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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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

In the Matter of	)	
	)	
Revision of the Commission's	)	
Rules to Ensure Compatibility	)	CC Docket No. 94-102
with Enhanced 911 Emergency	)	DA 00-2704
Calling Systems	)	

To: The Commission

COMMENTS OF APCO
ON PHASE II IMPLEMENTATION WAIVER REQUESTS FILED BY
NEXTEL COMMUNICATIONS, INC. AND HAWAIIAN WIRELESS, INC.

The Association of Public-Safety Communications Officials-International, Inc. ("APCO") hereby submits the following comments in response to the Commission's *Public Notice*, DA 00-2704, released December 4, 2000, seeking public comments regarding requests for waiver filed by Nextel Communications, Inc. ("Nextel") and Hawaiian Wireless, Inc. ("HWI").

APCO is the nation's oldest and largest public safety communications organization. Most of APCO's over 15,000 individual members are state or local government employees who manage and operate police, fire, emergency medical, forestry conservation, highway maintenance, disaster relief, and other communications systems that protect the safety of life, health and property. These systems include radio communication operations, telecommunications and information networks, and Public Safety Answering Points (PSAPs). APCO has participated in all stages of this proceeding concerning wireless E9-1-1 implementation.

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List A B C D E

A. NEXTEL

Nextel has requested a waiver of the Commission's requirement that carriers selecting handset-based solutions begin deployment of location-capable handsets by October 1, 2001. Nextel proposes instead to begin deployment one year later, on October 1, 2002, though Nextel asserts that it will still be able to meet the Commission's target of location-capable handsets being deployed to at least 95% of all of its subscribers by December 31, 2005.

Nextel's principal argument for a waiver is that it operates with a unique transmission technology (iDEN), and that it is dependent upon a single equipment vendor (Motorola) for handsets and related network equipment. That, according to Nextel, limits its location technology options and places it at the mercy of Motorola's development and manufacturing schedule. Nextel describes the tests that it conducted of the few location technology providers that offered iDEN solutions, and states that it reached an "inescapable conclusion" from those tests that Assisted GPS is its only viable option. However, according to Nextel, Motorola has indicated that, due to the limited market for iDEN, it will not be able to supply Assisted GPS handsets to Nextel until October 1, 2002.

APCO has urged the Commission to keep wireless carriers on the tightest schedule possible for implementing Phase II of the wireless E9-1-1 rules. Yet, APCO has also taken a realistic approach, recognizing that there are many complex impediments to full Phase II implementation. For example, APCO supported rule modifications in 1999 that extended some implementation dates and permitted a wider choice of location technologies (including those promising greater accuracy and lower costs) once it became

clear that the original dates adopted by the Commission could not be met under any circumstances. On the other hand, APCO has vigorously opposed efforts by some carriers to extend implementation in the absence of convincing evidence that no realistic options exist. Thus, APCO has sought reconsideration of the waiver granted to VoiceStream Wireless, as APCO questions whether VoiceStream fully exhausted its location technology options, and whether VoiceStream's preferred location technology will ever deliver the promised levels of accuracy.

APCO has carefully reviewed the Nextel waiver request in this context and believes that Nextel's situation can be distinguished in several important respects from the VoiceStream waiver. While additional information from Nextel is required on several key points, APCO has reached a tentative conclusion that there is merit to the Nextel request and that Commission grant of the request would not be contrary to the public interest.

Nextel presents a situation which appears to be unique. Nextel is virtually the only carrier that uses iDEN technology, and there is only one handset vendor for that technology. In contrast, VoiceStream's GSM technology, while not the leading wireless technology in the United States, is nevertheless used by several other major carriers, including significant portions of the Cingular wireless network (which has indicated that it will implement a handset solution using Assisted GPS). GSM is also the predominant wireless technology in Europe. Thus, unlike Nextel, VoiceStream has the ability to choose among multiple equipment providers. Nextel would appear, therefore, to be in a more difficult situation than VoiceStream, and in one which is largely beyond its control. That being said, the Commission should ask Nextel for more detailed information to

support its waiver, including a statement from Motorola regarding its inability to provide iDEN handsets by October 1, 2001.

