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April 4, 2000
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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

BY HAND

Magalie Roman Salas, Secretary
Federal Communications Commission
445 - 12th Street, S.W., TW-A325
Washington, D.C. 20554

Re: *Ex Parte Presentation*
Wireless E-911 Phase II — CC Docket No. 94-102

Dear Ms. Salas:

This letter serves as notification that on this date, Luisa Lancetti, Ellen Kirk and Kevin Kelly (representing QUALCOMM Incorporated), had a meeting with Tom Sugrue, Tom Stanley, Dan Grosh, Jim Schlichting and Kelly Quinn (of the Wireless Telecommunications Bureau) to discuss issues concerning the above-captioned proceeding. A copy of the presentation material distributed and discussed at the *ex parte* meeting is attached hereto.

Pursuant to Section 1.1206(a), an original and one copy of this letter are being filed with your office. Please associate this letter with the file in the above-captioned proceeding.

Please contact us should you have questions concerning the foregoing.

Sincerely,

WILKINSON BARKER KNAUER, LLP


By: Luisa L. Lancetti

Attachments

cc: Tom Sugrue
Tom Stanley
Dan Grosh
Jim Schlichting
Kelly Quinn

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***Ex Parte* Presentation,
CC Docket No. 94-102**

**Wireless E9-1-1 Phase II
Petitions for Reconsideration**

QUALCOMM Incorporated
April 4, 2000

OVERVIEW -- PRESERVING VIABILITY OF HANDSET SOLUTIONS

Problem: The current Phase II requirements continue to deter consideration of and actions to deploy *any* effective location technology. The FCC should adopt the following limited changes on reconsideration:

- The disparate accelerated deadline for PSAP request markets should be eliminated or modified.
- FCC should modify 2004/100% penetration requirement to 2005/95% and should clarify what “reasonable efforts” by carriers will suffice for compliance purposes.

PSAP REQUEST MARKETS

- FCC rule requires 100% deployment of ALI-capable handsets within 6 months of a PSAP request.
- This requirement is much more aggressive than the general obligation to ensure that at least 50% of all new handsets be location capable no later than October 1, 2001, and that 95% of new digital handsets activated are location capable no later than October 1, 2002. It is also inconsistent with FCC “phase-in” approach for handset solutions and the underlying record in the proceeding.
- Sprint PCS and supporting carriers demonstrated that this approach poses serious implementation problems. Again, this requirement deters carriers from considering handset solutions.
- Separate standard for PSAP request markets should be eliminated; however, if retained, FCC should clarify that the six-month date for compliance will not take effect until after October 1, 2002.

100 PERCENT PENETRATION DEADLINE/“REASONABLE EFFORTS”

- FCC rule requires that within two years of a PSAP request or by December 31, 2004, whichever is later, carrier must “undertake reasonable efforts to achieve 100% penetration of location-capable handsets among its subscribers.”
- Legitimate carrier concern that 100% penetration by 2004 is infeasible deters consideration of handset solutions.
- As FCC acknowledges, despite carrier efforts, some legacy (non-ALI) handsets will remain in market for a period of time due to customer choice, and 100% penetration is unlikely. *Third Report and Order* ¶ 54.
- FCC should modify rule to require 95% penetration by December 31, 2005 (akin to original APCO proposal).
- To provide important certainty for carriers, FCC should clarify “reasonable efforts” standard such that a customer education and subsidy program to encourage the replacement of non-ALI capable handsets will be deemed *per se* compliance with the rules.