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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of	)	
	)	
Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems	)	CC Docket No. 94-102
	)	
Request for Further Consideration of Call Back Number Issues Associated with Non-Service Initialized Wireless 911 Calls	)	WT Docket No. 00-80

To: Chief, Wireless Telecommunications Bureau

COMMENTS OF VOICESTREAM WIRELESS CORPORATION

VoiceStream Wireless Corporation ("VoiceStream")[1] hereby files brief comments in response to the Commission's recent Public Notice seeking comment on whether CMRS carriers should be required to provide call back information for emergency calls placed from non-service initialized handsets.[2] The impetus for the Public Notice was a letter submitted by four public safety organizations seeking reconsideration of the Commission's prior determination to exclude

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[1] Based in Bellevue, Washington, VoiceStream is the fastest growing provider of personal communications services ("PCS") in the United States. VoiceStream provides PCS throughout the United States using Global System for Mobile Communications ("GSM") technology. As a result of recent mergers with both Omnipoint Corporation and Aerial Communications, VoiceStream's coverage area would allow it to serve three out of every four people in the United States.

[2] *See* FCC Public Notice, *Comment Sought on Request for Further Consideration of Call Back Number Issues Associated with Non-Service Initialized Wireless 911 Calls*, CC Docket No. 94-102, WT Docket No. 00-80, DA 00-1098 (May 18, 2000).

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non-service initialized handsets from enhanced 911 call back requirements.[3] The letter noted that call back requirements for non-service initialized handsets should be revisited now that many organizations are furnishing such handsets to charitable organizations and public safety groups.[4]

As discussed below, VoiceStream is concerned that requiring carriers to implement call back capabilities for non-service initialized handsets may actually undermine the public safety benefits of current donation programs and it urges the Commission to refrain from adopting any such requirements.

I. HANDSET DONATION PROGRAMS ENHANCE PUBLIC SAFETY

As Petitioners recognize, many organizations donate non-service initialized handsets to charitable organizations and public safety groups.[5] VoiceStream participates in numerous such programs around the United States. For example:

- In Philadelphia, VoiceStream donated phones as part of a pilot program to create safer schools;[6]
- In Miami, VoiceStream created the "Save a Life, Just Make A Call" program for domestic abuse victims and donated phones programmed to dial 911 for the program;
- In Provo, Minneapolis, and St. Paul, VoiceStream donated phones for use in neighborhood watch programs; and

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[3] *See* Letter to Magalie Roman Salas, Secretary, Federal Communications Commission, from Texas 9-1-1 Agencies, NENA, APCO, and NASNA, CC Docket No. 94-102, filed April 28, 2000. The signatories to the letter are hereinafter referred to as "Petitioners."

[4] *Id.* at 2.

[5] *Id.*

[6] A total of 28 phones were donated to the Benjamin Franklin School Cluster and the 23rd Police District for use in situations where children are threatened on their way to and from school.

- In Tulsa, VoiceStream donated phones for use by victims of domestic abuse or stalkers.[7]

These programs enhance public safety by providing instant access to 911 services to persons that would not otherwise be able to call for help in emergency situations. Petitioners do not question the benefits of these programs.

II. ADOPTION OF A REQUIREMENT THAT NON-SERVICE INITIALIZED HANDSETS HAVE CALL BACK CAPABILITIES WILL HAVE A CHILLING EFFECT ON HANDSET DONATION PROGRAMS AND THUS WILL UNDERMINE PUBLIC SAFETY

Rather than laud the CMRS industry for its voluntary participation in handset donation programs and for its efforts in creating programs designed to facilitate public safety, Petitioners urge the Commission to impose additional requirements on such programs. The specific call back requirement proposed by Petitioners, however, would chill participation in these beneficial programs.

Many CMRS carriers donate refurbished, non-service initialized handsets to worthy causes because there is little downside compared with the public good associated with putting phones capable of calling 911 into the hands of those that otherwise would not have access to wireless phones. Adoption of a call back requirement for such handsets alters this balance by making it technically and economically more difficult, if not impossible, for carriers to donate phones.

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[7] It should be noted that, according to the Community Relations Coordinator for Domestic Violence Intervention Services, Inc., one of the most important aspects of the program is that the donated handsets are ***incapable*** of receiving calls. Thus, "the victims will never be given away by a ring, which could truly escalate a [domestic violence] situation." *See* Tulsa World (June 2, 1999).

First, it simply is not possible at this time to provide call back numbers to handsets (as currently configured) using GSM technology. There have been no developments since the FCC previously determined that it would not be appropriate to impose E911 call back requirements on non-service initialized handsets that would justify changing this policy now.[8]

In addition, carriers will be more reluctant to donate non-service initialized handsets if the handsets must be capable of receiving calls because of significant fraud concerns. The potential compromise to carrier networks based on fraudulent use of donated handsets is enormous. Moreover, at least one victims' rights organization has noted that the inability of these phones to receive incoming calls is essential to the viability of donation programs.[9] Thus, handsets incapable of receiving incoming calls provide certain public safety benefits.

Finally, rather than adopt new requirements that would diminish incentives for CMRS carriers to donate phones to worthy causes, the Commission should instead encourage voluntary education efforts by carriers and PSAPs. CMRS carriers already voluntarily disclose the limitations associated with donated phones and work with the organizations requesting the phones to educate phone recipients of these limitations. Imposing additional federal regulation on these programs is not warranted.

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[8] Even if a solution were available, however, CMRS carriers still might be reluctant to participate in donation programs because of the costs associated with providing phones capable of generating call back information and receiving calls from emergency operators and any network modifications this would entail. Moreover, any call back requirement for non-service initialized handsets might also exacerbate number resource allocation problems. *See Numbering Resource Optimization, Report and Order and Further Notice of Proposed Rulemaking*, CC Docket No. 99-200, FCC 00-104 (March 31, 2000), 65 Fed. Reg. 37703 (June 16, 2000).

[9] *See* note 7 *supra*.

CONCLUSION

The public safety benefits of handset donation programs are unquestioned and the Commission should not adopt requirements that chill participation in these programs. The Commission should retain its current exemption for non-service initialized handsets from E911 call back requirements.

Respectfully submitted,

VOICESTREAM WIRELESS CORPORATION

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June 19, 2000

CERTIFICATE OF SERVICE

I, Brooke Wilding, hereby certify that I have on this 19th day of June, caused a copy of the foregoing "Comments of VoiceStream Wireless Corporation" to be served by hand on the following:

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