

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

In the Matter of	)	
	)	
Revision of the Commission's Rules To	)	CC Docket No. 94-102
Ensure Compatibility with Enhanced	)	DA 99-1627
911 Emergency Calling Systems	)	

**COMMENTS OF GTE SERVICE CORPORATION**

GTE Service Corporation and its wireless companies (collectively "GTE") hereby submit comments in response to the *Public Notice* released by the Wireless Telecommunications Bureau ("Bureau") of the Federal Communications Commission ("FCC" or "Commission") on August 16, 1999.<sup>1</sup> In the *August Public Notice*, the Bureau seeks comment on the Report of CTIA, APCO, NENA, NASNA, and PCIA ("Report") submitted to the Bureau on August 9, 1999, in response to a previous *Public Notice*.<sup>2</sup> In these comments, GTE responds to the *August Public Notice* and updates the Commission on the status of its Phase I implementation progress.

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<sup>1</sup> Wireless Telecommunications Bureau Requests Comment On Wireless E911 Report Filed By CTIA, PCIA, APCO, NENA, And NASNA On August 9, 1999, *Public Notice*, CC Docket No. 94-102, DA 99-1627 (released August 16, 1999) ("*August Public Notice*").

<sup>2</sup> Commission Seeks To Facilitate Wireless E911 Implementation And Requests A Report, *Public Notice*, CC Docket No. 94-102, FCC 99-132 (released June 9, 1999) ("*June Public Notice*").

## I. BACKGROUND

Pursuant to Section 20.18(d) of the Commission's Rules, covered wireless carriers are required to deploy Phase I services to the designated Public Safety Answering Points ("PSAP") by April 1, 1998,<sup>3</sup> subject to the conditions set forth in Section 20.18(f).<sup>4</sup> The *June Public Notice* asked parties to the Consensus Agreement between representatives of the wireless industry and public safety authorities ("parties") to submit a report relating to wireless enhanced 911 ("E911") Phase I implementation issues. The *June Public Notice* expressed concern "that issues relating to cost recovery mechanisms and choice of Phase I transmission technologies may be causing delays in E911 implementation."<sup>5</sup>

In the Report, the parties identify the processes associated with implementing Phase I wireless E911 services, and report on the status of Phase I implementation. In addition, the parties seek to identify impediments to Phase I implementation and offer solutions to those problems.

## II. DISCUSSION

GTE strongly believes that Phase I implementation is progressing measurably and in a manner consistent with economic and political realities. Furthermore, GTE submits that claims levied against wireless carriers that they are somehow delaying

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<sup>3</sup> 47 C.F.R. § 20.18(d).

<sup>4</sup> 47 C.F.R. § 20.18(f).

<sup>5</sup> *June Public Notice*, at page 1.

implementation until concessions are obtained from the public safety community and are using liability protection as a ploy are completely without merit.

Since the Commission's E911 rules became effective, GTE has worked extensively with wireless industry groups, public safety organizations, and state and local government authorities in an effort to implement E911 services in its wireless service areas. In fact, GTE has been a leader in reaching out to state NENA and APCO chapter leadership to initiate legislative action to draft mutually agreeable legislation for introduction.

In terms of Phase I deployment, to date, 16 of the 23 states served by GTE's wireless companies have legislation in-place governing wireless E911.<sup>6</sup> All of the 16 states have begun assessing some type of E911 fee and 11 have implemented cost recovery rules. There are 1,265 PSAPs in GTE's wireless service areas. However, in GTE's markets where a cost recovery mechanism is in place, only 162 PSAPs have requested implementation of Phase I E911 service. Thus, far, GTE has rolled out service to 78 PSAPs in Alabama, South Carolina and Indiana.

GTE remains fully committed to being actively involved in promoting expeditious deployment of E911 services by actively advocating legislation, participating in E911 trials and demonstrations and by concerted outreach to the PSAP community. With the processes already in-place, GTE expects significant deployment in the second half of 1999. Indeed, GTE's year-end projections are to have services fully implemented and

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<sup>6</sup> GTE has attached to these comments a GTE Wireless E911 Survey, dated September 8, 1999, depicting the state of wireless E911 deployment in GTE's markets.

operational in eight GTE states covering a total of 115 PSAPs (slightly more than 70% of the requesting PSAPs). As such, GTE believes it is making steady progress towards implementing Phase I wireless E911 services in those locations that have requested the service.

