

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

In the Matter of)	
)	
Revision of the Commission's Rules)	
To Ensure Compatibility with)	CC Docket No. 94-102
Enhanced 911 Emergency Calling Systems)	RM-8143
_____)	

SPRINT PCS REPLY COMMENTS

Sprint Spectrum L.P., d/b/a Sprint PCS ("Sprint PCS), submits this brief reply to the comments filed in the Further Notice of Proposed Rulemaking ("NPRM") addressing the subject of E911 call back capabilities for wireless 911 calls from non-service initialized handsets ("non-initialized handsets").¹

The Commission should decline to take any further action on this issue. The comments filed in this proceeding, as well as the evidence previously submitted in the record, provide no factual basis for supporting the need for call back from non-initialized handsets. This evidence demonstrates that the vast majority of handsets provided in donation programs are service initialized and are provisioned with a unique dialable telephone number allowing call back by a Public Safety Answering Point ("PSAP"), rendering a new network call back capability unnecessary.

In any event, the solutions discussed in the NPRM are not currently technically feasible. The parties that design and operate wireless networks, wireless carriers and network vendors,

¹ See *Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, CC Docket No. 94-102, *Further Notice of Proposed Rulemaking*, FCC 01-175 (May 25, 2001), summarized in, 66 Fed. Reg. 31878 (June 13, 2001) ("Call Back NPRM").

have demonstrated that significant technical impediments exist that prevent call back to non-initialized handsets. As the deployment of wireless E911 shows, it would be imprudent to impose additional network requirements without first addressing these technical issues. Rather than diverting attention to address the technical impediments preventing call back to non-initialized handsets, the parties involved with wireless E911 implementation (PSAPs and wireless carriers) should, instead, concentrate on the successful deployment of Phase I and Phase II.

I. THERE IS NO EVIDENCE ESTABLISHING A NEED FOR CALL BACK TO NON-INITIALIZED HANDSETS

As Sprint PCS noted in its opening comments, both the public safety agencies and the wireless industry originally agreed that 911 access should not be available to non-customers, or users with non-initialized handsets, in part because of concerns regarding call back to these handsets.² When the Commission determined that wireless carriers should send all 911 calls, regardless of whether or not the caller was a customer, the wireless industry and the public safety agencies formed a cross sectional group to study the issues surrounding non-initialized handsets. This group agreed that one of the first issues that should be studied is the size of the perceived problem.³

Three years later, there is still no data evidencing a need for call back capability to non-initialized handsets. The Commission, in its NPRM, specifically requested facts on the scope of the problem by inquiring as to the frequency of these calls.⁴ One commenter directly stated that

² See Sprint PCS Comments, *Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, CC Docket No. 94-102, at 1-2 (July 9, 2001).

³ See Report of CTIA, PCIA, APCO, NENA, NASNA, Alliance, CC Docket No. 94-102, at 16-17 (Jan. 30, 1998).

⁴ See Call Back NPRM at ¶ 7.

it could not track the situation adequately.⁵ Another party attempted to address the quantity of calls coming from non-initialized handsets by simply making an assumption, without providing any corroboration supporting its assumption.⁶ No party has provided any quantifiable evidence on the frequency of calls from non-initialized handsets or, more importantly, the likelihood that call back will be necessary to those handsets.

The evidence currently in the record is that many donor phones are service initialized. CTIA stated that the 44,000 phones that it had provided through its donation programs were service initialized with a unique dialable number permitting call back.⁷ It is important to note that it was precisely the question of donated phones that triggered the request to re-open this issue.⁸ It is not necessary to impose additional requirements upon wireless carriers in order to address these donor programs.

By activating the handsets in these donor programs, wireless carriers are already incurring costs to ensure that these handsets can be reached. Additional costly network and system modifications are not necessary for donor handsets. Thus, the perceived problem identified by the public safety agencies has already been remedied and no purpose would be served by requiring carriers to deploy additional (and costly) call back capabilities.

II. THE INDUSTRY SHOULD CONCENTRATE ON IMPLEMENTATION OF ENHANCED 911 SERVICES

⁵ See Texas 911 Agencies Comments, *Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, CC Docket No. 94-102, at 3 (July 9, 2001).

⁶ See Wireless Consumers Alliance Comments, *Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, CC Docket No. 94-102, at 4 (July 9, 2001).

⁷ See CTIA Comments, *Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, CC Docket No. 94-102, at 10-11 (July 9, 2001).

⁸ See Texas 9-1-1 Agencies, the National Emergency Number Association, the Association of Public-Safety Officials, and the National Association of State Nine-One-One Administrators letter dated April 28, 2000 ("Public Safety Entities Letter").

Even if there was a need for a call back solution, it is clear from this record that there are significant technical concerns regarding the proposed solutions. If nothing else, the fact that two more potential arrangements have been offered suggests that there is a great deal of uncertainty surrounding this issue. Because of the technical concerns regarding the provision of call back capabilities for non-initialized handsets, the Commission should allow the industry and the public safety community to concentrate on deployment of Phase I and Phase II enhanced services, rather than diverting resources to address the problem of call back to non-initialized handsets.

