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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)	CC Docket No. 94-102
Compatibility with Enhanced 911 Emergency)	DA 00-1875
Calling Systems)	

To: Chief, Wireless Telecommunications Bureau

REPLY COMMENTS OF VERIZON WIRELESS

Verizon Wireless hereby replies to comments filed in response to the Wireless Telecommunications Bureau's Public Notice on the King County, Washington E-911 Program Office ("King County") letter request regarding carriers' and PSAPs' enhanced 911 ("E-911") Phase I implementation obligations.¹ Comments in this proceeding confirm that the wireless switch is the demarcation point for purposes of determining carriers' and PSAPs' respective responsibilities for E-911 deployment. PSAPs' assertions otherwise should be rejected as contrary to law, the record in this proceeding, and industry practice.

I. THERE IS NO LEGAL SUPPORT FOR ESTABLISHING THE DEMARCATION POINT BEYOND THE WIRELESS SWITCH

Verizon Wireless and other commenters demonstrated that Bureau confirmation that the wireless switch is the demarcation point between carriers' and PSAPs' responsibilities is consistent

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¹ Public Notice, *Wireless Telecommunications Bureau Seeks Comment on Phase I E-911 Implementation Issues*, CC Docket No. 94-102, DA 00-1875 (rel. Aug. 16, 2000), 65 Fed. Reg. 51831 (Aug. 25, 2000) ("Public Notice").

with Section 20.18 of the rules.² Section 20.18 of the rules imposes E-911 requirements “only if the administrator of the designated [PSAP] has requested the services required under those paragraphs and is capable of receiving and utilizing the data elements associated with the services, and a mechanism for recovering the [PSAP]’s costs of the enhanced 911 service is in place.”³ As Verizon Wireless stated in its comments:

This precondition necessarily requires PSAPs to be capable of receiving and utilizing 20 digits over the E-911 network. Whether the PSAP accomplishes this objective via a CAS or NCAS solution is up to the PSAP, but it is also the PSAP’s responsibility to fund the necessary upgrades to the E-911 network.⁴

In contrast, advocates for PSAPs cite to no colorable legal basis in the Commission’s E-911 rules or underlying decisions for imposing E-911 network upgrade obligations on carriers.⁵

King County’s request seeks a significant modification of carriers’ obligations under the rules in a manner beyond the authority delegated to the Bureau. As Verizon Wireless and others demonstrated, King County’s request does not involve a “technology choice” dispute and the Bureau clearly lacks the authority to grant King County’s request.⁶ Instead, as VoiceStream states,

² See Verizon Wireless at 6-7; Qwest Wireless at 7-8; Sprint PCS at 6-8; VoiceStream at 7-8; see also CTIA at 5.

³ 47 C.F.R. §§ 20.18(d), (j).

⁴ Verizon Wireless at 6.

⁵ NENA, APCO and NASNA (the “Public Safety Organizations”) simply reiterate the rule changes adopted in the *Second Memorandum Opinion and Order*. Public Safety Organizations at 6-7. While the Public Safety Organizations correctly state that the Commission hoped that its rule changes would minimize “disputes over dollars,” *id.* at 7, the Commission did not absolve PSAPs of their E-911 network upgrade responsibilities. Further, as discussed below, CMRS carriers’ regulatory status for rate regulation purposes is an invalid basis for imposing such responsibilities on carriers. See *infra* Section III.

⁶ See Verizon Wireless at 7-8; Qwest Wireless at 6.

King County essentially seeks reconsideration of the E-911 PSAP prerequisites.⁷ The fundamental policy change advocated by King County and the commenters supporting its request cannot be accomplished except via Commission rulemaking.

Finally, Verizon Wireless agrees that King County's interpretation would unlawfully result in discriminatory treatment between wireless and wireline carriers.⁸ Through regulatory intervention, King County and its supporters seek to impose costs on wireless carriers that are not imposed on wireline carriers. This contravenes the Commission's policy of promoting wireless service as a competitor to incumbent wireline carriers.⁹ For this reason as well, the Bureau should deny King County's request and confirm the wireless switch as the demarcation point between wireless and PSAP E-911 network responsibilities.

II. THE RECORD DEMONSTRATES THAT THE E-911 NETWORK IS PROPERLY THE RESPONSIBILITY OF PSAPS, SUBJECT TO VOLUNTARY AGREEMENTS BETWEEN THE PARTIES

The record in this proceeding demonstrates that PSAPs, not carriers, are and should remain responsible for the design, control, and funding of their E-911 networks. To the extent that carriers and PSAPs agree to an alternative assumption of responsibilities, such arrangements should be left to negotiation and voluntary arrangement -- not imposed by regulatory fiat.

