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July 1, 1999

VIA FEDERAL EXPRESS

Ms. Magalie Roman Salas
Office of the Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: CC Docket No. 94-102
Reply Comments of Aerial Communications, Inc.
On Wireless E911 Phase II Requirements

Dear Ms. Salas:

Enclosed for filing on behalf of Aerial Communications, Inc., and its broadband PCS license holding subsidiaries, APT Columbus, Inc., APT Kansas City, Inc., APT Minneapolis, Inc., APT Houston, Inc., APT Tampa/Orlando, Inc., and APT Pittsburgh Limited Partnership, is an original and ten copies of Reply Comments in the above-captioned proceeding. These Reply Comments were also filed electronically with the Commission today.

Please date-stamp the additional cover page marked "Copy" and return using the enclosed self-addressed, stamped envelope. You may direct any questions regarding this filing to Latrice Kirkland, Head of Industry Relations, Aerial Communications, Inc.

Sincerely,

Latrice Kirkland
Latrice Kirkland, Esq.

Cc: Brian O'Connor, Esq.
George Wheeler, Esq.

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FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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

JUL 2 1999

To: The Wireless Telecommunications Bureau

**Reply Comments of Aerial Communications, Inc. on Wireless E911
Phase II Automatic Location Identification Requirements**

Aerial Communications, Inc., on behalf of its subsidiaries APT Houston, Inc., APT Tampa/Orlando, Inc., APT Minneapolis, Inc., APT Columbus, Inc., APT Kansas City, Inc., and APT Pittsburgh Limited Partnership (collectively "Aerial"), all of which are licensees of broadband Personal Communications Service (PCS) in the corresponding metropolitan trading areas (MTA), submit these reply comments in response to the Wireless Telecommunications Bureau's (WTB) Public Notice released June 1, 1999, in the captioned docket ("Notice"). On June 9, 1999, the WTB released another Public Notice announcing a change in the reply comment deadline to July 1, 1999, in the interest of giving parties the opportunity to comment on material that was presented at the Technical Roundtable held at the Commission on June 28, 1999.

Aerial hereby comments on material that was presented during the Technical Roundtable and comments filed on June 17, 1999, by other parties in the above-captioned proceeding.

Aerial commends the Commission's efforts to evaluate the various location technologies by hosting the Technical Roundtable on June 28th and appreciates the opportunity to present its preferred ALI solution, E-OTD, a non-GPS handset solution. It is clear to Aerial, based on comments that were filed and the presentations at the Roundtable, that location technology vendors have neatly divided the universe into two sectors, network based solutions vs. GPS assisted handset based solutions. The tone of vendor comments filed and discussions at the Roundtable suggest that the Commission must decide whether operators must use one of the two highlighted solutions over the other to meet the Phase II location mandate. Aerial urges the Commission to decline the vendor-driven proposal of "either/or" decision making and evaluate the operators' petitions for waiver of Section 20,18(e) on their individual merits and grant waivers accordingly.

Aerial agrees with Ameritech that the Bureau should rule on pending requests for waivers of the Phase II ALI requirements independently of its decision whether or not to adopt Phase II ALI standards for handset technologies, or the substance of such standards, if adopted.¹ Thus, operators should be deemed in compliance with section 20.18(e) if they:

- 1) work in good faith with manufacturers of location-enabled handsets to create a reasonable phased-in deployment plan prior to deployment of ALI capable handset solutions;
- 2) commit to reaching improved accuracy by a reliable measurable standard; and
- 3) undertake an active program to promote awareness of the availability and public safety benefits of ALI capable handsets.

¹ Ameritech Comments, June 17, 1999, p. 1.

Aerial is committed to achieving these goals and will be able to do so only if the Commission grants its petition for waiver of Section 20.18(e).

In the Public Notices released December 24, 1998, and on June 1, 1999, the Commission expressed concern over legacy handsets and roaming customers. The fact of the matter is that no operator can ensure that 100 percent of their subscribers will convert to ALI capable handsets when they become available. As Aerial and other commenters have stated in previous comments, the matter of legacy handsets is a transitory issue only. The short lifecycle of handsets in conjunction with the high rate of handset churn in the CMRS industry translate into the rapid evaporation of virtually all legacy handsets within a short time period after ALI capable handsets become commercially available.

Aerial agrees with Sprint PCS that, although it should be anticipated that operators will pursue different methods of achieving ALI compliance, it is very likely that operators using the same air interface will follow a similar approach.² Thus, many AMPS operators may select network-based solutions, many CDMA operators may deploy GPS assisted handset solutions, and many GSM operators may use E-OTD because its foundation currently exists in the GSM technology. If several GSM operators utilize the E-OTD location solution, then roamers in GSM networks will receive the benefits of ALI while roaming.

The Commission should grant Aerial's pending requests for a waiver of Section 20.18(e) to allow Aerial the option to use the most technically and cost efficient means of providing ALI to its subscribers. Aerial is firmly committed to providing its customers with Phase II ALI capability using E-OTD. If the Commission does not grant Aerial's petition for waiver, the Commission would be in effect impeding the development of an

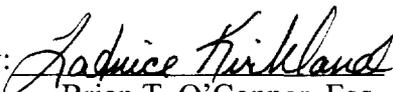
existing, cost effective ALI solution and denying the public the public safety and economic benefits of that solution. The Commission also would be ignoring its sound policy-making principle of not dictating technological solutions on wireless operators.

Conclusion

The Commission is tasked with ruling on pending requests for waiver of the Phase II ALI requirements. Aerial can think of no public interest justification for not granting its pending request for waiver. Granting Aerial's pending petition will serve the public interest by maintaining technological neutrality; encouraging the development of existing technology; and keeping the cost of ALI to the public as low as possible. The non-GPS, E-OTD handset solution proposed by Aerial deserves to be approved by the Commission.

Respectfully submitted,

Aerial Communications, Inc.

By: 
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Date: July 1, 1999

² Sprint PCS Comments, June 17, 1999, p.5.