Sprint PCS addressed in its opening comments the two arrangements discussed in the NPRM, and it will not reiterate the difficulties associated with those proposals again. Although the Wireless Consumers Alliance claims that the network changes needed to implement a call back capability would be “small” and “minor,”⁹ the Alliance provides no facts in support of its assertion, nor does it address its competence to address such highly technical network issues.¹⁰ The two major network vendors, Nortel and Lucent, do not share the Alliance’s opinions, as each has advised the Commission that a major network re-design would be required to implement a call-back capability.¹¹

Mr. Richard C. Levine of Beta Scientific Laboratory proposes a new “solution” to the call back issue — namely, a variation of a pseudo-number approach that uses his patented “System

⁹ Wireless Consumers Alliance Comments, *Revision of the Commission’s Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, CC Docket No. 94-102, at 2-3 (July 9, 2001).

¹⁰ The Alliance’s reference to two patents obtained by GTE Mobinet (*id.* at n.3) does not prove that a solution is feasible. The fact that a cellular provider patented a *process* does not mean that there exists a workable solution to implement the process or that the solution can be implemented in a cost effective manner for other types of wireless services.

¹¹ See Sprint PCS Comments, *Revision of the Commission’s Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, CC Docket No. 94-102, Exhibits 1 and 2 (July 9, 2001).

Beta.”¹² System Beta would require unknown modifications to all mobile switching centers (“MSCs”), the installation of a “new data base(s) and switch” known as an “orphanage MSC/HLR,” and numerous upgrades to PSAP customer premises equipment (“CPE”) (including apparently, SS7 signaling capabilities).¹³ In addition, it appears that Mr. Levine’s system will not work unless certain non-initialized handsets are upgraded.¹⁴

Mr. Levine has acknowledged that this System Beta will cost \$7 billion to implement.¹⁵ He states that he is willing to make this sizable investment and provide a call back capability to carriers “without charge.”¹⁶ However, in order to use his patented \$7 billion system for free, carriers must purchase other, unspecified services from Mr. Levine:

The inventor offers to make certain specific aspects of the system noted (installation and operation of the orphanage MXC/HLR, and MIN value changes for those cellular radiotelephones that require physical handling) available to the service providers and the public without charge (and without patent royalty charges), provided that all other aspects of the new technology are implemented and used by the telephone industry, even those aspects beyond the scope of the present document. Please note that certain other aspects of the invention, beyond the specific emergency call back issue addressed in this document, are expected to be revenue-producing for Beta, which is the economic basis for providing specific services free of charge.¹⁷

There are numerous, obvious flaws with Mr. Levine’s proposal. Notably, like the other proposed solutions, there is no assurance that this proposal is even technically feasible. The system has not been tested, or even fully developed. Mr. Levine’s submission did not include

¹² See Richard Levine/Beta Scientific Laboratory Comments, *Revision of the Commission’s Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, CC Docket No. 94-102 (July 9, 2001).

¹³ *Id.* at 2-4.

¹⁴ See *id.* at 4 ¶ 8.

¹⁵ See www.betalab.org.

¹⁶ See Richard Levine/Beta Scientific Laboratory Comments, *Revision of the Commission’s Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, CC Docket No. 94-102, at 5 ¶ 13 (July 9, 2001).

any statements by a vendor or manufacturer addressing the network modifications necessary to implement his system.

There are numerous unanswered questions on the costs of this proposal. There is no statement on how the \$7 billion in financing would be obtained. The Commission cannot seriously consider the proposal without having Mr. Levine specify the services, and the attendant cost, that carriers would be required to purchase in return for this “free” service. Finally, the system would apparently require that PSAPs upgrade their CPE to become SS7 compatible. The 6,000 PSAPs may resist having this obligation imposed upon them for a non-verified problem.

It is clear that technical concerns surrounding the call back issue have not been completely addressed. Enhanced 911 is a vital issue and all of the parties involved become frustrated when implementation is delayed because of the technical difficulties associated with major network modifications and enhancements. Every major wireless carrier has sought relief from the Phase II deadlines, in large part because technical issues were not adequately addressed early in the process. Caution and experience dictate that before additional 911 requirements are imposed, the parties should first solve the technical problems associated with Phase I and Phase II.

Over 110 million Americans use mobile services today.¹⁸ These customers, and the public safety agencies, will reap tremendous benefits from the continued deployment of Phase I and Phase II enhanced services. The parties involved with 911 services (carriers, PSAPs and vendors) should concentrate on Phase I and Phase II deployment because this deployment will provide tangible benefits for the greatest number of users. These efforts, which will provide

¹⁷ *Id.* at 5 ¶ 13 (emphasis added). *See also id.* at 3 ¶ 6.

¹⁸ *See Annual Report and Analysis of Competitive Market Conditions With Respect to Commercial Mobile Services, Sixth Report*, at 5 (July 17, 2001).

relief to real concerns, should not be sidetracked by devoting time and resources to an unverified problem.

III. CONCLUSION

The Commission should decline to take any additional action on this matter. Since most donated phones are service initialized and can receive call back, there is no evidence that the lack of call back capability constitutes a problem. Even if a problem was demonstrated, Phase I and Phase II deployment will benefit many more users and should remain the top priority of all the parties involved.

Respectfully submitted,

SPRINT SPECTRUM, L.P. d/b/a Sprint PCS

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CERTIFICATE OF SERVICE

I, Tina Michelle Hall, CLA, hereby certify on that on this 8th day of August, 2001, I served a copy of the foregoing Reply Comments of Sprint Spectrum L.P. d/b/a Sprint PCS by First-Class United States Mail to the following:

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