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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 )  
Ensure Compatibility with Enhanced 911 )  
Emergency Calling Systems )

CC Docket No. 94-102

To: Chief, Wireless Telecommunications Bureau

**COMMENTS OF QWEST WIRELESS, LLC**

Jeffry A. Brueggeman  
Senior Attorney  
1801 California Street, Suite 5100  
Denver, CO 80202  
(303) 672-2799

*Its Attorney*

September 18, 2000

No. of Copies rec'd 014  
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## SUMMARY

Qwest Wireless views seriously its Phase I deployment obligations and will continue to work in good faith with PSAPs in Washington state and elsewhere. However, E911 deployment also imposes a significant financial obligation on PSAPs, which cannot be avoided by redefining carriers' cost obligations, as King County proposes. Throughout this proceeding, interested parties have understood and acknowledged that PSAPs would be responsible for E911 network upgrades. The *Second Memorandum Opinion and Order* did not undo PSAPs' significant financial responsibilities for E911 deployment. King County's interpretation would unlawfully impose new substantive requirements on wireless carriers.

***Appropriate Demarcation Point.*** Commission rules and precedent are premised on PSAPs' continued responsibility for facilities and equipment beyond the wireless carriers' switch. There is no need to establish a new "demarcation point," nor does the Bureau have authority to do so in this proceeding. First, the wireless switch demarcation point is consistent with the Commission's rules and precedent, as PSAP investment in facilities is essential for PSAPs to be capable of receiving and utilizing the ANI and ALI data elements. Moreover, the record underlying the *Second Memorandum Opinion and Order* supports such a demarcation point and addresses the trunking and SCP costs at issue in King County's request. While Qwest Wireless has expressed a willingness to cover some such costs, it has done so *not* due to regulatory fiat, but for business reasons.

***Wireline Precedent.*** The division of costs between LECs and PSAPs supports the wireless switch demarcation point. PSAPs have traditionally acquired such facilities and services, including functionalities offered by the SCP, from LECs pursuant to intrastate wireline tariffs. This is the case in Washington state as well, whereby PSAPs are responsible for transport costs from the LEC end office to the PSAP. King County's interpretation would constitute a dramatic departure from the wireline model. Importantly, requiring PSAPs to cover the costs of the E911 network does not absolve wireless carriers of significant deployment responsibilities and cost obligations.

***ILEC Obligations.*** Finally, there is no need to address LECs' responsibilities to the E911 network here or to impose new financial obligations on LECs. Commission intervention would unnecessarily disrupt LECs' existing working relationships with PSAPs and create needless uncertainty as to carriers' ability to recover E911-related costs.

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To: Chief, Wireless Telecommunications Bureau

**COMMENTS OF QWEST WIRELESS, LLC**

Qwest Wireless, LLC ("Qwest Wireless")<sup>1</sup> hereby submits comments in response to the Wireless Telecommunications Bureau ("Bureau") Public Notice seeking comment on a request filed by the King County, Washington E-911 Program Office regarding enhanced 911 ("E911") Phase I implementation in the State of Washington.<sup>2</sup> As discussed herein, the wireless switch is the demarcation point for separating the respective E911 financial responsibilities of carriers and PSAPs. Dividing carriers' and PSAPs' responsibilities in this manner is consistent with existing legal requirements and industry practice. The Commission should thus reject King County's contrary interpretation of the rules and confirm that PSAPs remain responsible for their costs of E911 network deployment.

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<sup>1</sup> Qwest Wireless, LLC (formerly U S WEST Wireless, LLC ), together with TW Wireless, LLC, a joint venture in which Qwest Wireless holds a majority equity and sole controlling ownership interest, provides broadband PCS services in a number of markets.

<sup>2</sup> Public Notice, *Wireless Telecommunications Bureau Seeks Comment on Phase I E911 Implementation Issues*, CC Docket No. 94-102, DA 00-1875 (rel. Aug. 16, 2000), 65 Fed. Reg. 51831 (Aug. 25, 2000) ("Public Notice"); Letter from Marlys R. Davis, E-911 Program Manager, King County, Washington, to Thomas J. Sugrue, Chief, Wireless Telecommunications Bureau, dated May 25, 2000, at 2 ("King County Letter").

