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

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Revision of the Commission's Rules)
to Ensure Compatibility with Enhanced)
911 Emergency Calling Systems)

Petition of Richardson, Texas)

CC Docket 94-102
(DA 01-886)

COMMENTS OF NENA

The National Emergency Number Association ("NENA") hereby responds to the FCC's Public Notice of April 5, 2001, seeking comment on the captioned petition. The City of Richardson, Texas ("Richardson") asks the FCC to clarify or declare that the request of a Public Safety Answering Point ("PSAP") for "Phase II" service under the wireless E9-1-1 rules, 47 C.F.R. §20.18, is valid so long as the PSAP will be capable of receiving and utilizing the Phase II data elements by the wireless carrier's deadline – typically six months from the date of the PSAP request.

Richardson's request was prompted by the assertion of VoiceStream, one of the wireless carriers serving its area, that the wireless E9-1-1 regulations require the PSAP to be capable of receiving and utilizing the Phase II data elements at the time the Phase II service is requested. Although the issue has been posed in terms of the Phase II requirements, the language of PSAP capability, at Section 20.18(j), speaks to Phase I as well. Thus, NENA believes that a common answer is required.

Richardson views VoiceStream's reading of the rule as wasteful of time because it would require a PSAP to complete its upgrades prior to making a Phase I or Phase II service request.

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Under Richardson's interpretation, the PSAP could be completing its readiness during the same six-month period the carrier is working to fulfill the PSAP's request for service.

In NENA's opinion, it would be a further waste of time for commenters and the Commission to debate the two temporal meanings of "is." Surely VoiceStream will argue that the present tense of the verb correlates to the time of the request, even though the rule literally puts that into the past ("has requested"). Just as surely, Richardson and other public safety authorities are justified in reading the "is" to mean "at the time service begins." Until that occurs, there is nothing to be received and used. The FCC reports and orders constituting the legislative history of the regulation do not elaborate.

Clearly, however, the spirit in which the rule was formulated favors the Richardson interpretation. Given the Commission's well-documented concerns about the slow pace of E9-1-1 implementation, it would be a shame for the FCC, in its discretion, to put forth an interpretation that would add six months to the phase-in – or even longer, if carriers were to force PSAPs to reiterate, with a new six-month lead time, requests previously made in a state of pre-readiness. Good process engineering practice would suggest that the parties ought to be able to move simultaneously toward their respective deadlines.

NENA is obliged, nonetheless, to offer a small variation on Richardson's reading. The PSAP choosing to forecast, by an early request, that it will be ready for the carrier's introduction of Phase I or Phase II service should allow time for the carrier to test for proper delivery of the 9-1-1 caller's location, whether cell site or latitude-longitude. The time to be allowed for testing may vary with choice of architecture – Call-Associated Signaling ("CAS"), Non-Call-Associated Signaling ("NCAS") or hybrid CAS – and other contingencies, but we believe a month would be

more than adequate in most cases. If there is any doubt, the PSAP and the carrier should talk in advance.

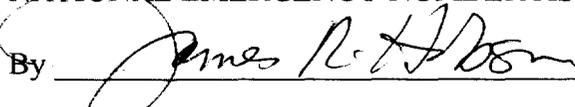
Having offered the foregoing reading of the rules, NENA underscores that all PSAP requests for service should be made with a good-faith belief that the PSAP can meet each deadline of a project plan proposed by the wireless carrier and that the PSAP has a complete understanding of -- and capability to receive -- Phase I and Phase II data. In fact, NENA's Wireless Committee, under the guidance of both industry and PSAP leaders, is working on an expedited effort to define PSAP readiness.

With such an undertaking by the PSAP, the affected parties, including the ILEC if necessary, ought to be able to agree, without the need for a rule change, that a PSAP making a Phase I or Phase II service request effectively acknowledges that it will be ready a sufficient space ahead of the carrier to allow for testing of the new service.

Respectfully submitted,

NATIONAL EMERGENCY NUMBER ASSOCIATION

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CERTIFICATE OF SERVICE

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