Nextel also describes the tests that it conducted of various location technologies, which led to its choice of Assisted GPS. While Nextel's narrative description of these tests may be adequate for the FCC's general reporting requirement, the Commission should require Nextel to submit more detailed documentation for purposes of considering the request for waiver. For example, further information should be provided regarding the failure of the tested network solution to meet minimum accuracy requirements.[1]

Another important difference between the Nextel and VoiceStream waiver requests is that VoiceStream proposed a location technology (E-OTD) which has yet to be proven to be able to provide 50 meter accuracy in a variety of settings (*e.g.*, urban canyons, moving vehicles). In contrast, Nextel has selected a location technology (Assisted GPS) which, according to reports submitted by Nextel and other carriers, has been demonstrated as capable of meeting or exceeding the Commission's handset accuracy requirements.

APCO is technology neutral, and thus takes no position as to whether Nextel has made the right technology decision. However, the fact that Nextel has selected a proven location technology also chosen by many other carriers does provide some degree of comfort that Nextel will ultimately provide the required levels of accuracy, albeit on a somewhat delayed initial deployment schedule. APCO does not have the same degree of comfort regarding VoiceStream.

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[1] Nextel also refers to various economic factors posed by a network solution. However, economic factors alone should not justify a waiver allowing a carrier to pick its preferred solution over other technically viable, albeit somewhat more expensive, options.

Despite its proposed delay in initial deployment of location capable handsets, Nextel claims that it will be able to accelerate deployment once fully integrated Assisted GPS handsets are available from Motorola. However, Nextel should explain more fully why, and how, this will occur. In particular, how will the rate of deployment be affected by the fact that the vast majority of Nextel customers are businesses? Will that lead to faster or slower handset turnover? What specific efforts will Nextel undertake to ensure rapid deployment of location-capable handsets, once they are available? These factors could substantiate Nextel's assertions that it will be able to make up lost time and still meet the December 31, 2005 benchmark of 95% penetration of location-capable handsets.

Finally, Nextel's proposal to provide $25 million to PSAPs obviously requires comment. APCO's analysis of the Nextel waiver request set forth above has been undertaken without regard to Nextel's financial offer. Waivers of FCC rules (and APCO's position regarding such waivers) are not "for sale." Nevertheless, the Nextel financial offer cannot be ignored completely, as many PSAPs will in fact need to make significant equipment upgrades to reach Phase II readiness. While $25 million represents a small portion of the total amount required for that purpose, it would certainly be helpful, assuming that the funds are distributed in an efficient and equitable manner.

B. HWI

HWI requests an indefinite waiver of the E9-1-1 rules due to the refusal of its sole equipment vendor, Ericsson, to provide an E9-1-1 solution for HWI's SMR system, which is virtually the only wireless network that utilizes "down banded" cellular

equipment. Thus, HWI claims that it has no options for providing E9-1-1, other than completely replacing its network with a standardized format.

HWI appears to be in a uniquely difficult situation that may well justify a waiver. However, rather than an unconditional waiver, the Commission should impose an alternative compliance deadline that would allow for an orderly replacement of the HWI system that does not place an undue burden on HWI or its subscribers.

CONCLUSION

APCO believes that the Nextel and HWI requests, if further supported and documented in the manner described above, would appear to provide a sufficient basis for a limited, conditional waiver of the initial Phase II deployment date.

Respectfully submitted,

ASSOCIATION OF PUBLIC-SAFETY
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January 5, 2000

CERTIFICATE OF SERVICE

I, Claudia E. Darbie, hereby certify that a copy of the foregoing "Comments of APCO on Phase II Implementation Waiver Requests Filed by Nextel Communications, Inc. and Hawaiian Wireless, Inc." was sent this 5th day of January, 2001 via first class mail with postage prepaid, to the following individualS at the address listed below:

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