## BACKGROUND/INTRODUCTION

As a CMRS carrier authorized to serve King County and other markets in Washington, Qwest Wireless views seriously its Phase I deployment obligations. In this regard, Qwest Wireless has worked in good faith with local and state governments in King County and other jurisdictions in efforts to deploy enhanced 911 services to its subscribers. Qwest Wireless will continue such efforts. However, E911 deployment also requires a significant investment on the part of PSAPs. This obligation cannot be avoided by now redefining wireless carriers' cost obligations, as King County proposes.

**A. Throughout This Proceeding, the Commission, Carriers and Public Safety Organizations Have Been Aware that PSAPs Would Be Responsible for E911 Network Upgrades**

Since the outset of this proceeding, the Commission has understood and acknowledged that implementation of wireless E911 would require significant efforts by a number of entities, including necessary modifications of PSAP equipment and networks to accommodate new wireless automatic number information ("ANI") and automatic location information ("ALI") capabilities.<sup>3</sup> This fact is reflected in the *Report and Order*, where the Commission emphasized that "[t]he implementation of E911 service will require a separate decisional process by many state and local public safety organizations to invest in facility and equipment upgrades to be able to receive E911 call location information."<sup>4</sup>

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<sup>3</sup> *Revision of the Commission's Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Notice of Proposed Rulemaking*, 9 FCC Rcd. 6170, 6178 notes 48-49 and 6179 note 53. (2000).

<sup>4</sup> *Revision of the Commission's Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Report and Order and Further Notice of Proposed Rulemaking*, 11 FCC Rcd. 18676, 18681 (1996).

The Commission thus recognized the significant funding obligations of state and local government public safety agencies as a prerequisite to carriers' E911 obligations. Accordingly, in its original rulemaking decision, the Commission expressly acknowledged that:

the requirements imposed upon covered carriers by our actions in establishing the schedule shall apply only if a carrier receives a request for E911 service from the administrator of a PSAP *that has made the investment which is necessary to allow it to receive and utilize the data elements associated with the service . . .*<sup>5</sup>

In describing the type of anticipated "investment" required of PSAPs, the Commission explained further:

The PSAPs must use switches, protocols, and signalling systems that will allow them to obtain the calling party's number from the transmission of ANI. Older analog systems may not have this capability.<sup>6</sup>

Thus, in adopting the original requirement that the PSAP requesting E911 service be "capable of receiving and utilizing the data elements associated with the service" the Commission also recognized the necessity for PSAPs to cover the costs of upgrading the E911 network.<sup>7</sup>

Carriers and PSAPs in a number of markets subsequently initiated Phase I deployment efforts, including discussions with third party vendors, the acquisition of trunk and related transmission facilities and the provision of Phase I services. For its part, Qwest Wireless entered into service agreements with Phase I service provider SCC Communications and initiated Phase I service in Colorado, Arizona, and Minnesota; the company has also made significant progress toward the initiation of Phase I service in Oregon.

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<sup>5</sup> *Id.* at 18709 (emphasis added).

<sup>6</sup> *Id.* at 18709 note 119.

<sup>7</sup> *See* 47 C.F.R. § 20.18(f) (1999).

**B. The Second Memorandum Opinion and Order Did Not Modify PSAPs' Financial Obligations for E911 Deployment**

Thereafter, in response to certain concerns that aspects of the E911 rules were hindering Phase I deployment, the Commission in 1999 sought a report from interested parties addressing Phase I deployment obstacles, including PSAP funding and capabilities.<sup>8</sup> In a joint report filed August 9, 1999 by CTIA and three different public safety organizations, the parties explained that:

