

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

RECEIVED

MAY - 3 2001

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
)  
Revision of the Commission's Rules ) CC Docket 94-102  
To Ensure Compatibility with )  
Enhanced 911 Emergency Calling Systems )

To: The Wireless Telecommunications Bureau

**Reply Comments of the Rural Cellular Association**

The Rural Cellular Association ("RCA"),<sup>1</sup> by its attorneys, hereby submits these reply comments in response to the Public Notice issued by the Federal Communications Commission ("FCC" or "Commission") on April 5, 2001 in the above-captioned proceeding.<sup>2</sup> RCA urges the Commission to confirm its earlier conclusion that a wireless carrier is not obligated to provide enhanced 911 ("E911") service until the actual time at which the Public Safety Answering Point ("PSAP") can take advantage of the E911 service. Such action will minimize disputes between carriers and PSAPs, and further the public interest by ensuring efficient and efficacious

---

<sup>1</sup> RCA is an association representing the interests of small and rural wireless licensees providing commercial services to subscribers throughout the nation. Its member companies provide service in more than 135 rural and small metropolitan markets where approximately 14.6 million people reside. Formed in 1993 to address the distinctive issues facing rural cellular service providers, the membership of RCA currently includes rural PCS carriers, as well.

<sup>2</sup> *Wireless Telecommunications Bureau Seeks Comment on Request for Clarification or Declaratory Ruling Concerning Public Safety Answering Point Requests for Phase II Enhanced 911, DA 01-886 (rel. April 5, 2001) ("Public Notice").*

Comments of the Rural Cellular Association  
CC Docket No. 94-102  
May 3, 2001

No. of Copies rec'd 074  
List A B C D E

deployment of resources. In addition, the public interest will be served by the resulting uniformity in application of the Commission's rules.

In its Public Notice, the Wireless Telecommunications Bureau sought comment on the City of Richardson, Texas' request for clarification and/or a declaratory ruling concerning the process by which a PSAP requests Phase II E911 service from a wireless carrier. At issue is the meaning of the phrase "is capable of receiving the data elements associated with the service" found in Section 20.18(j) of the Commission's Rules.<sup>3</sup> This rule establishes a precondition to a carrier's obligation to provide E911 services. Commenters responding to the Public Notice generally fall into two categories: those who contend that the Commission's E911 Rules clearly require PSAPs actually to have the capability of receiving and utilizing data elements at the time of making the request (and thus consider Richardson's request for a "clarification" an improper request to change established rules);<sup>4</sup> or those who agree with Richardson that a clarification of the Rule is needed.<sup>5</sup>

Differing interpretations of Section 20.18(j) have produced disputes between carriers and PSAPs, such as the one which led to the instant Public Notice. Such disputes impede the

---

<sup>3</sup> 47 C.F.R. § 20.18(j).

<sup>4</sup> See, Western Wireless' Comments at 1-2; Cingular Wireless' Comments at 1-2; Verizon Wireless' Comments at 1; Voicestream's Comments at 5; Quest Wireless' Comments at 2; United States Cellular Corporation's Comments at 1-2. See also, Sprint's Comments at 3; CTIA's Comments at 1.

<sup>5</sup> See, Blooston's Comments at 2-3 (supporting Richardson's request for clarification, "if not necessarily the position taken by Richardson"); NENA's Comments at 1-2 (noting that "a common answer is required" and stating that "the spirit in which the rule was formulated favors the Richardson interpretation"); APCO's Comments at 1 (strongly favoring the Richardson Petition).

implementation of E911 service and are thus adverse to the public interest. Furthermore, the extreme position that a mere request by a PSAP, without any proof or even plan for the PSAP's own E911 capability, triggers an expensive and time-consuming process which potentially strands investment unless and until the PSAP actually is able to utilize E911 data is clearly contrary to Section 20.18(j). The suggestion that the PSAP's request, and not the PSAP's capability, triggers E911 obligations<sup>6</sup> does not comport with the Commission's clear instruction that carriers are obligated to provide E911 service only when a PSAP "is capable of receiving the data elements associated with the service." As VoiceStream points out in its comments, when the Commission decided to retain the "is capable" provision, it rejected procedures proposed by the public safety communities that E911 implementation be done in sequence.<sup>7</sup> The Commission gave the following as rational for its decision:

[c]arriers should not be forced to make investments in their networks to provide E911 services that cannot be used by the PSAP . . . [T]he PSAP and the carrier benefit from a requirement that is *not triggered until the actual time at which the PSAP can take advantage of the E911 service.*<sup>8</sup>

---

<sup>6</sup> See e.g., N.C. Board's Comments at 2-3.

<sup>7</sup> VoiceStream's Comments at 7.

<sup>8</sup> *Id.* at 6-7 (citing *Second E911 Reconsideration Order*, 14 FCC Rcd at 18684, para. 84).

