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October 10, 2000

Mr. Alex Starr  
Chief, Market Disputes Resolution Division  
Enforcement Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

RE: CC Docket No. 94-102  
Emergency Petition of the Texas Commission on State Emergency Communications for FCC Compliance Oversight Regarding the Six-Month Deadline for Implementation of Wireless E9-1-1 Phase I Service And Conditional Petition for Maximum Sanctions Against Carriers for Violations of the FCC's Wireless E9-1-1 Rules Related to those Wireless Carriers Not Operational by August 31, 2000.

Dear Mr. Starr:

The Texas Commission on State Emergency Communications ("TX-CSEC") respectfully requests a meeting with the Markets Disputes Resolution Division. On July 12, 2000, ("TX-CSEC") filed the above-referenced emergency petition. On September 21, 2000, the TX-CSEC met with both the Markets Disputes Resolution and the Technical and Public Safety Divisions of the FCC Enforcement Bureau as well as the Wireless Telecommunication Bureau. The topic of discussion was enforcement and procedural alternatives available to the TX-CSEC related to its petition.

Most of the wireless service providers listed on the complaint failed to implement wireless Phase I emergency service within six months of TX-CSEC's request for service. FCC Rule 20.18(g) provides:

**"within six months of a request ... licensees subject to this section must 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."** (Emphasis added).

TX-CSEC had indicated it would consider waiving any complaint filings if the wireless service providers could implement wireless Phase I emergency service by August 31, 2000. Simply put, this deadline was also not met by most wireless service providers.

The FCC has indicated that PSAPs could file complaints against carriers under Section 208 for violation of the Commission's E911 rules, and may request accelerated docket procedures.<sup>1</sup> While the responsibility to implement E911 is solely on the wireless provider once TX-CSEC requested the service, many factual issues exist and may involve parties not listed on the complaint. Prior to filing up to 31 separate formal complaints, along with requests for accelerated dockets, the TX-CSEC requests guidance from the Markets Disputes Resolution Division.

TX-CSEC respectfully requests a meeting prior to filing any individual formal complaints. TX-CSEC believes that a meeting with all the parties involved, or which may become involved by virtue of cross-complaints, may mitigate the need to pursue a multitude of proceedings. TX-CSEC's main goal is and always will be protection of public safety for the citizens of Texas. Resolution and compliance with the FCC mandates, not litigation, is TX-CSEC's desire in achieving this goal.

Again, the TX-CSEC respectfully requests a meeting with the Markets Dispute Resolution Division, the TX-CSEC and any entity or individual that the FCC believes will assist in assuring compliance with the FCC rules and resolve any outstanding issues and damages due the TX-CSEC and the citizens of Texas.

Respectfully submitted,

Rupaco T. González, Jr.  
Attorney for the Texas Commission on State Emergency Communications

cc: Joseph P. Casey  
Kris Monteith  
William (Bill) Lane  
Blaise Scinto  
James Daily  
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<sup>1</sup> See, Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, Second Memorandum Opinion and Order, FCC 99-352, released Dec. 8, 1999, (*E911 Second Reconsideration Order*) at Paragraph 55.

Frank Lamancusa  
Tejal Melita  
James D. Goerke  
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