[LECs] own and operate (and usually lease-back through a service contract) most of the 9-1-1 access tandems (more appropriately referred to as a “selective router”), ALI databases, the trunks used to carry 9-1-1 calls and (sometimes) the CPE and the PSAP dispatch locations throughout the country. The price the PSAP pays for the LEC services are typically determined through a “special tariff” which is subject to review at the state level. The service(s) provided by the LEC to the PSAP are contractual in nature and are subject to the parameters outlined by the PSAP in its request for service, including technical, operating and financial parameters.<sup>9</sup>

The parties further explained that “[t]he bulk of the selective routers, CPA equipment (the dispatch console equipment) and ALI databases *used by these PSAPs* are configured to support seven digit dialing patterns” and that “upgrading the 9-1-1 infrastructure is an enormous undertaking.”<sup>10</sup>

It is with this understanding of the E911 network, and based on this uncontroverted record, that the Commission adopted its decision in response to the report, eliminating the prerequisite for carrier cost recovery, formally maintaining the prerequisite for PSAP cost

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<sup>8</sup> Public Notice, *Commission Seeks to Facilitate Wireless E911 Implementation and Requests a Report*, CC Docket No. 94-102, FCC 99-132 (rel. June 9, 2000).

<sup>9</sup> Report of CTIA, APCO, NENA, and NASNA, CC Docket No. 94-102, filed August 9, 1999, at 15. This section of the report is notably titled “PSAP Capabilities/LEC Relationships.”

<sup>10</sup> *Id.* at 17 (emphasis added).

recovery and retaining the PSAP capability prerequisite. In that decision, the Commission affirmed that the PSAP cost recovery requirement is “a component of the PSAP’s capability of receiving and utilizing the data elements of the E911 services.”<sup>11</sup> Citing to the Commission’s statutory obligation under the Wireless Communications and Public Safety Act of 1999 to “encourage and support” state efforts in E911 deployment, the Commission reiterated that state and local governments retain an ongoing, and substantial role in E911 funding and deployment:

The transmission of vital, life-saving location information with wireless 911 calls is an obligation imposed on wireless carriers as a matter of public safety and public interest. *Carriers cannot fulfill their obligations, however, unless and until the States’ 911 systems are capable of receiving and utilizing the E911 information so that PSAPs can make a valid request for the service. . . . [W]e share that concern [that states may overlook the need to provide the necessary funds] . . . and we agree that E911 implementation could be significantly delayed if States viewed a modification of the cost recovery rule as a signal that the Commission objects to State-adopted funding mechanisms or State funding of E911 in any manner. We seek to avoid any such perception.*<sup>12</sup>

Importantly, the Commission expressly recognized that “[w]ithout adequate funding, PSAPs may not be able to finance expenditures required to upgrade their hardware or software capabilities to receive and use Phase I and Phase II information, as well [as] to finance recurring costs that may be associated with the additional network services.”<sup>13</sup>

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<sup>11</sup> *Revision of the Commission’s Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Notice of Proposed Rulemaking, Second Memorandum Opinion and Order*, 14 FCC Rcd. 20850, 20879 ¶ 69 (1999) (“*Second Memorandum Opinion and Order*”).

<sup>12</sup> *Id.* at 20878-79 ¶¶ 67-69 (emphasis added); see Wireless Communications and Public Safety Act of 1999, Pub. L. No. 106-81, 113 Stat. 1286, 1287, § 3(b) (1999).

<sup>13</sup> *Second Memorandum Opinion and Order*, 14 FCC Rcd. at 20877 ¶ 66 (emphasis added). In support of this determination, the Commission cited the comments filed by CTIA which confirmed that “the bulk of [the] 9-1-1 selective routers . . . [,] ALI databases, and 9-1-1 trunks, as well as the PSAPs’ own equipment, will have to be upgraded *at the PSAPs’ own expense* to handle the additional ANI and ALI information that will be provided by wireless carriers.” CTIA Comments, CC Docket No. 94-102, filed September 14, 1999, at 2 (emphasis added).

