

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of:)
)
Wireless Telecommunications Bureau)
Seeks Comment on Phase I E911)
Implementation Issues)

CC Docket No. 94-102 /
DA 00-1875

FEDERAL COMMUNICATIONS COMMISSION

The comments on the King County request for clarification of cost responsibilities for implementation of wireless connectivity to E911 services clearly show that there is a general agreement that there are additional costs associated with providing Phase I E911 Service. It also appears that there is agreement that the ultimate bearer of the costs will be the wireless subscriber, either directly as a cost for the carrier, or as a tax on wireless where a portion of what is collected is returned to the carrier as cost recovery. Both are viable options. The question is the cost collection mechanism.

Comments from the carriers note that there are states where Phase I is successfully being deployed. It is not noted that those are states where the legislative authorities have implemented a wireless subscriber tax to support the service for both the carrier and the PSAP. Legislation is not passed in a vacuum. For that legislation to exist the wireless companies must have been supportive, as they were in Washington when RCW 38.52.560¹ was passed in 1994. The legislative package that was passed included this provision at the suggestion of the wireless carriers. Their reasoning was a preference for a comprehensive approach to the cost issues of providing ANI. They supported a tax portion of the legislation which included a county wireless excise tax limit of 25¢ per month per subscriber, one half of the 50¢ wireline excise tax,

¹ Revised Code of Washington – RCW 35.52.560 Automatic number identification—Wireless two-way telecommunications service. Any person as defined in RCW 82.04.030 owning, operating, or managing any facilities used to provide wireless two-way telecommunications services for hire, sale, or resale which allow access to 911 emergency services shall provide a system of automatic number identification which allows the 911 operator to automatically identify the number of the caller. [1994 c96§5.]

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which would mitigate for the additional PSAP costs associated with handling wireless calls. Providing ANI as a cost of business without the exchange of funds between the government and the carrier was noted as preferable because it limited the involvement in the operations of the wireless carrier by public safety while permitting the carrier to minimize the total customer cost by including ANI delivery within their standard engineering practices. Counties in Washington have been collecting this tax and have been answering wireless calls, even though the wireless carriers have not provided ANI except in limited circumstances. This statute was in place before the PCS providers submitted bids to the FCC to acquire the rights to provide service in Washington. It was only through carrier legislative efforts that it became successful legislation as a Washington statute. For a wireless carrier to suggest that a different rule should apply is either an admission that they wish not to comply with a state law they supported or to claim ignorance of a state law in place before they decided to provide service in Washington. Both would be arrogant statements against a law that was intended to increase the safety of their subscribers.

Carriers arguing for the cost of the 911 trunking between their mobile switching center (MSC) and the selective router to be considered a reimbursable cost have never requested that the Local Exchange Carrier (LEC) reimburse them for the cost of the connections to the Public Switched Telephone Network (PSTN) from their MSC. Both facilities provide a path for the wireless carrier to permit their subscribers to connect to a wireline customer, or a subscriber to a different wireless carrier. These facilities are an essential cost of providing service. Both Qwest (as US WEST) and Verizon (as GTE) in Washington permit facilities already in place to be divided with a portion utilized for dedicated 911 trunking where the selective router is collocated with switching equipment serving the wireless carriers connection to the PSTN. This limits the additional cost for the wireless carrier. It is particularly important where the wireless carrier's MSC serves a wide territory which includes multiple rate centers and selective routers.

It is virtually always a necessity for the wireless carrier to provide PSTN connectivity to each rate center where they provide service. If they are permitted to utilize a portion of these high capacity links for the limited number of 911 trunks, the additional costs of providing the 911 service are limited. If this same facility needed to be funded by the PSAP it would involve acquiring high cost individual facilities far beyond the service territory of the PSAP or the selective router providing their 911 switching capability. Suggesting that PSAPs bear this cost discriminates against the rural areas of the nation where a selective router serves many PSAPs and rate centers. The provisioning of service between the MSC and the selective router providing 911 service for a particular area should be part of the system design and the system costs wireless carriers consider when implementing service to the area.

It is noted by Sprint that Washington State PSAPs are not ready for wireless Phase I. Other carriers have indicated a willingness to install Phase I as service agreements are finalized. Qwest has equipped all selective routers in Washington with equipment to accept wireless calls and the program to replace all analog selective routers with new digital routers capable of transmitting 10 or 20 digits to the PSAP has been an ongoing project which will be complete in the next few months. Qwest is also engaged in the final designs to do a complete upgrade of the enhanced 911 system in Washington to SS7 with a completion date in early 2001. As part of Y2K preparation efforts PSAP equipment was upgraded to accommodate Phase I signaling.

Implementing and managing wireline based 911 systems is a practiced art where the wireline regulatory agencies, public safety agencies and legislative bodies have reached agreement on how to provide an adequate and equal access level of service supported by an acceptable tax structure. These agreements are typically covered by tariff filings by the wireline carrier. These tariffs protect the customer through service provision and cost of service regulation. When wireless carriers pass 911 calls on to those networks the subscribers to their

service deserve equal treatment including cost control. Permitting the carrier to process the 911 call to the selective router at the carrier's expense while permitting the PSAP to recover costs from that point onward is a reasonable fit to the existing model. This model permits the competitive carrier to manage its affairs, including costs, while permitting the PSAP to manage the 911 system it contracts for from the LEC. An alternate which should be considered by the FCC would be to require that wireless carriers wishing to be reimbursed for 911 within their network or to the selective router file appropriate tariffs with the state utility commissions where the carrier provides service. That would provide the appropriate cost and service control and would facilitate the acquisition of Phase I service where state purchasing requirements require acquisition only through competitive bidding or through purchase from regulated services.

Washington state public safety providers, and King County in particular, have been attempting since 1993 to bring wireless carrier subscribers the benefit of enhanced 911 service. They have never shirked their perceived duty to respond to 911 calls for assistance, regardless of who provided the telephone system to the caller. FCC Docket 94-102 began in Washington State as a cry for help. Not help for the wireless carriers, but a solicitation to the Federal Communications Commission to assist and give direction toward assuring that life saving E911 services existed for all telecommunications customers, regardless of technology used to transmit a 911 call. The Third Report and Order on 94-102 appeared to leave the flexibility in place for the funding mechanism to be worked out at the state level so we could finally begin to make progress on delivering the promise of 911. How many additional rounds of complaints and filings will be necessary before it is clear that the job must be done? When will it be clear to all the carriers that they have an obligation to consider the safety of their subscribers when implementing their systems? "Now" is an excellent answer.