Accordingly, to eliminate further argument and enhance uniform compliance with FCC rules, RCA urges the Commission to reiterate that a carrier's obligation to provide E911 services does not begin until the PSAP can actually take advantage of the E911 service.

Respectfully submitted,

RURAL CELLULAR ASSOCIATION

By: \_\_\_\_\_

Sylvia Lesse  
John Kuykendall

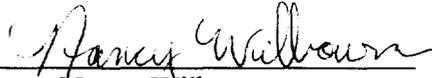
Its Attorneys

Kraskin, Lesse & Cosson, LLP  
2120 L Street, N.W.  
Suite 520  
Washington, D.C. 20037  
(202) 296-8890

May 3, 2001

## CERTIFICATE OF SERVICE

I, Nancy Wilbourn, of Kraskin, Lesse & Cosson, LLP, 2120 L Street, NW, Suite 520, Washington, DC 20037, do hereby certify that a copy of the foregoing "Reply Comments of the Rural Cellular Association" was served on this 3rd day of May 2001, via hand delivery or by first class, U.S. Mail, postage prepaid to the following parties:

  
Nancy Wilbourn

Chairman Michael Powell \*  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room 8-C302  
Washington, DC 20554

Commissioner Susan Ness \*  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room 8-B115  
Washington, DC 20554

Commissioner Harold Furchtgott-Roth \*  
Federal Communications Commission  
445 12th Street, SW, Rm. 8-B115H  
Washington, DC 20554

Commissioner Gloria Tristani \*  
Federal Communications Commission  
445 12th Street, SW, Rm. 8-B115H  
Washington, DC 20554

Wendy Austrie, Policy Division \*  
Wireless Telecommunications Bureau  
Federal Communications Commission  
445 12th Street, SW, Rm. 3-B101  
Washington, DC 20554

Ronald P. Hawley, Chair  
North Carolina Wireless 911 Board  
P.O. Box 17209  
Raleigh, NC 27619-7209

John A. Prendergast  
Kathleen A. Kaercher  
Blooston, Mordkofsky, Dickens,  
Duffy & Prendergast  
2120 L Street, NW, Suite 300  
Washington, DC 20037

Luisa L. Lancetti  
Vice President, Regulatory Affairs  
Sprint PCS  
401 9<sup>th</sup> Street, NW, Suite 400  
Washington, DC 20004

Charles W. McKee, General Attorney  
Sprint PCS  
6160 Sprint Parkway, Building 9  
Overland Park, KS 66251

John T. Scott, III  
Vice President and Deputy General Counsel,  
Regulatory Law  
1300 I Street, NW, Suite 400W  
Washington, DC 20005  
Counsel for Verizon Wireless

J.R. Carbonell  
Carol L. Tacker  
David G. Richards  
5565 Glenridge Connector, Suite 1700  
Atlanta, GA 30342  
Counsel for Cingular Wireless, LLC

Gene A. DeJordy  
Vice President of Regulatory Affairs  
Western Wireless Corporation  
3650 131<sup>st</sup> Avenue, SE, Suite 400  
Bellevue, WA 98006

Sarah E. Leeper, Staff Counsel  
Michael F. Altschul, Senior Vice President  
1250 Connecticut Avenue, NW, Suite 800  
Washington, DC 20036  
Counsel for Cellular Telecommunications &  
Internet Association

Thomas P. Van Wazer  
Jennifer Tatal  
Sidley & Austin  
1722 Eye Street, NW  
Washington, DC 20006  
Counsel for United States Cellular Corp.

Sharon J. Devine  
Kathryn Marie Krause  
1020 19<sup>th</sup> Street, NW, Suite 700  
Washington, DC 20036-6101  
Counsel for Owest Wireless, LLC

Brian T. O'Connor, Vice President  
of Legislative and Regulatory Affairs  
Robert Calaff, Corporate Counsel of  
Governmental and Regulatory Affairs  
Dan Menser, Corporate Counsel of  
Regulatory Affairs  
VoiceStream Wireless Corporation  
401 9<sup>th</sup> Street, NW, Suite 550  
Washington, DC 20004

James R. Hobson  
Miller & Van Eaton, PLLC  
1155 Connecticut Avenue, NW, Suite 1000  
Washington, DC 20036  
Counsel for National Emergency Number  
Association

W. Mark Adams, Executive Director  
National Emergency Number Association  
P.O. Box 360960  
Columbus, OH 43236

Robert M. Gurss  
Edgar Class III  
Shook, Hardy & Bacon, LLP  
600 14<sup>th</sup> Street, NW, Suite 800  
Washington, DC 20005  
Counsel for Association of Public Safety  
Communications Officials International, Inc.

International Transcription Service, Inc. \*  
(diskette)  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, D.C. 20554

\* Via hand delivery