### C. King County Request

On May 25, 2000, the E911 Program Manager for King County (“King County”) submitted a brief letter request to the Bureau seeking assistance in “clarifying whether the funding of the network and data base components of Phase I service, and the interface of these components to the existing E911 system, are the responsibility of the wireless carriers or the PSAPs.”<sup>14</sup> King County cites to the provisions of the *Second Memorandum Opinion and Order* wherein the Commission delegated authority to staff to resolve disputes involving Phase I technology choice; in fact, technology choice is *not* at issue here.<sup>15</sup> Rather, at issue is King County’s new interpretation of PSAPs’ and carriers’ funding and technical capability requirements under the Commission’s rules. King County’s interpretation has implications well beyond Washington state and would unlawfully impose new substantive requirements on wireless carriers. For the reasons discussed below, King County’s interpretation of carrier and PSAP E911 obligations should be rejected.

## DISCUSSION

### I. PSAPS ARE RESPONSIBLE FOR FACILITIES AND EQUIPMENT BEYOND THE WIRELESS CARRIER’S SWITCH

The Commission seeks comment on “[w]hether a clearly defined demarcation point exists in the E911 network that separates the responsibilities of carriers and PSAPs for providing the various components or upgrades needed to implement phase I technologies.”<sup>16</sup> As discussed

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<sup>14</sup> King County Letter at 2.

<sup>15</sup> *See id.* at 1 (citing *Second Memorandum Opinion and Order*, 14 FCC Rcd. at 20854 ¶ 7, 20866 ¶¶ 91-92).

<sup>16</sup> Public Notice at 2.

herein, the Commission's rules and precedent delineating carrier and PSAP responsibilities have always been premised on PSAPs' continued responsibility for their respective costs of upgrading and maintaining the E911 network. There is no need to establish a new "demarcation point," nor can the Bureau change the current requirements in this proceeding. The Bureau should therefore reject King County's interpretation of the rules and confirm that PSAPs are responsible for facilities and equipment beyond the wireless carrier's switch.

**A. Requiring PSAPs to Cover the Costs of the E911 Network Beyond the Wireless Carrier's Switch Is Consistent With the Commission's Rules**

Section 20.18(d) of the Commission's rules requires licensees subject to E911 Phase I obligations to "provide the telephone number of the originator of a 911 call and the location of the cell site or base station receiving a 911 call from any mobile handset accessing their systems to the designated Public Safety Answering Point through the use of ANI and Pseudo-ANI."<sup>17</sup> This obligation applies "only if the administrator of the designated Public Safety Answering Point has requested the services required under those paragraphs *and is capable of receiving and utilizing the data elements associated with the service*, and a mechanism for recovering the Public Safety Answering Point's costs of the enhanced 911 service is in place."<sup>18</sup> As discussed above, this rule defines carrier and PSAP responsibilities.

In "handing off" the data elements associated with Phase I service to the E911 network at the switch, the carrier is meeting its obligations under Section 20.18(d). Under the rules, it is the *PSAP*, not the carrier, that must be "capable of receiving and utilizing the data elements

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<sup>17</sup> 47 C.F.R. § 20.18(d).

<sup>18</sup> *Id.* § 20.18(j) (emphasis added).

associated with” Phase I.<sup>19</sup> Additional facilities, such as the extension and addition of CAMA trunks and installation of the service control point (“SCP”), are necessary for PSAPs to have such capabilities, and the PSAPs have significant impact and flexibility in determining their upgrade and solution needs. King County would have the Commission impose the financial and engineering costs of providing the PSAPs such capabilities on wireless carriers. Such an interpretation of the rules, however, would render *meaningless* the E911 PSAP capability and cost recovery prerequisites by shifting the E911 network upgrade responsibilities and costs from the PSAPs to carriers.

**B. The Record Underlying the Commission’s *Second Memorandum Opinion and Order* Also Supports a Demarcation Point at the Wireless Carrier’s Switch**

As noted above, the Commission anticipated that PSAPs would be responsible for a wide variety of costs, including: equipment used at the PSAPs;<sup>20</sup> switches, protocols, and signalling systems;<sup>21</sup> hardware and software capabilities and, most recently in the *Second Memorandum Opinion and Order*, “recurring costs that may be associated with the *additional network services*.”<sup>22</sup> The record basis for requiring PSAPs to cover such network service costs squarely addresses carriers’ and PSAPs’ respective obligations regarding the very trunking and service

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<sup>19</sup> *See id.*

<sup>20</sup> 9 FCC Rcd. at 6178-6179 notes 48-49, 53.

