

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

RECEIVED

SEP 4 2001

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

_____)
In The Matter Of)
)
Revision of the Commission's)
Rules to Ensure Compatibility with)
Enhanced 911 Emergency Calling Systems)
_____)

CC Docket No. 94-102 |

DOCKET FILE COPY ORIGINAL

**REPLY COMMENTS OF QUALCOMM INCORPORATED IN SUPPORT OF
REQUEST OF SPRINT PCS FOR TEMPORARY AND LIMITED WAIVER**

QUALCOMM Incorporated ("QUALCOMM") hereby replies in support of the request of Sprint PCS for a temporary and limited waiver of the deadlines for deployment of Phase II E9-1-1 service so that it can deploy an assisted GPS solution on a schedule based upon the availability of switch and cell software releases from its infrastructure vendors and of compliant handsets from its handset vendors. In particular, QUALCOMM responds herein to the comments filed by APCO, NENA, and NASNA regarding the Sprint PCS request for a temporary and limited waiver.

I. Sprint PCS Has Chosen a Technology Which Will Meet the Commission's Accuracy Rules for Handset Solutions

The APCO/NENA/NASNA Comments fail even to mention that Sprint PCS, unlike carriers such as AT&T and Cingular, has not sought any waiver of the Commission's accuracy rules. This omission is remarkable. Sprint, a major national wireless carrier, is committed to implementing a location technology which will produce the highest levels of accuracy possible, a solution which will give the police and other public safety officials the degree of accuracy they can use to save lives. That has been the goal of the Commission and the public safety community for many years.

No. of Copies rec'd
ENCLOSURE

014

Moreover, Sprint PCS, alone among the major national carriers, will have actually deployed this worthwhile technology in a First Market Application in the State of Rhode Island prior to October 1, 2001. It is thus surprising, unfair, and downright wrong that APCO, NENA, and NASNA fault Sprint PCS throughout their Comments and ask the Commission not to grant Sprint's waiver request on the basis of the record as it now stands. See APCO/NENA/NASNA Comments at Pg. 6. Sprint PCS deserves praise, not criticism, from the public safety community for choosing a technology that complies with, and indeed exceeds, the Commission's accuracy rules for handset solutions, rules which are significantly more stringent than those for network solutions, and for committing to the first widespread deployment of this technology in advance of the Commission's October 1, 2001 deadline.

It is equally unfair for APCO, NENA, and NASNA to fault Sprint PCS for its desire to sell phones with QUALCOMM's MSM5100 chipset, which will incorporate QUALCOMM's position location technology and the capability to provide 3G services at data rates of 307 kbps. APCO/NENA/NASNA Comments at 2. The fact is that Sprint PCS stated in its waiver request that it anticipates selling over 5 million handsets by the end of 2002 with position location capability. Sprint PCS Waiver Request at Pg. ii. This is a very significant commitment by a major nationwide carrier to the widespread deployment of position location technology which should enable the police and other entities to enhance the public safety to a substantial degree. It is true that as Sprint PCS deploys the assisted GPS technology, Sprint PCS will also be deploying CDMA2000 1x, the 3G technology which will enable subscribers using phones containing the MSM5100 chipset to achieve the foregoing data rates for 3G services. However, as Sprint PCS has noted in its waiver request, this 1x technology will also double the voice capacity of Sprint's network and will substantially improve its network's coverage, thereby

reducing the number of dropped calls. See id. at Pgs. 6, 12. In short, Sprint PCS has demonstrated both its commitment to implementing the most accurate position location technology while at the same time deploying a 3G solution which will enable it to provide better service to its customers. Sprint PCS is proceeding with the deployment of assisted GPS while it also is working on the deployment of 1x. This is certainly no basis to fault or chastise Sprint PCS.¹

II. There Is No Valid Reason to Deny the Sprint PCS Waiver Request

There is no valid reason to deny the Sprint PCS limited waiver request. APCO, NENA, and NASNA ask in their Comments for additional information about the request, such as the number of subscribers served by Lucent or Nortel switches and a report on the First Market Application, but none of their requests for additional information are a sufficient basis to deny the waiver request. See APCO/NENA/NASNA Comments at Pg. 3. Sprint PCS explained in detail in its waiver requests the need for a waiver due to the delivery schedules of switch and

¹By contrast, the statement in AT&T's Comments that "there is a direct relationship between accuracy performance, channel width, and the air interface in question, *i.e.*, more accurate results can be obtained on a CDMA system with 1,200 kilohertz channels than on systems using narrower channels like TDMA (20 kilohertz)" is misleading. AT&T Comments at Pg. 1. Higher bandwidth (channel size) has nothing to do with the accuracy of assisted GPS; AT&T could deploy assisted GPS using technology developed by QUALCOMM and achieve results which would be much more accurate than produced by MNLS. Higher bandwidth can produce greater resolution, but not greater accuracy. The testing by QUALCOMM and its SnapTrack subsidiary has proven that assisted GPS works on the PDC air interface at levels of accuracy which meet the FCC's mandate and far exceed the levels produced by MNLS, even though PDC, like TDMA, has narrow channels. Ironically, this testing, and the later deployment of assisted GPS on PDC, occurred over the PDC cellular system operated by DoCoMo, AT&T's major equity investor and strategic partner. The Commission should reject AT&T's request for a waiver of the accuracy rules to deploy deficient technologies rather than assisted GPS or some other compliant technology, as opposed to Sprint PCS which is complying with the accuracy rules.

handset vendors. The APCO/NENA/NASNA Comments do not undermine or contradict the showing made by Sprint PCS.

