burden of the Phase II mandate from carriers to handset manufacturers and to the subscribers themselves. This is clearly not the outcome the Commission desires.

In sum, the Phase II WG believes that the current Phase II requirements are technologically neutral and even more importantly, reflect the needs of the public. Pursuant to this regulatory framework, a multitude of location technology providers have developed both handset-based technologies and network-based technologies. The marketplace, in turn, will determine the most efficient and effective technology. In any event, handset-based technologies will not be precluded from the marketplace if they are capable of providing the public safety features the Commission has determined are necessary to serve the public interest.¹⁶

Allowing carriers to seek and obtain waivers is not necessary because there are currently technologies available in the market that comply with the Commission's rules. As the Commission itself noted, "several location technology vendors proved the viability of the

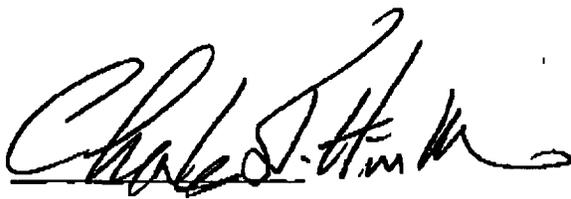
¹⁶ The Phase II WG in fact believes that several of the assumptions and projections upon which proponents of handset-based solutions rely are severely flawed and extremely misleading. For instance, the successful integration of GPS capabilities into a handset raises many technical and market issues that vendors promoting that approach have yet to resolve. Among these issues are the increased cost, volume, weight, portability, and potentially reduced battery life of the handset. In addition, GPS integration into handsets may never overcome the issue of unreliable and poor antenna performance.

required 125 meter RMS standard.”¹⁷ Accordingly, there is no practical reason why the Commission should depart from its requirement that carriers must locate all 911 callers by October 1, 2001.

¹⁷ *Id.* at 22723 (para. 120).

IV. Conclusion

As fully explained above, the Phase II WG urges the Bureau to deny any waivers to extend or delay the Phase II E911 requirements established by the Commission because such waivers are unnecessary to achieve the Commission's goals in docket 94-102, are contrary to the public interest, and are not driven by compelling market forces.



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Respectfully submitted,

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