

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

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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)	

FURTHER COMMENTS OF NENA, APCO AND NASNA

The National Emergency Number Association ("NENA"), the Association of Public-Safety Communications Officials-International, Inc. ("APCO") and the National Association of State Nine One One Administrators ("NASNA"), hereafter "Public Safety Organizations," submit these additional comments on the Request for Waiver ("Request") filed jointly on November 9, 2000 by Nextel Communications and Nextel Partners ("Nextel"). NENA and APCO each commented on the Request January 5, 2001, noting the absence of information in the record that would be required for any favorable decision applying the standards and the conditions in the earlier waiver grant to VoiceStream.¹ These further comments take into account Nextel's response of May 21, 2001 ("Response") to the FCC's order of May 10, 2001 seeking additional information about the Request.

Unlike VoiceStream, Nextel proposes no network-based or other interim solution pending the start of a phase-in schedule for deployment of an assisted GPS ("A-GPS") handset technology to meet Phase II location requirements. Both NENA and APCO noted this difference and asked Nextel to explain the decision. The summary explanation:

¹ Fourth Memorandum Opinion and Order, CC Docket 94-102, 00-326, released September 8, 2000, at ¶¶44-45.

[T]he accuracy capabilities demonstrated using E-OTD on iDEN were not sufficient to warrant the minimum additional year delay an interim E-OTD deployment would create for A-GPS iDEN deployment.

(Response, ii) Nextel had also field-tested the U.S. Wireless (“USW”) network solution but found it “well outside the [Commission’s] requirement.” (Response, 8 and note 15)

I. Nextel Has Not Justified Its Decision to Forgo an Interim Solution.

The Motorola E-OTD results were superior to those VoiceStream anticipated for its interim RSS solution. (Response, Exhibit B.7, Appendix B) Nextel never explains or documents the “minimum one-year delay” it asserts would occur for A-GPS implementation if the Motorola E-OTD solution were deployed pending installation of A-GPS.

Moreover, USW’s results, even without “post-processing,” came close to the Motorola E-OTD outcomes, at least as to the 67% standard. (Response, Exhibit B.7, Appendix C) With post-processing, USW essentially met the network standards for stationary calls reporting a “best fix” within 30 seconds. (Response, B.8, Appendix C, page 9, Tables 4 and 5) Moreover, Nextel’s independent evaluator said this about USW:

USW system developed for iDEN was tested in various environments. The performance in areas where intensive calibration and testing was performed shows a good potential for the development of a system that can operate in all the operational environments.

Although Nextel’s evaluator, TechnoCom, concluded that “extensive testing and optimization on an iDEN network is required before USW’s RadioCamera™ can be considered as a viable solution” (Response, B.7, Appendix C, 12), that conclusion was reached last September. The year since then gave Nextel some time to work on USW if it had so chosen.

On the basis of the foregoing, we do not think Nextel has explained its flat omission of an interim solution when it appears to have had at least two to choose from. This judgment is reinforced by Nextel's lack of documentation for the claim that an interim solution would delay by at least a year the implementation of A-GPS permanently.

II. Motorola Should Reiterate Its Commitment to the A-GPS Deployment Schedule.

For all pending waivers relying on handset modifications or network equipment upgrades, the Public Safety Organizations strongly suggest that some type of manufacturer commitment to the proposed implementation timetable must be devised. Perhaps it could be as simple as a letter from the manufacturer to the carrier (better yet, to the FCC), verifying that the timetable in the carrier's waiver request is achievable. Motorola has come close to this kind of supporting commitment in its initial comments on the Nextel Request:

The first commercially available iDEN handset that incorporates A-GPS technology is expected to be available October 1, 2002. After this initial deployment, Motorola will continue to incorporate A-GPS technology in the design of the new iDEN handsets in order to support the penetration rates included in Nextel's filing.²

The Public Safety Organizations respectfully suggest that Motorola repeat this pledge in the form of a letter to Nextel or the FCC, preferably the latter, prior to any grant of the Request.

CONCLUSION

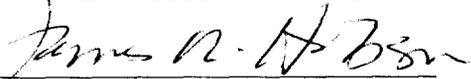
For the reasons discussed above, the FCC should withhold grant of the Nextel Request until Nextel proposes – or better explains why it cannot propose – an interim location solution to operate pending installation of A-GPS. With respect to A-GPS implementation, a commitment

² Comments, January 5, 2001, 3. At note 7, Motorola specifically recites each step of Nextel's proposed A-GPS implementation timetable.

letter from Motorola should be obtained, tracking the pledge contained in the manufacturer's
January 5th Comments.

Respectfully submitted,

PUBLIC SAFETY ORGANIZATIONS

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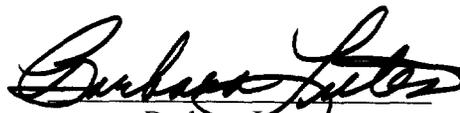
THEIR ATTORNEYS

CERTIFICATE OF SERVICE

The foregoing "Further Comments of NENA, APCO and NASNA" were served by
regular mail today on:

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