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<TITLE>OPINION IN RESPONSE TO PETITIONS FOR RECONSIDERTION BY THE FEDERAL  
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<FONT SIZE=2><P ALIGN="CENTER">OPINION IN RESPONSE TO PETITIONS FOR  
RECONSIDERATION BY THE FEDERAL COMMUNICATIONS COMMISSION ON 511 FOR TRAVELER  
INFORMATION SERVICES</P>

<P>In the matter of</P>

<P ALIGN="JUSTIFY">Petition by the United States Department of Transportation  
for Assignment of an Abbreviated Dialing Code (N11) to Access Intelligent  
Transportation System (ITS) Services Nationwide. </P>

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<P>CC Docket No.: 92-105</P>

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<P>The following will address issues and concerns enumerated by a number of  
wireless carriers and their association (Cellular Telecommunications &amp;  
Internet Association - CTIA) in recent petitions for reconsideration of the FCC  
order for 511. (FCC -00-256)</P>

<P>The following comments are not based on a specific telecommunication  
background or legal point of view; however, they are based on the experiences  
over the past five years of operating the nation's only multi-state traveler  
information system. A traveler information system, which until the 511 order  
was issued could be accessed only on wireless communications systems across  
three states. The discussion that follows will provide insight into how a  
system must operate in order to provide detailed and accurate information to  
travelers both private and commercial. The foremost goal of any traveler  
information system is to reduce fatalities and accidents by providing travelers  
with the information they need to make sound, safe decisions. </P>

<P>The 511 order opens the door for all people to include vital information in  
their travel decisions, from home as well as during the trip. USDOT is working  
to create a minimum standard for the types of information to be included in  
traveler information systems across the nation, so travelers can know what to  
expect as they travel between different jurisdictions. </P>

<P>The following will address certain aspects of each petition filed for  
reconsideration as it relates to how a statewide system must operate in order to  
cross jurisdictions. (i.e., urban to rural, region to region, state to state).  
A Traveler Information System cannot operate as a 911 system must operate. The  
mission, focus, and goals are different and therefore the communication  
requirements are different as well. </P>

</FONT><P>I. CTIA Petition</P>

<I><FONT SIZE=2><P>&quot; The Commission declined to specify cost recovery or  
technical parameters, and left the discretion to determine deployment schedule  
and the type of information provided, to federal, state, and local government  
transportation agencies cooperatively.&quot; </P>

</I><P>This is a two-part question addressing cost recovery or technical  
parameters and deployment schedule and type of information provided. </P>

<P>ITS has generated a number of public/private partnerships and 511 will be no different. 511 stands to become the most visible ITS deployment since the beginning of Intelligent Transportation System in America. While certain areas of cost are obvious at the start, some business models have already been developed to cover most if not all of the cost of a statewide traveler information system. The only technical parameter that needs to be addressed is forwarding the call through a switch translation to the Information System provider as selected by the city or state. The city and state must work together to establish a single location for both city and state information to be accessed equally through a single translation. </P>

<P>The local government in highly urbanized areas must provide different types of information than the state or federal government. Traffic, congestion, routing, and service locations are of much more importance to an urban traveler than road conditions, weather, hotels, services stations or restaurants. However, with over 80 percent of roadways and 60 percent of fatalities in rural America, the latter becomes much more important to the traveler in rural America than the former. Rural travelers very rarely encounter high traffic volumes and almost never encounter congestion, however road conditions and weather as well as where the next hotel or service station is located can become very important if a roadway is closed. </P>

<P>If a single number is provided by the state for switch translation, a toll free number for this translation is provided, and the customer of the wireless provider is paying for the use of their equipment through their service agreement, where are the costs incurred that require cost recovery? </P>

<I>

<P>&quot;In adopting these requirements, the Commission did not properly consider them in light of the mobile nature of CMRS services. CMRS networks are designed without regard to state, municipal, and other political boundaries. In fact, CMRS service areas routinely cover more than one state. Indeed, a caller may drive through many different jurisdictions during a single call. These characteristics.....better suited to wireline carriers. &quot; </P>

</I><P>First, I find it hard to believe that the Commission does not understand the nature of CMRS services. The very fact that a traveler will cross different jurisdictions during a single call and the CMRS service areas cover more than one state or city only supports the agreement for an abbreviated dialing code for traveler information. </P>

