

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
City of Richardson, Texas) CC Docket No. 94-102
Request for Clarification or Declaratory Ruling)
Concerning Public Safety Answering Point)
Requests for Phase II Enhanced 911)

COMMENTS OF THE TEXAS 9-1-1 AGENCIES

The Texas 9-1-1 Agencies¹ file comments responding to the Wireless Telecommunications Bureau's (WTB's or Bureau's) July 10, 2001, Public Notice requesting additional comments on whether 20.18(j) should be amended to clarify its meaning and/or what objective criteria a PSAP could demonstrate at the time it makes a request that it has taken sufficient steps to assure that it will be able to receive and utilize the E911 data prior to delivery of service by the wireless carrier.

¹ Texas CSEC is a state agency created pursuant to Texas Health and Safety Code Chapter 771. The Texas Emergency Communications districts, created pursuant to Texas Health and Safety Code Chapter 772, are Bexar Metro 9-1-1 Network, Brazos County Emergency Communication District, Calhoun County 9-1-1 Emergency Communication District, DENCO Area 9-1-1 District, 9-1-1 Network of East Texas, Emergency Communications District of Ector County, Galveston County Emergency Communication District, Greater Harris County 9-1-1 Emergency Network, Henderson County 9-1-1 Communication District, Howard County 9-1-1 Communication District, Kerr County Emergency 9-1-1 Network, Lubbock County Emergency Communication District, McLennan County Emergency Communication District, Medina County 9-1-1 District, Midland Emergency Communications District, Montgomery County Emergency Communication District, Potter-Randall County Emergency Communication District, Texas Eastern 9-1-1 Network, and Wichita-Wilbarger 9-1-1 District.

I.

PRELIMINARY STATEMENT

The Texas 9-1-1 Agencies respectfully submit that the implementation of wireless E9-1-1 Phase II service could benefit by the adoption of clarifying identifiable and measurable objective criteria for a PSAP to demonstrate at the time it makes a request that it has taken sufficient steps to assure that it will be able to receive and utilize the E911 data prior to delivery of service by the wireless carrier. However, to the extent that identifiable and measurable objective criteria are adopted by the Bureau through a declaratory ruling or by the Commission by a rule amendment, there must be presumption that the PSAP's responses to the objective criteria are conclusive on the issue of PSAP readiness. The WSPs should not be the arbiter of a public safety entity's request for wireless E9-1-1 Phase II service. Otherwise, adopting the criteria will not settle the current disputes between public safety entities and WSPs related to these issues and the criteria will just further encumber the process of implementing wireless E9-1-1 Phase II service.

II.

EVALUATING IDENTIFIABLE AND MEASURABLE OBJECTIVE CRITERIA

What objective criteria can a PSAP be required to meet to demonstrate at the time it makes a request that it has taken sufficient steps to assure it will be able to receive and utilize the E911 data prior to the delivery of the service by the carrier?

The Texas 9-1-1 Agencies submit that it should be presumed a PSAP is ready if the public safety entity responsible for the PSAP represents it has written commitments from its PSAP vendors that within the six-month wireless carrier deadline: (1) the PSAP's 9-1-1 Customer Premises Equipment will be capable of receiving and utilizing the data elements for wireless E9-1-1 Phase II service; (2) the 9-1-1 Network and 9-1-1 Database Management System on the PSAP's side of the 9-1-1 Selective Router demarcation point will be ready by that period; and (3) the PSAP's chosen plotting or mapping mechanism will be available within that period.

The Texas 9-1-1 Agencies believe that this demonstration by a public safety entity is a sufficient and reasonable one for purposes of establishing the presumption of a valid wireless E9-1-1 Phase II service request. In response to the WTB's other questions, the Texas 9-1-1 Agencies responds as follows:

Would it be sufficient for the PSAP to show that it has the necessary funding available?