<sup>21</sup> 11 FCC Rcd. at 18709.

<sup>22</sup> 14 FCC Rcd. at 20877 ¶ 66.

control point facilities at issue here.<sup>23</sup> Indeed, the costs described above are expressly described in wireline tariffs as PSAP costs -- not carrier costs.<sup>24</sup>

For these reasons also, King County's interpretation is inconsistent with the Commission's decisions and the record in this proceeding. King County asserts that some carriers, to date, have provided certain of these costs, particularly SCP functionality in the context of the Non-Call Path Associated Signalling ("NCAS") solution.<sup>25</sup> While Qwest Wireless has expressed a willingness to cover some of these costs, it has done so *not* due to regulatory fiat, but because it believes there are certain benefits to an NCAS solution and is willing to support such efforts as a business matter. For example, NCAS does not require upgrades to PSAP trunks, and it also appears that it may facilitate the more efficient use of the wireless network and the transition to Phase II E911 deployment. Again, these represent business reasons Qwest Wireless prefers the NCAS solution.

Further, under the Commission's initial cost recovery requirements the particular demarcation point between the E911 network and the wireless carrier's network was less important for carriers and PSAPs to delineate, as cost recovery was available for both entities. The *Second Memorandum Opinion and Order*, by eliminating the carrier cost recovery

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<sup>23</sup> See *supra* at 4-5 (discussing Joint Report and CTIA comments).

<sup>24</sup> See *infra* Section II.

<sup>25</sup> Under this solution, the MDN, cell site and sector identification number are routed from the MSC to a third-party vendor's SCP. The SCP "tags" the MDN and the cell site information with an ESRD for the appropriate PSAP and passes the MDN, cell site information and ESRD to the E911 ALI database. The SCP also returns the ESRD to the MSC to enable the call to be routed to the appropriate PSAP, and the voice call and the ESRD are transmitted from the MSC to the PSAP's selective router via CAMA trunks. When the PSAP receives the 911 call, it queries the ALI database using the ESRD. The ALI database then retrieves the ALI record associated with the ESRD and sends the appropriate ALI record back to the PSAP, at which point the PSAP has the MDN and cell site data for the 911 call.

precondition, made the necessary apportionment of carrier and PSAP cost obligations much more significant. Again, while a carrier is not precluded from voluntarily contributing to a PSAP's deployment efforts -- by covering some of the costs of procuring and implementing new facilities for the E911 network -- such voluntary assistance is very different from now seeking to impose new mandatory carrier obligations by changing existing requirements.<sup>26</sup> The Bureau should instead confirm that the cost recovery demarcation point is the wireless switch.

## **II. WIRELINE PRECEDENT AND PRACTICE SUPPORT A DEMARCATION POINT AT THE WIRELESS SWITCH**

The Commission seeks comment on “[w]hether there is a rationale or precedent, based on the implementation of *wireline* E911 networks, for a particular division of costs among carriers and PSAPs in the implementation of wireless Phase I technologies.”<sup>27</sup> As discussed below, the division of costs between LECs and PSAPs in the provision of wireline services supports Commission designation of a demarcation point at the interface between the wireless switch and the E911 network.

According to King County, “[t]raditionally, network and data base services have been considered to be elements of the E911 service that is ordered by PSAPs from telecommunications companies.”<sup>28</sup> Noting that CAMA signaling has been widely deployed in the United States, King County asserts that “various technologies have been specifically developed to convert the 20 digits of Phase I information sent by the wireless carriers into a usable format that can be

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<sup>26</sup> Such costs typically include, for the NCAS solution SCP functionality. For 911 call completion purposes, however, the SCP performs the same function as a more general SS7 upgrade or so-called “hybrid box” functionality -- both of which the PSAP acquires from the LEC pursuant to tariff.