GTE therefore urges the Commission (1) to stay the course and to not retreat from its decision to require a mechanism for wireless carriers to recover their costs; and (2) to continue to leave technology choices up to the wireless carrier. In addition, to prevent the potential for any further deployment delays attributable to cost recovery issues, the Commission should clarify that "carrier self-recovery" or "bill and keep" proposals are not acceptable or appropriate cost recovery mechanisms.<sup>7</sup> GTE believes that any changes to the Commission's policy on cost recovery at this time, possibly requiring carriers to implement numerous solutions on a local and state basis, would have a devastating effect on the E911 deployment and would serve to set back the progress that has already been made. Maintaining the Commission's current policies regarding cost recovery and technology will enable GTE and other wireless carriers to continue the record of cooperative, proactive effort with the public safety community and to take the additional steps needed to expedite deployment under the current regulatory framework.

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<sup>7</sup> See AT&T Comments at 7-9; Report, CTIA Addendum Addressing Cost Recovery, at 1-2.

### III. CONCLUSION

GTE believes that it has established a record of cooperative progress towards obtaining state legislation necessary for wireless E911 Phase I implementation and for implementing Phase I capabilities where requested by PSAPs. Accordingly, GTE believes no further measures are required by the Commission at this time. In particular, GTE urges the FCC not to change its current policies with respect to cost recovery or choice of technology.

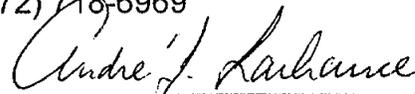
Dated: September 14, 1999

Respectfully submitted,

GTE Service Corporation and its affiliated  
domestic telephone operating companies

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## GTE Wireless E9-1-1 Survey

September 8, 1999

State	Wireless E-911 Legislation	Eff. Date of Charge	Fee	Board Established <sup>1</sup>	Cost Recovery Rules Established	911 Deployment	PSAPs served by GTEW	Phase I Request Letters Received <sup>2</sup>	PSAPs Implemented	Comments
AL	Yes	5/1/98	\$0.70	Yes	Yes	Yes	38	38	36	GTE Wireless has deployed service in Jefferson, Shelby, Tuscaloosa and Walker Counties.
AR	Yes	9/1/97	\$0.50	Yes	Yes	No	2	0		Arkansas deployment has been slowed because of PSAP reluctance to track wireless call volume. Legislation changed procedure to % of population in 1999.
CA	Yes <sup>3</sup>	Early 90's	0.72%	Yes	No	No	220	0		State must develop plan for deployment and cost recovery
FL	Yes	8/1/99	\$0.50	No	-----	No	71	0		Awaiting Governor's Appointments
GA	Yes	7/1/98	\$1 max.	Yes, Multiple Boards	Yes	No	3	2		Georgia presents a challenging state for carriers to implement in since individual counties determine whether or not to implement service.
HI	Vetoed by Governor				-----	No	5	0		Governor's Veto message said state agency did not have expertise to administer surcharge; amt may not be sufficient & FCC set no deadline (bill premature)
ID	No	-----	-----	-----	-----	No	13	0		In preliminary discussions concerning legislation, Idaho has been very resistant to carrier cost recovery provisions.
IL	Amendatory Veto by Gov.	90 days after Board establ.	(up to \$0.75)	No	-----	No	27	0		Legislature to consider Gov.'s amendments in 11/99 vetp session. Will require public hearing prior to establishment of rate.

<sup>1</sup> The entity governing E91-1-1 funds and procedures is not always a 911 Board. Some states' legislation delegates this authority to existing agencies. For purposes of this document, an affirmative answer is indicated whenever the regulatory body governing wireless E9-1-1 has been set up.

<sup>2</sup> As of September 8, 1999

<sup>3</sup> California does not have a wireless E9-1-1 program *per se*. California added language to include wireless carriers to existing legislation.

