

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.

In the Matter of)
)
Revision of the Commission's Rules to) CC Docket No. 94-102
Ensure Compatibility With Enhanced) WT Docket No. 00-80
Enhanced E911 Emergency Calling System)

**REPLY COMMENTS OF THE
INDEPENDENT CELLULAR SERVICES ASSOCIATION(ICSA),
MT COMMUNICATIONS AND E911CELLULAR.COM**

The Independent Cellular Services Association ("ICSA") and associated firms submits its Reply Comments in response to the Commissions' *Public Notice*¹ in the above captioned proceedings relative to the request of the Texas E911 Agencies, NENA, APCO, NASNA (collectively, the Public Safety Entities). This group requested further consideration of call back issues associated with inactive cellular telephones.

ICSA, MT Communications and E911CELLULAR.COM hereafter referred to as ICSA represents a group of companies that sell and service cellular telephones and other public safety communications equipment. The cellular telephones sold are both service initialized and non-service initialized. Some of the ICSA members have 16 years of cellular experience and may bring a different prospective to this issue. ICSA has filed comments in past Docket 94-102 proceedings dealing with E911 calls.

¹ *Public Notice*, Comment Sought on Request for Further Consideration of Call Back Number Issues Associated with Non-Service Initialized Wireless 911 Calls, DA 00-80(Rel. May 18, 2000).

I. Introduction and Summary

ICSA has reviewed all of the comments filed by approximately 12 groups. Most of the responses came from the carriers, one of their suppliers, and the CTIA(the industry). To no ones' surprise, the industry did not support or suggest any ideas for calling back non-service initialized cellular telephones. The theme that ran through their coordinated comments is that "no technical solutions have been developed..."². Switch makers such as Lucent and Nortel will not add this software to their switches unless it is required by the industry as a result of a Commission ruling.

WCA suggested that the industry should initiate an effort based on the WEIAD report to develop a call back technique. ICSA proposed a similar technique which involves assigning a pseudo phone number that can be called back by only a PSAP within an hour of the incoming call. One of these techniques can be developed - it is not "rocket science". The Commission will have to force the carriers to have the switch makers develop the software to permit call back. WCA also suggested that the phones that the Wireless Foundation gives out to battered women should have one of the new 911 software programs installed in them. We support that suggestion.

We proposed the only solution that will in the near term meet the needs of the Public Safety Entities which is to be able to call back non-service initialized phones. We filed in our earlier comments that there are approximated 24 million

² CTIA at Page 2.

phones that fall into the unsubscribed category. Many of these phones are old and may not work. However, we believe that at least 10% to 20% of these phones are installed car or bag phones that are riding around in various vehicles. These phones were turned off in favor of the more convenient portable phones that are being given away by the wireless carriers. We propose that these 2.5 million to 5 million phone be programmed by ICSA members to have the same MIN and ESN as the portable. The Commission would have to modify its rules through new rule making to allow, with written permission from the subscriber, licensed firms to make these older phones an extension of the portable. These phones would then be service initialized and capable of being called back because they have the same MIN/ESN as the portable.

ICSA supports the comments that Secure Alert made that there are many Americans who need a E911 phone because they can not afford the monthly fee for a subscribed phone. ICSA did a survey of the largest 10 cities in the US and the minimum average yearly cost of ownership for a phone is \$300 including all of the various fees. We agree with Secure Alert that there needs to be a plan by the Commission to give the poorest Americans a call back and location capability that the rest of us enjoy.

We agree with SBC Wireless that the Commission should recommend that manufacturers and sellers of E911 only phones should program these phones with a special phone number. We proposed a 1XX area code. We think that there should be more uniqueness than 123 456-7890³ because if there is ever to be call

³ Secure Alert's Mobile911 phone has a MIN of 123 456-7890.

back, then having a single number could cause confusion to the system. The number could be a 1 plus the customer's social security number.

In summary, with 24 million potential phones available to call E911, this could create a major problem for Public Safety agencies in the future and the Commission needs a plan to deal with this situation before things get out of control. With GPS as one method of locating wireless phone in Phase II, this will mean that millions of these older non-service initialized phones will never be capable of being located by PSAP's.

