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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Before the
FEDERAL COMMUNICATIONS COMMISSION
WIRELESS TELECOMMUNICATIONS BUREAU
Washington, D.C. 20554

In the Matter of	)	
	)	
	)	**CC Docket No. 94-102**
Comment on Phase I Enhanced 911	)	
Implementation Issues	)	
	)	

To the Bureau:

COMMENTS OF THE INDIANA
WIRELESS ENHANCED 911 ADVISORY BOARD
CONCERNING KING COUNTY'S
CLARIFICATION REQUEST

I. INTRODUCTION

The Indiana Wireless Enhanced 911 Advisory Board (the "Board") is pleased to submit the following comments regarding the implementation of Phase I Enhanced Wireless 911 ("E 911") service. The Board believes its experiences in implementing E 911 service in Indiana will aid the Bureau's efforts to resolve the E 911 implementation and funding disputes in Washington State.

The Bureau seeks comment on three issues related to funding for the implementation of Phase I E 911 service:

(a) **Does a clearly defined demarcation point separate the responsibilities of carriers and PSAPs in providing the components or upgrades needed to implement Phase I E 911 service?**

(b) **Does the appropriate demarcation point between wireless carrier, local exchange carrier ("LEC") and public safety answering point ("PSAP") responsibility to provide technical components or upgrades vary according to the technology employed to deliver E 911 services?**

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(c) **What is the division of costs between LECs and PSAPs in the provision of wireline E 911 networks? Is there is a rationale or precedent, based on wireline E 911 implementation, for a particular division of costs among carriers and PSAPs in the implementation of E 911 Phase I service?**

The Board's comments describe Indiana's E 911 implementation scheme generally and discuss Indiana's experience with the issues confronting Washington.

II. BRIEF OVERVIEW OF INDIANA'S WIRELESS ENHANCED 911 ACT

In response to the Bureau's E 911 mandates, the Indiana General Assembly passed the Indiana Wireless Enhanced 911 Act (the "Act") in early 1998.[1] The Act created the Board, a balanced entity comprised of five wireless industry representatives, five PSAP representatives, and chaired by the State Treasurer.[2] Indiana's cost recovery mechanism is funded by a monthly subscriber surcharge.[3] Wireless carriers and resellers collect the surcharge from their subscribers and remit the collections to the Board, which then administers the cost recovery fund for the benefit of wireless carriers and PSAPs. A portion of the surcharge also covers the Board's administrative expenses. The Board may adjust the surcharge once annually and the charge may not exceed one dollar per month for each phone number.[4]

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[1] I.C. §36-8-16.5-1 et seq.

[2] I.C. §36-8-16.5-18.

[3] I.C. §36-8-16.5-25.

[4] I.C. §36-8-16.5-26(1)(3).

III. THE BUREAU'S REQUEST FOR COMMENTS REGARDING WASHINGTON STATE'S E 911 PHASE I IMPLEMENTATION ISSUES

A. Does a clearly defined demarcation point separate the responsibilities of wireless carriers and PSAPs in providing the necessary components or upgrades to implement Phase I E 911 service?

In Indiana, the wireless carrier is generally responsible for the necessary components and upgrades to implement Phase I E 911 service. The Act obligates the Board to provide cost recovery to wireless carriers. "At least twenty-five cents ($0.25) of the emergency wireless 911 fee collected from each subscriber must be held in escrow and used to reimburse the wireless providers for the actual costs incurred by the wireless providers in complying with the wireless 911 requirements established by the FCC...."[5] Wireless carriers may recover "true costs" incurred in order to establish and operate the E 911 service.[6] These costs include those expenses related to the design, installation, programming, testing and upgrading of the E 911 system. Wireless carriers can also recover costs incurred in order to maintain the necessary data, software, and hardware.[7]

Generally, the PSAP is not responsible for costs related to components and upgrades for implementation of Phase I. A PSAP may incur additional implementation expense if, for example, it adds additional trunk lines to carry higher volumes of call traffic.[8] As a general rule, however, most of the technical expenses associated with E 911 service in Indiana are borne by wireless carriers.

B. Does the demarcation point between wireless carrier, LEC and PSAP

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[5] I.C. §36-8-16.5-39(2).

[6] Id.

[7] Id.

[8] PSAPs may also incur personnel and other non-component cost arising from the processing of E 911 calls. The Board also reimburses PSAPs for all expenses related to the receipt of 911 calls.

responsibility to provide necessary technical components or upgrades vary according to the technology employed to deliver E 911 service?

In Indiana, the "demarcation point" is controlled by the Act and not by technology choice. Therefore, the technology employed does not shift the allocation of responsibility to implement Phase I. The Board has no authority to mandate a wireless carrier's technology choice. Significantly, the Board notes that it is not aware of any meaningful disputes involving technology.[9]

C. What is the division of costs between LECs and PSAPs in the provision of wireline E 911 networks? Is there is a rationale or precedent, based on wireline E 911 implementation, for a particular division of costs among carriers and PSAPs in the implementation of wireless Phase I technologies?

In Indiana, the wireline 911 network is maintained by the PSAP. The PSAP purchases necessary landline equipment and pays the LEC to run 911 calls through the LEC's trunk lines. PSAPs are reimbursed for these costs through a locally administered cost recovery process. Like the PSAP's function in the wireline system, wireless carriers are ultimately responsible for Phase I E 911 implementation costs. However, although responsible for the costs of implementing the wireless system, wireless carriers may utilize, without charge, the same landline equipment and trunk lines paid for and maintained by the PSAP. Thus, the landline cost allocation scheme is not truly a "precedent" upon which the wireless implementation of Phase I is based.

Wireless carriers do incur additional charges from the LEC, not the PSAP, for use of the LEC's trunk lines and services in tracking wireless 911 calls. The wireless carrier is ultimately responsible to the LEC for these charges. The PSAP is not involved in this cost allocation. The

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[9] The Board notes that several wireless carrier have reported serious and protracted disputes with LECs over connectivity costs, available technology and related issues. These disputes do not, however, appear in any way influenced by wireless carrier technology choice.

wireless carrier may seek recovery from the Board for these costs or attempt to recover them from their subscribers.

IV. CONCLUSION

The Board appreciates the Bureau's consideration of these comments regarding Indiana's allocation of responsibilities in the implementation of Phase I Enhanced Wireless 911 service. The Board is available to supplement its comments with additional written information or personal testimony/comment should the Bureau so request. We hope Indiana's unique perspective lends important input to the Bureau's deliberations.

Respectfully submitted,

Indiana Enhanced Wireless 911
Advisory Board

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