<P>The reality is that a single abbreviated number is better suited to wireless carriers than wireline carriers. In 1996, a single abbreviated number began operation in two states providing traveler information across wireless systems. The wireless companies involved placed customer safety and security over all else. This system has continued to grow and today covers over 27,000 road miles in three states with over 13 wireless companies involved. Current plans are to expand to over 54,000 road miles across five states under the 511 calling plan. Yes, it crosses many jurisdiction boundaries in the process. The design of the system, management of integration issues by the city and state Departments of Transportation can solve most of the issues involving jurisdiction and provide important safety related information to the traveler at home and on the road. </P>

<I><P>&quot;In the Order, the Commission ignored the effects its broad regulations will have on CMRS providers. This is particularly troubling in this instance because one of these new calling arrangements, namely the 511 requirement, is directed predominantly at mobile wireless services.&quot; </P>

</I><P>511 is not predominantly directed at mobile wireless services. After running the current system for over four years over wireless systems alone, we opted to provide the transaction switch number to the public to increase use of

the system. Wireline use increased total usage three-fold, and is expected to increase over four-fold once everyone is aware of the system. </P>

<I><P>&quot;Before CMRS carriers are required to implement ...511 abbreviated dialing codes requirements, the Commission should provide more specific guidance on...requirements, so that CMRS carriers may comply...&quot;</P>

</I><P>Here CTIA address one good point. Implementation of 511 should reside at state level. This allows for the integration of both rural and urban information. States must work together to provide adjacent state information as well. This would eliminate the associated problems of cell location, while providing information for travelers in one jurisdiction about an adjoining jurisdiction. </P>

<P>Additionally, while the goal is to provide the service for free to callers, wireless users outside their home area expect to pay additional charges while roaming out of their calling area. It is reasonable to expect the call to be free from home on wireline or in the wireless users home area if the state Department of Transportation is providing a toll free number as a switch translation. Should this be the case, a roamer would pay the CMRS for services obtained through the use of their equipment but not toll charges as these are covered by the government agency. </P>

<I><P>&quot;It did not specify how a carrier should determine which government entity should be allowed access if government agencies are not in agreement...leave[s] with federal, state, and local government transportation agencies the discretion to determine deployment schedule and the type of transportation information that will be provided using 511...&quot;</P>

</I><P>For a traveler information system to be successfully implemented state or region wide, it is very important for a regulatory body to review and manage the integration of multiple jurisdictions. This again relates to the need for integration of urban and rural systems within a state. Following a normal hierarchical structure, the state should take the lead in this action through its Public Service Commission or Public Utilities Commission as a review body with the state Department of Transportation managing the integration. </P>

<P>Having PSC or PUC act as the administrative judge over the implementation of 511 will provide consistency for the transportation agencies as well as the telecommunications industry, both wireless and wireline. </P>

<I><P>&quot;Finally, the Commission should reconsider the effect of the 511 abbreviated dialing code requirements on CMRS competition. ... it will reduce competition in the CMRS market, thereby depriving CMRS customers of innovative services that result from vigorous competition. &quot;</P>

</I><P>511 does not effect CMRS competition. In fact, depending upon how they sell services and equipment, highlighting the use of 511 could increase their market share. One multiple state system provided only over wireless communications has been in operation since 1996. When were the CMRS going to begin their vigorous competitive innovation in traveler information services? And where is the CMRS innovation? The wireless industry concentrated its development in wireless web, improved coverage, and enhanced signal quality. The only competition they are worried about is from outside the industry through information service providers and the new telematics industry that is rapidly developing around the world.</P>

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</FONT><LI>Individual Wireless Providers Petitions</LI></OL>

<FONT SIZE=2><P>The majority of the petitions support the industry association petition with just a few differences. While I cannot comment on the

administrative issues raised in some of the petitions, there are additional issues mentioned on which I do wish to comment. </P>

</FONT><P>QWEST:</P>

<I><FONT SIZE=2><P>&quot;...switches would require modification by manufacturers to make ...511 call routing possible.&quot;</P>

</I><P>As stated early, if the traveler information system is a statewide-integrated system, all that is required is a simple switch translation. If switch manufacturers had to make changes to provide for an abbreviated calling number then the current system operating in three states would not exist today. This statement therefore, must be based on invalid assumptions as to the daily operation of such a system. </P>

</FONT><P>SPRINT: </P>

<I><FONT SIZE=2><P>&quot; The Department of Transportation never made a case for awarding the government a monopoly...that a government controlled service would not be available in many areas...lack of competition...less than optimum service...&quot;</P>

</I><P>The issue was not to setup a government monopoly, but to provide information that the industry has yet to provide to the traveling public in any form. The order provides for the government agency to management 511, it does not restrict that agency from entering into a public/private partnership or bidding process for a competitive service to provide traveler information. Regardless of the methods or contract arrangements the government enters into, the government entity will be involved not only in the system's daily operation, but its development as well. </P>

