

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

In the matter of)	
)	
Revision of the Commission's Rules)	CC Docket No. 94-102
to Ensure Compatibility with Enhanced)	
911 Emergency Calling Systems)	
)	

**REPLY COMMENTS OF
D&E/OMNIPPOINT WIRELESS JOINT VENTURE, L.P. d/b/a PCS ONE
E-911 PHASE II LOCATION TECHNOLOGY IMPLEMENTATION RULES**

I. INTRODUCTION

D&E/Omnipoint Wireless Joint Venture, L.P. d/b/a PCS One ("PCS One"), by its undersigned counsel and pursuant to the July 13, 2001 Public Notice¹ issued by the Federal Communications Commission ("FCC" or "Commission"), herein replies to the Comments filed in response to its Petition for Waiver of the E-911 Phase II location technology implementation rules.² As set forth in the Waiver Request, PCS One, a Personal Communications Services ("PCS") licensee that operates a PCS network in eastern Pennsylvania, is a joint venture, fifty (50) percent owned by VoiceStream Wireless ("VoiceStream") and fifty (50) percent owned by D&E Communications, Inc.

¹ *Public Notice*, "WTB Seeks Comment on Wireless E911 Phase II Amended Waiver Request Filed by D&E/Omnipoint Wireless Joint Venture, L.P., CC Docket No. 94-102 (rel. July 13, 2001)("Public Notice").

² *See* D&E/Omnipoint Wireless Joint Venture, L.P.'s Petition for Waiver of the E-911 Phase II Location Technology Implementation Rules, CC Docket No. 94-102 (filed June 20, 2001) ("Waiver Request").

II. DISCUSSION

PCS One seeks waiver of the E-911 Phase II location technology implementation rules to permit it, and more particularly VoiceStream, to deploy on the PCS One network a hybrid E-911 location solution using both network-based and handset-based technology. The Waiver Request mirrors an earlier VoiceStream waiver request, which was conditionally granted by the Commission on September 8, 2000.³ As explained in the Waiver Request, VoiceStream and PCS One intend to utilize Enhanced Observed Time Difference of Arrival (“E-OTD”) technology for their E-911 Phase II solution. In granting VoiceStream’s waiver request, the Commission observed that VoiceStream “faces special circumstances, as it appears that the NSS/E-OTD approach may be the only ALI solution available in the near term for GSM systems.”⁴ Moreover, the Commission found that VoiceStream’s E-OTD proposal “represents a promising approach that may offer significant public safety benefits.”⁵ Both of these findings are equally true in the instant case.

In response to the Public Notice, there were three comments filed by parties in support of PCS One’s Waiver Request.⁶ Although there were also comments filed by three parties in general opposition to any waivers of the E-911 Phase II implementation dates, none of these commenters specifically mentioned PCS One’s Waiver Request.⁷ Indeed, a review of those

³ See Revision of the Commission’s Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, *Fourth Memorandum Opinion and Order*, 15 F.C.C. Rcd. 17,442, FCC 00-326 (rel. September 8, 2000) (“VoiceStream Waiver”).

⁴ VoiceStream Waiver at ¶55.

⁵ VoiceStream Waiver at ¶56.

⁶ See Comments of the Cellular Telecommunications & Internet Association, CC Docket No. 94-102 (filed July 30, 2001) (“CTIA’s Comments”); Comments of AT&T Wireless Services, Inc., CC Docket No. 94-102 (filed July 30, 2001) (“AT&T’s Comments”); Comments of Traxis, CC Docket No. 94-102 (filed July 30, 2001).

⁷ See Letter to FCC Chairman Michael K. Powell from John Schmidig, Chief of Police, Bergen County, NJ Police Department, CC Docket No. 94-102 (filed July 26, 2001); Letter to FCC Secretary Margie Roman Salas from Timothy Creagan, The Council of Organizational Representatives, CC Docket No. 94-102 (filed July 26, 2001);

comments indicates that they reflect a generic conceptual opposition to waivers of the E-911 Phase II implementation rules. As explained in the Waiver Request, a waiver is warranted under these circumstances for two fundamental reasons. First, PCS One's network utilizes the same GSM technology as VoiceStream and is almost entirely surrounded by and integrated with the VoiceStream network. Thus, it is in the interest of safety, efficiency and seamless service for both companies to utilize the same E-911 solution. Second, it would be unreasonable to expect PCS One, a regional PCS provider, to convince any equipment supplier to devote the resources to developing an alternative technology to E-OTD. VoiceStream, on the other hand, has the size and purchasing power, domestically and abroad, to influence suppliers to develop the necessary technology.

PCS One is fully committed to working with the Commission, equipment suppliers and public safety officials to achieve the fastest possible deployment of Phase II E-911 service to the public. However, due to factors outside the control of small carriers such as PCS One, the equipment necessary to provide Phase II capabilities is not yet available. Indeed, as stated above, E-OTD is likely the only Phase II solution for GSM carriers such as VoiceStream or PCS One. PCS One's equipment supplier has notified it that the equipment needed to implement a Phase II solution for GSM will not be generally available until after the October 1, 2001 deadline. As explained in CTIA's comments, "carriers can only do as much as the currently available wireless location technology permits them to do."⁸ Moreover, as CTIA points out, "the Commission has itself recognized that there may be situations in which it is not possible for a carrier to satisfy the Commission's Phase II standards by the prescribed deadlines [and] it therefore established a

Letter to FCC Secretary Magalie Roman Salas from James R. Hobson, Miller & Van Eaton, P.L.L.C., CC Docket No. 94-102 (filed July 26, 2001).

⁸ CTIA's Comments at 2.

process under which individual waivers could be granted.”⁹ This is a situation where such an individual waiver is justified.

VoiceStream is working toward deployment of the E-OTD standard, which the Commission has recognized will likely offer significant public safety benefits. Moreover, in the VoiceStream Waiver, the Commission imposed a development and deployment schedule that would provide VoiceStream and its suppliers with the requisite time to develop the necessary technology without jeopardizing public safety with excessive delays in deployment of Phase II capabilities. Finally, even were it possible for PCS One to develop and deploy an alternative Phase II technology, as AT&T points out, it would be unreasonable for the Commission to expect PCS One to do so given its close relationship and technical integration with VoiceStream’s network.¹⁰ Consequently, extension of the VoiceStream waiver to PCS One is warranted under these circumstances.

⁹ *Id.*

¹⁰ AT&T’s Comments at 3.