Similarly, APCO, NENA, and NASNA ask that Sprint PCS explain why it is not proposing an interim solution (Comments at Pg. 4), but the Commission's rules do not require any such interim solution, and since any such solution would have accuracy that would be substantially inferior to that produced by the assisted GPS solution chosen by Sprint PCS, it is apparent that the public would benefit more if Sprint PCS devoted its resources to working with its vendors to accomplish the deployment of the assisted GPS solution as quickly as possible. APCO, NENA, and NASNA also ask why Sprint PCS has not offered a "contingency plan" to back up its deployment of assisted GPS, but the record of this proceeding shows that there is no need for any such "contingency plan." The same technology which Sprint PCS will deploy has been deployed in Japan over the KDDI cellular network since April 2001, and the results have been very successful. See Ex Parte Letters of April 25, 2001 and August 13, 2001. The technology itself involves ranging measurements taken by a handset both from GPS satellites and from the wireless network; if measurements cannot be taken from the GPS satellite because of the location of the caller, the handset will still take a measurement from the wireless network, and the caller will still be located. Thus, the technology itself has an inherent "contingency plan," and there is no need for Sprint PCS to do anything other than deploy it as quickly as possible given the constraints of its vendors' delivery schedules.

Finally, APCO, NENA, and NASNA ask that the Commission not take action on the implementation schedule proposed by Sprint PCS. APCO/NENA/NASNA Comments at Pg. 4. It is unclear how it would speed the deployment of this Phase II technology for the Commission

to defer ruling on the schedule proposed by Sprint PCS. APCO, NENA, and NASNA have not shown anything wrong with this schedule, and thus, the Commission should approve it.

It bears repeating that, as QUALCOMM has maintained in its other filings in this proceeding, QUALCOMM has no interest in any delay in the deployment of its assisted GPS technology and will certainly take all steps at its disposal to speed such deployment. Sprint PCS is on a clear path to deploy this highly worthwhile technology. The Commission should grant the modest, limited waiver request made by Sprint PCS, which is necessary due to circumstances beyond the control of Sprint PCS, so that Sprint PCS can focus all of its resources on bringing this valuable new safety service to the public as quickly as possible.

III. Conclusion

Wherefore, for the foregoing reasons, QUALCOMM respectfully requests that the Commission grant the request for a limited waiver filed by Sprint PCS.

Respectfully submitted,

By: 

Dean R. Brenner
CRISPIN & BRENNER, P.L.L.C.
1156 15th Street, N.W.,
Suite 1105
Washington, D.C. 20005
(202) 828-0155
Attorney for QUALCOMM Incorporated

Dated: September 4, 2001

CERTIFICATE OF SERVICE

I, Dean R. Brenner, do hereby certify that a true and correct copy of the foregoing "Reply Comments of QUALCOMM Incorporated in Support of Request of Sprint PCS for Temporary and Limited Waiver" was served by mail this 4th day of September 2001 to:

Hon. Michael Powell
Chairman
Federal Communications Commission
445 12th Street, S.W.
Room 8-B201
Washington, D.C. 20554

Hon. Kathleen Q. Abernathy
Commissioner
Federal Communications Commission
445 12th Street, S.W.
Room 8-A204
Washington, D.C. 20554

Hon. Michael J. Copps
Commissioner
Federal Communications Commission
445 12th Street, S.W.
8-A302
Washington, D.C. 20554

Hon. Kevin J. Martin
Commissioner
Federal Communications Commission
445 12th Street, S.W.
Room 8-C302
Washington, D.C. 20554

Thomas J. Sugrue, Esq.
Chief
Wireless Telecommunications Bureau
Federal Communications Commission
Room 3-C252
445 12th Street, S.W.
Washington, D.C. 20554

Kris A. Monteith, Esq.
Chief
Policy Division
Wireless Telecommunications Bureau
Federal Communications Commission
Room 3-C124
445 12th Street, S.W.
Washington, D.C. 20554

Thomas Navin, Esq.
Deputy Chief
Policy Division
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street, S.W.
Room 5-C142
Washington, D.C. 20554

Patrick Forster
Policy Division
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Luisa L. Lancetti, Esq.
Vice President, PCS Regulatory Affairs
Sprint PCS
401 9th Street, N.W.
Suite 400
Washington, D.C. 20004

Charles W. McKee, Esq.
General Attorney
Sprint PCS
6160 Sprint Parkway
Mail Stop: KSOPHIO414-4A325
Overland Park, KS 66251

Robert M. Gurss, Esq.
Shook, Hardy & Bacon, LLP
600 14th St., N.W.
Suite 800
Washington, D.C. 20005
Attorney for Association of Public-Safety Communications
Officials-International, Inc.

James R. Hobson, Esq.
Miller & Van Eaton, P.L.L.C.
1155 Connecticut Ave., N.W.
Suite 1000
Washington, D.C. 20036
Attorney for National Emergency Number Association

Howard J. Symons, Esq.
Michelle M. Mundt, Esq.
Bryan T. Bookhard, Esq.
Mintz, Levin, Cohn, Ferris, Glovsky
and Popeo, P.C.
701 Pennsylvania Ave., N.W.
Suite 900
Washington, DC 20004
Attorneys for AT&T Wireless Services, Inc.

Douglas I. Brandon, Esq.
Vice President-External Affairs
AT&T Wireless Services, Inc.
1150 Connecticut Ave., N.W.
Suite 400
Washington, DC 20036

Qualex International (copy on diskette)
Room CY-B402
445 12th Street, SW
Washington, DC 20554

Michael Altschul, Esq.
Sarah Leeper, Esq.
CTIA
1250 Connecticut Ave., N.W.
Washington, DC 20554

A handwritten signature in black ink, appearing to read "R. Brenner", written over a horizontal line.

Dean R. Brenner