II. Unique Phone Numbers - For phones being sold or given away that are intended for E911 use only, they should be programmed with a MIN that is known to work in all markets and that can be used by carriers to give special treatment to E911 calls. We believe an area code sequence such as 1XX or 1 + Social Security number might be programmed into phones to make call back technically easier and cheaper to implement. Our research shows that only a few area codes start with a 1. The only one we found - Ontario, Canada has an area code of 146.

Carriers are still blocking certain calls including those to E911. Bell Atlantic or Verizon is blocking any phones that have 000 000-0000 as a MIN in the Baltimore/Washington area. A special MIN area code could signal PSAP's via ANI to keep callers from unsubscribed phones on the "line" until the E911 call is resolved. A unique area code could be used to give PSAP's the privilege to call back without validation. In the early days of cellular, the switches did not validate the MIN ESN combination. Only the MIN was used. It would seem that the

switch could be programmed easily to allow a special MIN to be called from only a PSAP.

- III. Pseudo Number - Another solution is for the cellular switch to assign a pseudo number to each wireless E911 call that would permit call back. This has been proposed before but the cost estimate is unknown. The PSAP call back to this pseudo number pretends temporarily that there is a good MIN ESN match so that the phone can be called.**

We propose that switch makers provide a cost estimate to add the pseudo number capability to their switches. It seems to us that some switches have this capability to support roaming today but need to be modified to do the E911 call backs. Knowing this cost would permit a trade off to be made on whether to require this capability in the future.

- IV. Extension Phones - ICSA believes that there are up to 5 millions of phones that are installed in cars that have been deactivated because the user converted to the convenience of a portable phone. Many of these phones are making calls to E911. It is likely the MIN in the car phone is the same phone number of owner's portable phone. However, the ESN will be different and should the driver call E911, the phone cannot be called back by a PSAP. ICSA believes the Commission should consider permitting the ESN to be modified in the car phones to match that of the portable. This would immediately solve the call back problem for those phones that had been reprogrammed as "Extensions" of the portables. This would not cost the carriers or the Public Safety agencies any funds to implement. Cell phones**

users are eager to pay for this conversion.

Several years ago, there were hundreds of firms offering this reprogramming service nationwide. We believe there are hundreds of thousands of extension phones in use in the US with no reported problems or abuses. These phones were reprogrammed with the written permission of the owners and can be called back by the PSAPs. CTIA and its members citing part 22.919 of the rules used the Federal Courts to put the extension phone firms out of business. CTIA and its members now claim that cloning fraud has been virtually eliminated. ICSA believes that this is one approach to turning many of the non-service activated phones into fully functioning phones that can be called back without any infrastructure changes.

V. New E911 Call Processing Software - In past filings with the FCC, our members offered to also reprogram phones with the one of the new E911 call processing technologies if the code is made available by the manufacturer. We would do the update when the phone is in for extension programming assuming the Commission were to permit reprogramming of the ESN. We are willing and interested in putting this new E911 software in any phones that our members sell as unsubscribed E911 phones if the manufacturers make it available for the older phones.

The software would have to be able to be downloaded to the phone or replaced by putting a new chip in a socket. We would hope that the CTIA Foundation members would also upgrade their phones to the new E911 software since many are going to women who are vulnerable and counting on the phone for help.

VI. Conclusion - ICSA agrees with WCA that the Commission should conduct a study of the frequency that PSAPs call wireless phone users back. ICSA agrees with the Texas Agencies that non-service activated phones may pose a problem that need to be analyzed now and a series of solutions developed. We believe that it would help to program all unsubscribed phones with a special area code such as 1+Social Security Number. One area that ICSA has promoted over the years are extension phones which could convert millions of non-service initialized phones into fully functioning phones if permitted by the Commission. In the wired world, homes and offices are permitted to have as many phones on one number connected to the PSTN as wanted.

The Commission will have to require the carriers to install call back because it is counter to the industry's interest to do so. In their comments they stated that the technology has not appeared - it never will. We have proposed several technical approaches to help PSAP's deal with non-service initiated phones. We believe that these E911 phones provide a cost effective solution to those people who are poor, live on a fixed income or who can not otherwise spend \$300 per year for an emergency phone. We hope we have provided Comments to the Commission that will help improve the use of wireless phones as a way to help people in their time of need.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Michael Heavener, hereby certify that I have on this 5th day of July, caused a copy of the foregoing "Reply Comments of ICSA" to be served by first class mail, postage prepaid on the following:

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