<P>A single wireless carrier providing travel information services would have to provide these services to all other wireless carriers in the region to ensure the entire public population had access to the information. A true traveler information service must be available to all. To award the right to operate a traveler information service to one provider would, or at a minimum could, restrict access to only their customers. Travelers from outside the wireless providers' service area, where those particular provider services are not available could not access and would be simply &quot;out-of-luck&quot;. </P>

<P>The nation's only multiple state traveler information system exists in some of the most rural parts of America. Competition has and does exist in the traveler information industry, mostly in urban areas. The only real restriction to service has been in the wireless industry's selective development of expanded coverage across a rural region. </P>

<P>The travelers themselves have driven the current system improvements. Recurring contact on a daily basis has created a constant flow of innovation into this system. Comments received daily express how travelers wished their state would offer a traveler information service as detailed as this one. </P>

<P>Services do not have to vary between states or regions. Placing the government entity in control can provide for a minimum standard between states and regions to ensure similar types of information are available between locations. Unlike most private industries, state departments of transportation recognize that they share customers across many miles and are working together to provide detailed and accurate travel information that can enhance the customers' trip and the DOTs ability to maintain the road network. </P>

<I><P>&quot;...by enabling each carrier to choose the traveler information available to its customer, 511 travel services would become a new basis for competition and consumer choice...In short, in comparison to a government monopoly, giving carriers the flexibility to determine the 511 traveler information made available to their customers would accelerate the rapid development of effective traveler information services.&quot;</P>

First, a traveler information system must be available to all people regardless if they have a wireless phone or not. Enabling each carrier to choose would create different systems across the US with no uniform quality of service or operation. A traveler moves from region to region and is forced to learn a new system and how it operates.

Urban traveler information systems began development and use as early as 1994, with rural systems first appearing in 1996. During this time the carriers option to "choose the traveler information available to its customer" has yet to be decided. No acceleration in traveler information system development has taken place within the wireless industry. Others have developed systems capable of providing detailed travel information. As the industry in control of wireless telecommunication, 511 takes the control of traveler information out of the hands of the industry so it is unable to censor the traveler information system the public can access. 511 does not limit competition, but in many ways enhances it. Organizations with traveler information systems in operation or under development will compete to provide this service, while the user will make their choices by calling the one they trust the most.

VERIZON PETITION

While most of the arguments within each petition were similar, by far the most innovative was put forth by Verizon Wireless.

"The 511 Mandate raises constitutional concerns that were not addressed...Wireless carriers typically exercise considerable editorial discretion in determining what ...to provide to their customers...By taking away this discretion, the Commission has significantly burdened wireless carriers' ability to exercise such editorial discretion. ...In effect, the FCC has determined who will be the "speaker" to customers ....."

The Verizon petition in this section reads as if the government is trying to take away their perceived right to censor the information they provide their customer, albeit they call it editorial discretion. Even if the 511 order was designed to setup a government monopoly, I would rather have the government censor the information, an organization with representatives I can vote out of office, than a corporation with which I have no control or voice.

As a Verizon customer, I was shocked to read this section of the petition. The issue here again is not a monopoly; people will go where they believe they get the best information. A number of organizations provide different degrees of traveler information services through a number of different media. The public will seek out the service they perceive to provide the best service.

CONCLUSION

The FCC order does not limit public access to other sources of traveler information. Competition to provide the service to each state will become the driving force behind the innovation that is yet to come. The FCC through their order has not hindered innovation, but has given it a quick kick to get started, as demonstrated by the wireless industry's sudden interest in traveler information systems.

This quick kick has brought about a number of petitions from the telecommunication industry as they now see themselves behind the development power curve for traveler information systems.

511 stands to become the most visible Intelligent Transportation System deployment to date with the potential of reaching 200+ million by 2010 and effecting their daily lives. The nation's transportation infrastructure will experience extended life cycles through well-informed travelers, reducing tax burden, congestion, and repair cost. 511 is designed to provide a continuity across jurisdictional lines to facilitate the availability and use for the traveling public. Minimum standards are under development by USDOT for use on the National Highway System. These standards when available will complement the 511 order and ensure the traveling public can expect and get a certain level of

service across the US. Corporate America cannot and would not cooperate to provide a similar standard. Always looking to provide something different from their competitor, systems, types of information, method of access, and inaction would bounce between simple and complex as a traveler crossed service areas. 511 is the only way to ensure a nationwide system will be developed and developed sooner rather than later.</P>

<P>Respectfully submitted, </P>

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<P>Mark S. Owens</P></FONT></BODY>

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