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Before the

Federal Communications Commission
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
)	
Revision of the Commission's Rules to)	CC Docket No. 94-102
Ensure Compatibility with)	RM-8143
Enhanced 911 Emergency Calling Systems)	

To: The Commission

**SNAPTRACK, INC.
COMMENTS IN SUPPORT OF PETITIONS FOR RECONSIDERATION**

SnapTrack, Inc. ("SnapTrack")¹ hereby submits comments in support of petitions seeking modification of the Commission's Section 20.18 implementation schedule for handset-based E9-1-1 Phase II solutions.² For the reasons discussed herein, the Commission should modify its rules to provide for a more gradual phased-in implementation schedule for handset-based solutions. The Commission should also eliminate the separate deployment schedule for markets in which PSAPs have requested Phase II service. At minimum, the Commission should modify the requirements to allow for more gradual phased-in deployment upon PSAP request, including extending the 2004 deadline to 2005 and reducing the 100 % penetration requirement for that final year to 95 %.

¹ SnapTrack has focused on integrating GPS and two-way wireless technologies for the past five years. It pioneered the highly, accurate client/server assisted GPS technology known as Wireless Assisted GPS that uses the U.S. Government's GPS satellites to pinpoint wireless devices.

² See Petition for Reconsideration of Nokia Inc. and Motorola Inc., filed Dec. 6, 1999 ("Nokia and Motorola"); Sprint PCS Petition for Reconsideration, filed Dec. 6, 1999 ("Sprint PCS").

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Finally, the Commission's ALI accuracy requirements should be revised to ensure competitive neutrality. These changes will serve the public interest by promoting public safety and allowing carriers to deploy promising handset-based solutions.

INTRODUCTION AND STATEMENT OF INTEREST

SnapTrack has actively participated in this proceeding and has consistently advocated technology-neutral Phase II requirements. Handset-based solutions such as SnapTrack's have been shown to provide high levels of ALI accuracy and to be cost-effective. Handset solutions have also received broad support from carriers, public safety organizations and consumers as a viable technology with improved accuracy that will save lives. The deployment of SnapTrack's and other handset-based solution vendors' technologies is dependent in large part on the regulatory and economic viability of such solutions to carriers which, in turn, is dependent on the commercial availability of such solutions in the products manufactured by handset vendors. Thus, throughout this proceeding, SnapTrack and other vendors and carriers have cautioned that implementation requirements that render compliance with the Commission's rules unattainable, or that render handset-based solutions uneconomic, will disserve the public interest.

Under the Commission's original rules, handset-based solutions such as SnapTrack's were prohibited by virtue of the requirement that E9-1-1 solutions be implemented on a market-wide "flash cut" basis. As SnapTrack and numerous other parties discussed, this requirement effectively limited carriers to vendors of network-based solutions, notwithstanding the accuracy, availability and cost benefits promised by handset-based ALI solutions. Thus, SnapTrack generally supports the Commission's intent in the *Third Report and Order* to revise the deployment schedule "to

accommodate a broader range of technical options for ALI compliance,” and agrees with the Commission that its rules should promote competition among various technologies.³

As discussed below, however, and in the petitions filed by Nokia and Motorola and Sprint PCS, the Commission’s implementation requirements for handset-based ALI solutions fall short of meeting these objectives, and further revisions to the deployment schedule for ALI-capable handsets are therefore necessary for carriers and consumers to realize the intended benefits of the *Third Report and Order*.

DISCUSSION

Section 20.18(g) of the Commission’s rules imposes alternative standards on carriers for Phase II compliance purposes. For all markets, carriers must: begin selling and activating ALI-capable handsets no later than March 1, 2001; ensure that at least 50 % of all new handsets activated are ALI-capable no later than October 1, 2001; and ensure that at least 95 % of all new digital handsets activated are ALI-capable no later than October 1, 2002. In areas for which a PSAP request has been received, however, the carrier must: within six months or by October 1, 2001, whichever is later, ensure that 100 % of all new handsets activated are ALI-capable; install any hardware and/or software in the CMRS network and/or other fixed infrastructure, as needed, to enable the provision of Phase II enhanced 911 service; and begin delivering Phase II enhanced 911 service to the PSAP. Further, within two years of a PSAP request or by December 31, 2004, whichever is later, carriers must undertake reasonable efforts to achieve 100 % penetration of location-capable handsets among their subscribers.

³ *Third Report and Order*, CC Docket No. 99-102, FCC 99-245, ¶ 36 (rel. Oct. 6, 1999).