A. PSAPs, Not Carriers, Control the Design and Deployment of Facilities Beyond the Wireless Switch

The comments of carriers and PSAPs alike are generally consistent with Verizon Wireless' basic position that each entity should bear the E-911 deployment costs reflecting its "respective

⁷ VoiceStream at 5.

⁸ See Qwest Wireless at 13; Sprint PCS at 12-13.

⁹ Further, as Sprint PCS points out, King County's interpretation contravenes the intent (if not the letter) of the Wireless Communications and Public Safety Act of 1999. Sprint PCS at 12.

control over the design, capacity and other features of the network elements necessary to complete the 911 call and provide usable data elements to the PSAP.”¹⁰ The Public Safety Organizations, however, discount this standard and ignore their own critical role in determining the parameters of the E-911 network.¹¹

PSAPs’ pervasive and controlling role in the design and maintenance of the E-911 network confirms that PSAPs are responsible for upgrades beyond the wireless switch. Even in those cases where carriers perform such activities, it is generally on the PSAP’s behalf and at the PSAP’s direction. For example, PSAPs have the option of enhancing the Phase I data elements provided at the wireless switch to, *e.g.*, change the cell/sector information to an address or a common reference point, such as a highway marker or landmark. PSAPs may also chose to have the data relationship permanently created in the LEC-provided ALI database, which requires expanding the size of the ALI database to encompass the wireless information. PSAPs also arrange, if they desire, for trunks from the wireless switch to the LEC and from the LEC to the PSAP.

Verizon Wireless’ and other carriers’ experience (in King County and elsewhere) indicates that PSAPs determine the necessary facilities beyond the wireless switch.¹² CTIA confirms that it is ultimately “the *PSAP*, not the wireless carrier, that determines the number of trunks required and

¹⁰ Verizon Wireless Comments at 2; AT&T Wireless at 3; CTIA at 4; Qwest Wireless at 8, 12; Sprint PCS at 12; VoiceStream at 9-10 (“as the entities responsible for choosing . . . modifications, PSAPs should assume responsibility for addressing these impacts”); Texas CSEC at 5; *see also* Public Safety Organizations at 7 (asserting that carriers want technology choice at PSAP expense); King County at 2 (asserting that PSAPs “do not have input into the technology chosen by the carrier”); SBC Wireless at 2 (“[n]o provider should be responsible for network interconnections over which that provider has no control”).

¹¹ Public Safety Organizations at 7.

¹² Verizon Wireless at 5-8; AT&T Wireless at 2-3; CTIA at 3-5; Powertel at 2-3; Qwest Wireless at 7-14; Sprint PCS at 5-11; U S Cellular at 3; VoiceStream at 6-10.

what types of traffic should be carried over those facilities.”¹³ Moreover, PSAPs, and not wireless carriers, are responsible for ordering trunking facilities beyond the wireless switch (again, absent an alternative voluntary arrangement between the PSAP and carrier).¹⁴

For both the CAS and the NCAS solutions, PSAPs perform or are responsible for numerous functions and activities, such as trunk ordering and installation, drive testing, and coordination and project management. For either solution, functions beyond the wireless switch in which the carrier or third-party vendor are involved are performed on the PSAPs’ behalf and in accordance with PSAP requirements and/or preferences. In instances (particularly for an NCAS solution) where a wireless carrier (or its vendor) provides the services and functionalities which the PSAP would otherwise procure from a LEC, the wireless carrier should not be expected to provide such services for free for the PSAP.

B. PSAP Arguments that Carriers Are Responsible for Facilities and Services Beyond the Wireless Switch Are Without Record Support

The Public Safety Organizations would instead have the Commission impose new costs on wireless carriers, disrupting existing arrangements and discounting the affected parties’ interest in the control and design of their own facilities. Public Safety Organizations first assert that in the *basic* 911 context “wireless carriers have not disputed paying for number translation functions in their MSCs and for the lines connecting the MSCs to the PSTN.”¹⁵ Their analogy is misplaced and should be rejected. E-911 deployment requires facilities and upgrades well beyond those necessary

¹³ CTIA Comments at 4. CTIA also notes that “[s]ome PSAPs have decided to utilize one trunk group to carry the traffic of wireless providers, and another for wireline carriers [while] [o]ther PSAPs are willing to accept all 911 traffic over the same facilities.” *See also* Sprint PCS Comments at 4.

¹⁴ Verizon Wireless at 3-4; CTIA at 5; Powertel at 3-4; Qwest Wireless at 11-12; Sprint PCS at 8-9; VoiceStream at 8; *see also* U S Cellular at 7.