<sup>27</sup> Public Notice at 2 (emphasis in original).

<sup>28</sup> King County Letter at 1.

transmitted over the existing E911 networks to the PSAPs” and “have been deployed throughout the nation by wireless carriers as they implement Phase I service.” King County asserts further that “[a] variety of wireless E911 data base services have been developed to allow the Phase I information to interface with the existing E911 [ALI] data bases to display on existing PSAP E911 equipment.”<sup>29</sup> While acknowledging that *PSAPs* have traditionally ordered such network elements, King County nevertheless concludes that “carriers are obligated to provide the additional network and data base components necessary to deliver Phase I service, and the interface of these network and data base components to the existing E911 system, at no cost to the counties.”<sup>30</sup>

While King County does not expressly say so in its letter, based on information it subsequently submitted to Commission staff, the “network and data base components” to which it refers appear to include, at minimum, the SCP and the trunks between the wireless switch and the E911 network.<sup>31</sup> In Washington state, as King County acknowledges, such facilities have

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<sup>29</sup> *Id.* at 1-2.

<sup>30</sup> *Id.* at 2. As the basis for this conclusion, King County cites to the Commission’s dismissal of a request filed by the Washington Attorney General seeking clarification as to whether the Commission’s then-applicable carrier cost recovery requirements preempted state law requiring wireless carriers to provide ANI at their own expense. The cited provision of the *Second Memorandum Opinion and Order* does not support King County’s conclusion. The Commission merely determined that “[i]nasmuch as the rule for a carrier cost recovery mechanism is deleted, the request for clarification of our rule is moot and need not be addressed further.” 14 FCC Rcd. at 20880 ¶ 74. The Commission did *not*, by that action, undo PSAP funding obligations for E911 deployment.

<sup>31</sup> See Facsimile Transmission from Marlys Davis, E911 Program Manager, King County, to Blaise Scinto, Wireless Telecommunications Bureau, dated June 21, 2000 (placed in CC Docket No. 94-102).

traditionally been the responsibility of the PSAPs -- not carriers.<sup>32</sup> This is reflected in the current Qwest Corporation intrastate wireline tariff for Washington state, which defines a “911 customer” as a “municipality, state or local government unit, or an authorized agent of one or more of these units.”<sup>33</sup> Further, such 911 customers “must be legally authorized to subscribe to the service and respond to public emergency calls from the central office service areas arranged for 911 calling.”<sup>34</sup> In addition, 911 customers are responsible for transport costs *from the LEC end office to the PSAP*, as well as charges for end office call forwarding and 911 code translation services.<sup>35</sup> This is consistent with confirming that the wireless switch is the demarcation point here, in that the LEC end office, like the wireless switch, is the last element of the carrier’s network; the remaining facilities used to transmit the call are the PSAP’s -- not the wireless carrier’s.<sup>36</sup>

PSAP responsibility for the costs of the E911 network appropriately reflects the PSAPs’ need to control the network’s design and capacity. King County, however, seeks to minimize its financial obligations by redefining the E911 network in the wireless context and to shift the

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<sup>32</sup> King County Letter at 1. Also, in comments submitted to the Washington Utilities and Transportation Commission earlier this year, the Washington State Enhanced 911 Program confirmed that E911 services “are acquired under service tariffs filed by the Local Exchange Carriers” by the counties. *See* Comments of Robert G. Oenning, State E911 Administrator, WUTC Docket No. UT-991737, filed May 24, 2000, at 1, 4.

<sup>33</sup> Qwest Corporation, Tariff WN U-40, Advice No. 3157T, ¶ 9.2.1.A.2 (effective Aug. 30, 2000).

<sup>34</sup> *Id.* ¶ 9.2.1.A.3.a.

<sup>35</sup> *Id.* ¶¶ 9.2.1.A.4, 9.2.1.B.2,4 (emphasis added).