The Texas 9-1-1 Agencies want to clarify that the WTB must mean that the public safety entity would have the necessary funds to cover PSAP COSTS since the FCC has ruled on and deleted the requirement for the cost recovery for WSPs related to wireless E9-1-1 Phase II service. The Texas 9-1-1 Agencies doubt any public safety entity responsible for a PSAP would request the service prior to being able to pay for its OWN PSAP costs. Furthermore, to the extent that there exist delivery commitments by the public safety entity's PSAP vendors (as suggested above), it can reasonably be presumed that any necessary funding to meet those vendor's commitments is a moot issue.

Would it be sufficient for the PSAP to show that it has purchase orders with vendors that it will install the necessary facilities with obligations that the vendors must perform within the six-month period;

The Texas 9-1-1 Agencies do not believe that the public safety entities responsible for the PSAPs need to show the WSPs any documentation of purchase orders or the written commitments for delivery prior to requesting Phase II service from wireless carriers under the existing FCC rules. However, if the WTB wants to protect WSP expenditure by ensuring that PSAPs are not ordering Phase II service with no intention of being to utilize the data, this criterion would seem reasonable.

Would it be sufficient for the PSAP to show it has made arrangements with local exchange carriers to supply the necessary trunking, the ALI database, and any other necessary facilities or capabilities in a timely fashion?

To the extent that additional or modified 9-1-1 trunking on the public safety entities' side of the 9-1-1 Selective Router demarcation point to the PSAP is needed, then it is reasonable for the public safety entity to demonstrate that it has made arrangements with the incumbent local exchange carrier for delivery in a timely fashion. The Texas 9-1-1 Agencies submit that acquisition of trunking that precedes the 9-1-1 Selective Router is the responsibility of the WSPs.

Rather than shifting the burden to the PSAPs and to avoid any delay of Phase II E9-1-1 service, the Texas 9-1-1 Agencies again urge the Commission to work now with state public utility commissions and assess current LEC readiness for wireless E9-1-1 Phase II service.²

Would it be sufficient if the PSAP shows that it has implemented Phase I using a Non-Call Path Associated Signaling (NCAS) capability?

The Texas 9-1-1 Agencies believe that this should not be a valid criterion for purposes of evaluating PSAP readiness for wireless E9-1-1 Phase II service. This question assumes NCAS is and will remain the only solution for wireless E9-1-1 Phase II service. If the wireless industry uniformly agrees this is the case, then why is there still a delay of six months to implement Phase II service if a PSAP is utilizing Phase I NCAS service? More importantly, this requirement could mean a PSAP could not order Phase II until it is receiving Phase I under an NCAS solution? This would ignore that a wireless carrier using a solution other than NCAS cannot change to NCAS as part of its Phase II implementation and that wireless carriers have already filed Phase II implementation plans indicating their proposed Phase II service technical solutions. The Texas 9-1-1 Agencies assert that if the WTB adopts this requirement, the questions posed in these comments must first be answered by the Bureau in order to protect WSP subscribers and ultimately, the public safety.

² See May 3, 2001, Reply Comments of the Texas 9-1-1 Agencies at pp. 3-4.

Would it also be necessary for the PSAP to have a state-of-the-art mapping capability versus a less sophisticated plotting mechanism, or is it a matter of the efficiency of the PSAP's handling the information, not its capability to use it?

No, a state-of-the-art mapping capability is not necessary and should not become a Phase II prerequisite. The Texas 9-1-1 Agencies believe, as suggested by the Bureau, that the efficiency of the PSAP's handling the information, not its capability to use it, is what matters. Imposing a requirement such as state-of-the-art mapping capability might adversely affect PSAPs other than those with substantial financial resources and would serve to delay Phase II implementation.

III.

CONCLUSION

The Texas 9-1-1 Agencies agree that clarification of Section 20.18(j) could be beneficial in furthering the deployment of wireless E9-1-1 Phase II service. The Texas 9-1-1 Agencies request that the Bureau ensure that any criteria established does not delay Phase II E911 service implementation. The Texas 9-1-1 Agencies respectfully request the Bureau to consider and incorporate these responses.

Respectfully submitted,

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Certificate of Service

I certify that a copy of these comments is being served on July 25, 2001, to the parties pursuant to the required service requirements of the FCC.

Rupaco T. González, Jr.

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