¹⁵ Public Safety Commenters at 9.

for basic 911 provision.¹⁶ More fundamentally, trunk lines connecting the switch to the PSTN are used for carriers' regular commercial service, whereas wireless E-911 deployment requires an upgrade of the E-911 network *beyond* what is necessary for commercial service -- a fact the Public Safety Organizations acknowledge later in their pleading.¹⁷ In fact, their analogy underscores the point that E-911 facilities are deployed for the PSAP's use, *not* the CMRS provider's.

Public Safety Organizations also rely on excerpts of three parties' comments submitted at an earlier stage of this docket in response to the Joint Report on Phase I deployment.¹⁸ In fact none of the parties in those filings addressed which costs are appropriately attributable to carriers and PSAPs. At the time, *all* costs incurred by carriers and PSAPs were reimbursable, and specifying an appropriate "demarcation point" was not as important an issue to either carriers or PSAPs.¹⁹ Moreover, in affirming the need for PSAP cost recovery and acknowledging PSAPs' funding obligations in the *Second Memorandum Opinion and Order*, the Commission relied on comments filed by CTIA, which explained that selective routers, ALI databases, and 911 trunks -- all of which lie beyond the wireless switch -- "will have to be upgraded *at the PSAPs' own expense* to handle additional ANI and ALI information that will be provided by wireless carriers."²⁰ Thus, "the existing record" does not support the Public Safety Organizations' conclusion.

¹⁶ See Verizon Wireless at 6-7, nn.12-13; Sprint PCS at 5-6; Qwest Wireless at 8-9, nn.20-23; see also U S Cellular at 4-5; VoiceStream at 3-5.

¹⁷ Public Safety Organizations at 14 ("basic 9-1-1 wireless service operates through the same connection to the PSTN used in non-emergency wireless calling").

¹⁸ *Id.* at 9-11 (citing Nextel Comments of September 14, 1999, at 9-10, King County Comments of August 3, 1999, at 3-4, and U S Cellular Comments of September 15, 1999, at 12).

¹⁹ See Qwest Wireless at 9-10; VoiceStream at 11-12; see also Verizon Wireless at 4 n.7; US Cellular at 4 n.4.

²⁰ See *Second Memorandum Opinion and Order*, 14 F.C.C.R. 20850, 20877 ¶ 66 nn. 93 (1999); citing CTIA Comments, filed September 14, 1999, at 2 (emphasis added).

Finally, the Public Safety Organizations also assert that information from states that adopted cost recovery mechanisms prior to adoption of the *Second Memorandum Opinion and Order* regarding cost categories “would be useful.”²¹ Such information, however, was developed at a time when full carrier cost recovery was required and provided in the very states mentioned by the Public Safety Organizations. As noted above, because all or most carrier costs were reimbursable, designation of a precise demarcation point was not as significant to either carriers or PSAPs. Thus, the Public Safety Organizations’ conclusion that “wireless carriers were at least expecting to incur costs for upgrading their MSCs for selective routing functions, and connecting the MSCs to selective routers” prior to the *Second Memorandum Opinion and Order* is simply wrong.²²

C. The Commission’s Rules Leave Carrier Responsibility for the E-911 Network to the Carrier’s Discretion

Verizon Wireless noted in its comments that carriers “are not precluded from voluntarily contributing to a PSAP’s efforts to upgrade the E-911 network.” Indeed, the comments demonstrate that, in some instances, such a voluntary arrangement may be desirable.²³ For example, carriers may, in certain instances, desire to undertake more of the design and deployment of certain elements of the E-911 network, and may seek a supplier relationship with the PSAP in such cases. However, this fact does not change the demarcation point for those cases where such arrangements are not mutually agreed upon. Instead, in such cases, the wireless switch remains the proper demarcation point between the carrier’s and the PSAPs’ E-911 responsibilities.

²¹ Public Safety Organizations at 10-11.

²² *Id.* at 11. Verizon Wireless and other parties also demonstrated that PSAPs, not carriers, were expected to incur such costs. *See supra* notes 12-14 and accompanying text.

²³ Verizon Wireless at 4, n.7; CTIA at 2-3; Qwest Wireless at 9-10; *see also* AT&T Wireless at 3, n.6; VoiceStream at 9. For example, in Qwest Wireless’ view, the use of the NCAS solution may avoid certain LEC-based charges and more effectively facilitate the deployment of Phase II ALI services. Qwest Wireless at 9-10.

