

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

In the Matter of)	
)	
CTIA Petition for Rulemaking)	WT Docket No. 01-72
To Establish Fair Location Information)	
Practices)	

REPLY COMMENTS OF VOICESTREAM WIRELESS CORPORATION

VoiceStream submits its reply comments regarding the Cellular Telecommunications and Internet Association (CTIA) Petition to establish fair location information practices. The CTIA filed a petition requesting that the Commission commence a rulemaking proceeding to implement Sections 222(f) and (h) of the Communications Act of 1934, as amended, by adopting its proposed location information privacy principles. The proposed principles would ensure that consumers of mobile services would be informed of the service provider's location information collection and use practices and have an opportunity to consent to the collection and use of that information before it is disclosed or used. CTIA's proposed principles would be technology neutral so that the consumer's privacy expectations could be satisfied no matter the type of mobile device or roaming market in which it is used.

Based in Bellevue, Washington, VoiceStream is the fastest growing provider of broadband Personal Communications Services (PCS) in the United States. Currently serving approximately 4.4 million subscribers, VoiceStream is the only U.S. wireless carrier that owns and operates a near-nationwide network using the global systems for

mobile communications (GSM) standard – the world’s most widely used digital standard. Through pending mergers and recent license purchases, VoiceStream will have a licensed footprint of over 272 million American consumers.

This year, VoiceStream will begin to provide the next generation wireless services U.S. consumers are demanding. For example, in the near term it will be rolling out a General Packet Radio Service (GPRS) that will permit data speeds several times the rate currently available with second generation technology. Over the next few years, the advent of next generation location-based services will provide U.S. consumers with even more variety in wireless products and applications.

As it prepares to provide these advanced services to the public, VoiceStream is keenly aware of the importance of safeguarding sensitive consumer information. VoiceStream is committed to protecting its customers’ personal information, including their personal location information, and is diligently establishing policies to protect this information from unauthorized use, access and disclosure.

VoiceStream believes that CTIA’s privacy principles are a helpful step in safeguarding personal location information and supports the broad concepts of notice, consent, security and integrity, and technological neutrality. CTIA has identified the cornerstones of an effective privacy policy for protecting personal location information, and VoiceStream supports them, as do virtually all nationwide wireless operators.¹

VoiceStream joins Sprint PCS² in stressing the need for the Commission to preempt all state laws governing wireless location information. A patchwork of inconsistent state

¹ AT&T Wireless Comments Cingular Comments, Verizon Wireless Comments, Sprint PCS Comments.

² Sprint Comments at 19. Although Verizon does not believe the Commission should not adopt location rules, it states that if the Commission chooses to do so it should explicitly preempt all state regulation in this area. Verizon Comments at 10.

laws will undermine consumer confidence in the privacy and security of wireless location based services as consumers cross state borders. Disparate state laws will wreak havoc on a carrier's ability to establish a uniform, nationwide policy to protect personal location information. Operators with multi-state MTA licenses served by a single switch and billing system may find themselves dealing with irreconcilable conflicts between state privacy laws. The Commission would be well advised to exercise its authority under Section 332 of the Act to prevent such a situation from occurring.

VoiceStream also joins Verizon and Cingular in urging the Commission to adopt CTIA's location privacy principles as safe harbor for a carrier's compliance with Section 222 of the Act.³ The nascency of location based technologies and services, coupled with the demonstrated difficulty in crafting legally sustainable CPNI rules in general, argue against the Commission's attempting to craft narrow and rigid rules in this area. Instead, the Commission should build in flexibility for operators to tailor their privacy policies to location technology and services as these evolve over time. CTIA's privacy principles do precisely that. Further, Sprint PCS' suggestion that the Commission use the medium of a more flexible policy statement rather than rigid rules⁴ in adopting a safe harbor has much appeal in striking the right balance between predictability of Commission policy and needed flexibility for operators.

Since there is still a great deal of uncertainty in the marketplace with respect to how location-based services will be offered and by whom and since the Commission has not been able to predict technological development in the wireless industry any better than other industry experts, the Commission should refrain from implementing regulations at

³ Verizon Comments at 9-10; Cingular Comments at 4-5

⁴ Sprint Comments at 18.

this time. Instead, VoiceStream recommends that the Commission endorse CTIA's proposed general principles as a safe harbor for the wireless industry, continue to monitor developments in the industry with respect to privacy issues, and revisit this issue, if necessary, in the future.

Respectfully submitted

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