SnapTrack agrees with Nokia and Motorola that the “pre-PSAP request” deadlines should be modified to allow carriers additional time to meet designated handset activation levels.⁴ While SnapTrack does not opine here as to whether the Nokia and Motorola timetable is appropriate, it is clear that the aggressive schedule currently required under the Commission’s rules is without record support and is not based on realistic timetables or likely availability of commercial equipment. The Advanced E9-1-1 Coalition proposal, which SnapTrack supported as a coalition member, would have required 50 % *digital* phone activation by September 2001 and 95 % *digital* phone activations by September 2002; this proposal, first submitted to the Commission in July, 1999, was further predicated on the availability of ALI-capable handsets. In light of the Commission’s significant departure from this standard, the Coalition proposal is simply not a basis for the new rules, and SnapTrack respectfully submits that the record does not support the Commission’s action in this area.

In particular, and as Nokia and Motorola demonstrate, the requirement that carriers ensure that at least 95 % of all new digital handsets activated are location-capable by October 1, 2002 is simply unrealistic and without record support. SnapTrack has been working closely with various equipment vendors on product design and testing for its technology and, indeed, has every incentive to see its product deployed commercially at the earliest possible date. It is clear, however, that not all manufacturers will be able to provide compliant equipment to carriers within this prescribed time schedule. Moreover, given the current state of vendor availability, this requirement may operate to effectively preclude wireless carriers from deploying handset-based or hybrid solutions altogether -- in much the same way as the Commission’s original rule. This is contrary to the public interest and the basis for the rule adopted in the *Third Report and Order*. It thus continues to improperly favor

⁴ Nokia and Motorola at 5.

network-based solutions, thereby undermining the Commission's commitment to adopt technology-neutral Phase II rules.

SnapTrack also agrees with Sprint PCS that the deployment schedule triggered when a PSAP request is received is overly aggressive. Specifically, the current rules which require 100% deployment within 6 months of a PSAP request could result in a carrier being forced to achieve 100% deployment of ALI-capable handsets as early as May 2002. This is much more aggressive than the general obligation to ensure that at least 50 % of *all new handsets* be location-capable by October 1, 2001, and that 95 % of *new digital handsets* activated be location-capable no later than October 1, 2002. The 100 % activation requirement within such a short period of time is problematic, given carriers' numerous distribution outlets and the challenge of replacing all existing stock.⁵ In addition, carriers will be forced in a short period of time to focus their Phase II deployment resources -- at considerable cost -- from primarily new digital activations to all handsets, digital and analog alike. A better approach, that continues to ensure an aggressive schedule for the deployment of ALI-capable handsets, is to modify the rule to ensure that the six month trigger for compliance will not take effect until after October 1, 2002. This change more accurately reflects the record in this proceeding and carriers' and vendors' abilities to deploy ALI-capable handsets.

The Commission should also modify the December 31, 2004 deadline for 100% market penetration. In markets where PSAPs request Phase II service, carriers will need to not only step up efforts for new activations, but make efforts to replace 100 % of *the embedded base* of handsets at considerable cost and with minimal public interest benefit. As a threshold matter, 100 % penetration is simply infeasible; carriers can do only so much to persuade customers to retire their

⁵ See Sprint PCS Petition.

legacy handsets and customer choice in this area must be respected. Further, it is notable that this requirement was without support in the record from either carriers or manufacturers. Indeed, even APCO, which advocated the most stringent penetration benchmark, recommended only 95 % penetration by 2005. SnapTrack therefore proposes that the Commission modify the 100 %/December 31, 2004 deadline to 95 %/December 31, 2005. This will more accurately reflect commercial realities and is more consistent with the record in this proceeding.

Finally, the Commission has also imposed disparate ALI accuracy requirements for handset- and network-based solutions. As Aerial notes in its petition, “establishing disparate accuracy standards for network-based and handset-based location technology serves no logical purpose” and that to require different standards “only serves to destroy competitive neutrality.”⁶ The significantly less stringent requirements adopted for network-based solutions also may bias carriers against handset-based solutions, thus further undermining the Commission’s objective of promoting the availability of different ALI solutions and, ironically, leaving wireless customers predominantly with less accurate network-based solutions. To ensure that carriers are not arbitrarily deterred from considering handset-based solutions, handset-based and network-based solutions should be subject to the same ALI accuracy requirement.

⁶ Aerial Petition at 3-4.

CONCLUSION

For the foregoing reasons, the Commission should modify the deployment schedule of Section 20.18(g)(1) of the rules to allow for more gradual phased-in deployment of handset-based ALI solutions and it should eliminate or significantly modify the separate implementation deadlines for areas where PSAPs have requested service.

Respectfully submitted,

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