

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

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

**COMMENTS OF THE
CELLULAR TELECOMMUNICATIONS & INTERNET ASSOCIATION**

The Cellular Telecommunications & Internet Association (“CTIA”),^{1/} pursuant to the Public Notice released August 6,^{2/} hereby submits its comments in support of the wireless E911 Phase II waiver request filed by ALLTEL Communications, Inc. (“ALLTEL”).^{3/} ALLTEL has requested a waiver of the Commission’s Phase II E911 rules to permit it to deploy an assisted-Global Positioning Satellite (“AGPS”) hybrid solution throughout its Code Division Multiplexing Access (“CDMA”) network.

ALLTEL’s request satisfies the Commission’s criteria for waivers of the Phase II E-911 rules. Consistent with the Commission’s stated position that its E911 rules should not “hamper

^{1/} CTIA is the international organization of the wireless communications industry for both wireless carriers and manufacturers. Membership in the association covers all Commercial Mobile Radio Service (“CMRS”) providers and manufacturers, including cellular, broadband PCS, ESMR, as well as providers and manufacturers of wireless data services and products.

^{2/} Public Notice, “WTB Seeks Comment on Wireless E911 Phase II Waiver Request Filed by ALLTEL Communications, Inc.,” CC Docket No. 94-102, (rel. Aug. 6, 2001).

^{3/} ALLTEL Communications, Inc. Petition for Waiver of Section 20.18(e) and (g) of the Commission’s Rules, filed July 25, 2001 (“ALLTEL Waiver Request”).

the development and deployment of the best and most efficient ALI technologies and systems,”^{4/} the Commission should grant ALLTEL’s waiver request.

DISCUSSION

The wireless industry is committed to providing the best possible Phase II E911 service to subscribers, but carriers can only do as much as the currently available wireless location technology permits them to do. The Commission itself has recognized that during the transition to full Phase II deployment, 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. It therefore established a process under which individual waivers could be granted. In addition to satisfying the Commission’s traditional standards for a waiver by showing that “special circumstances warrant a deviation from the general rules, and such a deviation will serve the public interest,”^{5/} carriers must demonstrate that “technology-related issues” or “exceptional circumstances” make it impossible for them to deploy Phase II by October 1, 2001.^{6/} Moreover, the relief sought by the carrier must be “specific, focused and limited in scope, ...with a clear path to full compliance” with the Commission’s Phase II rules.^{7/}

^{4/} Revision of the Commission’s Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, Memorandum Opinion and Order, 12 FCC Rcd 22665, 22725 ¶ 124 (Dec. 23, 1997).

^{5/} Revision of the Commission’s Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, Fourth Memorandum Opinion and Order, 15 FCC Rcd 17442, 17457 ¶ 43 (rel. Sept. 8, 2000) (“Fourth MO&O”) (citing Northeast Cellular Telephone Co. v. FCC, 897 F.2d 1164, 1166 (D.C. Cir. 1990) and WAIT Radio v. FCC, 418 F.2d 1153, 1159 (D.C. Cir. 1969)).

^{6/} Fourth MO&O at ¶ 43.

^{7/} Id. at ¶ 44.

Applying these standards, the Commission granted VoiceStream a waiver so that it could use E-OTD technology in combination with an interim network software solution “safety net.”^{8/} The Commission found that VoiceStream’s proposal could offer “significant public safety benefits” by rapidly providing increased accuracy and reliability during the transition period from Phase I to Phase II, and even more precise levels of accuracy after that.^{9/} The Commission also found that VoiceStream faced “special circumstances” because of the limited technologies available for carriers using the GSM air interface.^{10/}

Like VoiceStream, ALLTEL’s waiver request clearly satisfies the standards established by the Commission for waivers of the Phase II E-911 rules. As ALLTEL explains, there is no solution that can be implemented by the established deadlines that can meet the Commission’s Phase II accuracy requirements.^{11/} ALLTEL has chosen the AGPS solution because “other non-AGPS technologies do not adequately address the technical and regulatory compliance challenges presented by ALLTEL’s diverse, and in particular, rural markets.”^{12/} Furthermore, the AGPS solution “will provide substantially more accurate ALI to PSAPs in rural and

^{8/} Id. at ¶¶ 59-60.

^{9/} Id. at ¶¶ 57-59.

^{10/} Id. at ¶ 56.

^{11/} See ALLTEL Waiver Request at 11-19.

^{12/} Id. at 9. After a thorough review of the state of ALI technology, ALLTEL noted its choice of an AGPS solution in its E-911 Phase II Technology report filed with the Commission on November 9, 2000. ALLTEL noted in its Phase II report that the availability of network elements and handsets from vendors might prevent strict compliance with the Phase II deployment deadlines prescribed by the Commission. See Phase II Technology Report of ALLTEL Communications, Inc., CC Docket No. 94-102 (filed Nov. 9, 2000).

suburban areas,” which comprise a substantial portion of ALLTEL’s coverage area, and “the public safety benefits of more accurate ALI . . . will inure to *all* of ALLTEL’s customers.”^{13/}

The relief ALLTEL requests in order to implement its chosen technology is “specific and limited,” with a “clear path to full compliance” after a reasonable transition period. In particular, ALLTEL has requested to deploy AGPS on a timeline that is based upon the availability of Phase II compliant AGPS software and equipment from ALLTEL’s various network and handset vendors.^{14/} Because ALLTEL has satisfied the requirements for a waiver of the Phase II E911 implementation rules, the Commission should grant ALLTEL the relief it seeks.

Granting ALLTEL a waiver of the Phase II rules is also consistent with the Commission’s policy of technological neutrality for E-911. As the Commission has explained, “there is no single perfect ALI solution. Each has its advantages and limitations. Each may be improved in the future. Under these circumstances, we believe that the public interest and public safety will best be served by allowing a broad range of technologies, including handset-based opportunities, a reasonable opportunity to compete in providing 911 ALI.”^{15/} Granting limited waivers of the Phase II rules to individual wireless carriers is simply a further extension of this policy, which recognizes that every wireless carrier will face unique circumstances as it transitions from Phase I to Phase II and no single Phase II solution will work in each of these situations.

^{13/} Id. at 30.

^{14/} See ALLTEL Waiver at 21-23.

^{15/} Revision of the Commission’s Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket 94-102, Third Report and Order, 14 FCC Rcd 17388, 17404-05 ¶ 33 (Oct. 6, 1999).

CONCLUSION

For the reasons set forth above, the Commission should grant ALLTEL's Phase II E911 waiver request.

Respectfully Submitted,

/s/

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