Again, some carriers' willingness to assist in E-911 development by agreeing to undertake additional responsibilities as a business or goodwill matter does not warrant imposing such costs on carriers *as a new regulatory obligation*. As CTIA states, while "the resolution of network funding issues should generally be left to private negotiations among PSAPs and wireless carriers" the ultimate demarcation point should be designated at the wireless switch.²⁴ Indeed, the record indicates that holding carriers responsible for facilities beyond the wireless switch may have the unintended effect of favoring one solution over another, with potential implications in the future for carriers and PSAPs alike.²⁵

III. THERE IS NO BASIS FOR PSAPs' RECOMMENDED DEPARTURE FROM LONG-STANDING WIRELINE AND PSAP RESPONSIBILITIES

A number of carriers demonstrated that, in the wireline context, PSAPs are generally responsible for facilities and costs beyond the wireline end office -- the practical equivalent of the wireless switch.²⁶ Indeed, PSAPs themselves acknowledge this traditional arrangement, but cite to CMRS carriers' regulatory status in concluding that "the rationales or precedents associated with wireline E9-1-1 deployment are not essential in implementing wireless E9-1-1."²⁷ As an example, the Public Safety Organizations assert that because "there is no customer relationship between the PSAP and the wireless carrier" and because the Commission based its decision on CMRS carriers'

²⁴ CTIA at 1-4. Similarly, while AT&T Wireless has indicated its "willing[ness] to bring E-911 calls to the selective router," it notes that the situation in Washington differs from that of other states, in that trunking between its wireless switch and the E-911 selective router already exists and that, for regulatory purposes, the appropriate demarcation point is the wireless switch. AT&T Wireless at 2-3, n.6.

²⁵ See AT&T Wireless at 4; CTIA at 4; Qwest Wireless at 14; Sprint PCS at 5; VoiceStream at 11-12.

²⁶ See Qwest Wireless at 12-13; VoiceStream at 10-11; *see also* Sprint PCS at 9.

²⁷ See Public Safety Organizations at 14.

ability to recover costs through rates, PSAPs may “confine funding mechanisms to meeting PSAP costs, narrowly defined,” without harming wireless carriers.²⁸

These commenters claim, in short, that because wireless carriers may raise their rates to recover costs without prior regulatory approval, carrier and PSAP responsibilities for wireline E-911 are irrelevant and wireless carriers should be responsible for elements of the PSAP’s E-911 network. However, the fact that wireless carriers must compete for price-conscious consumers in a competitive environment arguably makes it more *difficult* to recover such costs through rates. The Bureau should reject these parties’ implication that carriers may raise their rates to recoup costs without significant economic consequences and implications for customer goodwill.

More fundamentally, the manner in which wireless carriers recover their costs in comparison to wireline carriers is unrelated to how the Commission should specify the demarcation point for allocating carrier and PSAP responsibilities.²⁹ The issue raised in the Public Notice is *not* how or whether wireless carriers may recover costs, but the costs for which wireless carriers should properly be responsible. The fact that wireless carriers have more flexibility in setting their rates is irrelevant to whether carriers must assume responsibility for controlling the design, capacity or capabilities of the PSAP’s E-911 network and pay for E-911 network facilities or functionalities. The record demonstrates that PSAPs are, in fact, responsible for upgrading their E-911 networks, and that PSAPs themselves, not carriers, should continue to be responsible for such costs.³⁰

²⁸ *Id.* at 15. Similarly, citing to “the new competitive environment for wireless and wireline telecommunications services,” and wireless carriers’ “unregulated” status, the Texas CSEC and King County would also disregard wireline precedent. Texas CSEC at 5; King County at 2-3.

²⁹ *See* Sprint PCS at 13.

³⁰ *See supra* notes 12-14 and accompanying text.

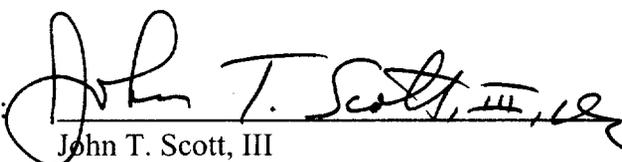
Finally, the Public Safety Organizations ignore that LECs and other third parties charge PSAPs for the very facilities or functionalities that the Public Safety Organizations and King County now seek to impose on wireless carriers.³¹ As noted above, the rule interpretation proffered by the Public Safety Organizations and King County would thus result in discriminatory treatment between wireless and wireline carriers and should be rejected. It would also undermine efforts to further develop wireless services as a competitive alternative to wireline services.

CONCLUSION

For the reasons discussed herein and in Verizon Wireless' comments, the Commission should confirm that for E-911 Phase I implementation, wireless carriers are responsible for facilities and services up to the wireless switch. In sum, the Commission should reject King County's request and confirm that PSAPs remain responsible for funding and upgrading the E-911 network.

Respectfully submitted,

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³¹ See Verizon Wireless at 3-5; Qwest Wireless at 11-13; Sprint PCS at 12-13; see also VoiceStream at 11-12.

CERTIFICATE OF SERVICE

I, Jo-Ann Monroe, hereby certify that on this 11th day of October, 2000, copies of the foregoing "Reply Comments of Verizon Wireless," CC Docket No. 94-102, DA 00-1875 were served by hand on the following:

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