<sup>36</sup> Again, this is reflected in Qwest Corporation’s tariff for Washington state, which provides that “[t]he choice of the service arrangement is the 911 customer’s subject to the availability of facilities.” *Id.* ¶ 9.2.1.A.1.c.

financial burdens to wireless carriers. Specifically, it asserts in the wireless context that PSAP compliance with the E911 prerequisites is met simply by:

[I]nsta[ll]ing equipment which is capable of receiving and utilizing the Phase I information when it is transmitted through the existing E911 network and ALI data base, utilizing the network and data base technologies that have been specifically developed for the delivery of Phase I.<sup>37</sup>

King County fails to acknowledge, however, that the “existing E911 network,” absent additional upgrades, such as the replacement of CAMA trunks previously used for wireline 911 services, and the utilization of the SCP, is insufficient for the PSAP to be “capable of receiving and utilizing” the 8- or 20-digit E911 information provided by the wireless carrier, as required by the rules. More fundamentally, the record in this proceeding demonstrates that King County’s interpretation would constitute a dramatic departure from the wireline model and from carriers’ understanding of their obligations vis-a-vis the PSAPs. The SCP functionality is akin to that of the selective router in the wireline context. Parity in the regulatory treatment of wireless service providers and ILECs is appropriate here and, indeed, any other result would also potentially establish troubling precedent for the wireline context.

Importantly, requiring PSAPs to cover the costs of the E911 network does not absolve wireless carriers of significant deployment responsibilities and cost obligations. To implement an NCAS solution, for example, Qwest Wireless will incur a variety of costs, including switch translations, new facilities, and database and project management services from a third party vendor.<sup>38</sup>

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<sup>37</sup> King County Letter at 2.

<sup>38</sup> As discussed above, Qwest Wireless has also expressed a willingness to cover certain SCP costs for the PSAP for business reasons because it appears that NCAS may have certain advantages over other technical solutions; Qwest Wireless meets its obligations *under the*

Under King County’s interpretation, which redefines the E911 network to exclude an SCP, PSAPs could effectively avoid all such cost obligations by simply implementing a hybrid or NCAS solution. Such an outcome is not technology neutral and King County’s proposal should be rejected for this reason as well. While Qwest Wireless has voluntarily offered to do more in Washington state than required under the Commission’s rules to achieve Phase I compliance, Commission confirmation that the demarcation point for carrier-PSAP financial obligations is at the wireless switch remains important.

### **III. THE COMMISSION SHOULD NOT REDEFINE OR REVISIT LECs’ FINANCIAL OBLIGATIONS FOR PHASE I DEPLOYMENT**

The Commission seeks comment on “whether certain costs associated with Phase I technologies should be borne or shared by LECs.”<sup>39</sup> In fact, LECs *already* incur costs relating to upgrades of the wireless E911 network, many of which are not recouped through tariffed rates. For example, LECs incur costs in providing connectivity between third-party service vendors and ALI database, and between such vendors and the PSTN. Furthermore, associated cell link costs also are not covered by tariffed rates. Costs also are incurred in increasing connectivity between the selective routers, including software upgrades, in order to handle wireless 911 calls.

There is no need to address LECs’ responsibilities to the E911 network here or to impose new financial obligations on LECs. LECs already have established working relationships with PSAPs and state and local governments regarding the E911 network. Commission intervention

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<sup>38</sup> (...continued)

*Commission’s rules*, however, by providing the 20-digit ANI/ALI information to the wireless switch.

<sup>39</sup> Public Notice at 2.

would unnecessarily disrupt LECs' provisioning of intrastate services and facilities and create needless uncertainty as to carriers' ability to recover E911-related costs.

**CONCLUSION**

For the foregoing reasons, the Bureau should reject the King County request and confirm that PSAPs remain responsible for E911 network costs and upgrades beyond the wireless carrier's switch.

Respectfully submitted,

**QWEST WIRELESS, LLC**

By:   
Jeffrey A. Brueggeman  
Senior Attorney  
1801 California Street, Suite 5100  
Denver, CO 80202  
(303) 672-2799

*Its Attorney*

September 18, 2000