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IL – City of Chicago	Yes	6/1/98	\$1.25	N/A	----	No	TBD	N/A		City & industry negotiating E911 contract that establishes cost recovery.
IN	Yes	5/1/98	\$0.65	Yes	Yes	Yes	123	69	33	GTE Wireless has deployed service in 13 counties in Indiana, including the Indianapolis area.
IA	Yes	1/1/99	\$0.50	Yes	Yes	No	16	0		State developing plan; concerns over how to implement the 911 database have delayed implementation in Iowa.
KY	Yes	8/15/98	\$0.70	Yes	Rules to be discussed at 9/10 mtng.	4Q 99	43	0		Kentucky is beginning to move forward with finalization of rules and cost recovery is expected by the end of the 4 <sup>th</sup> Qtr. (moving forward on 8 unofficial requests)
MS	Yes	4/13/98	\$1.00	Yes	Yes	No	5	5		Rules were approved in mid August, 1999.
MO	Yes**	N/A	No	No	No	No	TBD	0		**The Missouri Legislature passed wireless E-911 legislation. Its funding provision was subject to voter referendum. Earlier this year, Missouri voters did not approve.
NM	No	-----	-----	-----	-----	No	29	0		State, PSAPs and wireless carriers negotiating legislation for 2000 Session.
NC	Yes	10/1/98	\$0.80	Yes	Yes (Interim Rules)	4Q 99	28	16		Board moving rapidly. Work underway with "live" deployment expected by Sept. 30, 1999
OH	Pending		(\$0.65)	No	-----	No	185	0		Legislation introduced. Hearings in June.
OR	Yes <sup>4</sup>		\$0.75			No	7	0		Broad interpretation of existing statute allows cost recovery.

<sup>4</sup> Oregon law requires all telecommunications providers to remit a \$0.75/access line charge. Wireless subscribers are specifically included.

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PA	No	-----	-----	-----	-----	No	1	0		State, PSAPs and industry discussing draft that could be introduced in late 1999.
SC	Yes	11/1/98	\$0.55	Yes	Yes	Yes	17	16	9	Board is in final stages of approving GTEW's cost recovery plan.
TN	Yes	7/1/99	\$0.85, raised to \$1.00 for Phase II after one carrier rollout in four major markets	Yes	Yes	4Q 99	124	0		Board has been established. GTEW's cost recovery plan has been approved by the Board.  Board letter expected in 4 <sup>th</sup> Qtr. with Cost Recovery due in Y 2000.
TX	Yes	9/1/97	\$0.50	Yes	Yes	4Q 99	151	3		Texas cost recovery rules have been finalized. State 911 Board meets with wireless carriers Sept. 13-17 and should issue request letter by Sept. 30, 1999.
VA	Yes	7/1/98	\$0.75	Yes	Yes	4Q 99	93	13		A total of 13 PSAPs in GTEW area met State Board Certification requirements to officially request Phase I service.
WA	No		Counties may implement a basic 911 surcharge of \$.25	Only for landline	No	No	64	0		Washington Dept. of Revenue and Legislature do not believe carriers are entitled to cost recovery. PSAPs argue that current law requires free PANi. They insist that carriers raise rates to offset costs.
<b>Totals</b>										
	<b>23</b>	<b>16</b>		<b>13</b>	<b>11</b>	<b>3</b>	<b>1,265</b>	<b>162</b>	<b>78</b>	
<b>Totals for states that have approved cost recovery (AL, AR, GA, IN, IA, MS, NC, SC, TN, TX, VA)</b>					<b>11</b>	<b>3</b>	<b>600</b>	<b>162</b>	<b>78</b>	<b>(48.1% of requests)</b>
<b>Totals for states that have cost recovery pending (KY)</b>					<b>1</b>	<b>1</b>	<b>43</b>	<b>0</b>	<b>0</b>	
<b>Year End 1999 Planned Projection (AL,IN, KY, NC, SC, TN, TX, VA)</b>					<b>9</b>	<b>8</b>	<b>620</b>	<b>162</b>	<b>115</b>	<b>(70+%) Estimate</b>