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WTB SEEKS COMMENT ON WIRELESS E911 PHASE II WAIVER REQUEST FILED BY CINGULAR WIRELESS, LLC

CC DOCKET NO. 94-102

Comments Due: September 19, 2001

Reply Comments Due: September 26, 2001

The Federal Communications Commission's (Commission's) rules require wireless carriers to begin to deploy the capability to identify the precise location of wireless 911 calls beginning on October 1, 2001, provided that certain conditions are met.¹ This capability is called Phase II Automatic Location Identification (ALI). The Phase II rules establish deployment schedules and set accuracy and reliability requirements for both handset-based and network-based ALI technologies.²

On July 6, 2001, Cingular Wireless LLC (Cingular) requested a waiver of the E911 Phase II rules to permit it to deploy a hybrid network and handset-based technology called Enhanced Observed Time Difference of Arrival (E-OTD) throughout its Global System for Mobile Communications (GSM) networks and a switch-based location technology for its Time Division Multiple Access (TDMA) networks. On July 11, 2001, the Wireless Telecommunications Bureau released a Public Notice seeking comment on Cingular's request.³ Before the date for comments on the Cingular petition became due, on July 24, 2001, Cingular filed a notice withdrawing its request for waiver with respect to its TDMA networks.⁴ Cingular indicated that it was in the process of concluding tests that would validate the switch-based location technology it planned to deploy on its TDMA networks and that once these tests were complete, it would resubmit a waiver request for its TDMA networks.

¹ See 47 C.F.R. §§20.18(e)-(j).

² 47 C.F.R. §§20.18(f)-(h).

³ *WTB Seeks Comment on Wireless E911 Waiver Request Filed by Cingular Wireless, LLC*, DA 01-1628, Public Notice (rel. July 11, 2001).

⁴ *Cingular Wireless LLC – Withdrawal of TDMA Portion of its Petition for Limited Waiver of Sections 20.18(e)-(h)*, CC Docket 94-102 (filed July 24, 2001).

On August 30, 2001, Cingular resubmitted its waiver request with respect to its TDMA networks.⁵ Cingular requests a waiver that would authorize it to deploy TruePosition's network-based location technology in its TDMA Advanced Mobile Phone Service (AMPS) networks. Cingular claims that TruePosition has guaranteed that its technology will meet the Commission's accuracy requirements for network-based solutions. Cingular indicates that TruePosition has committed to deploying its technology on 2000 of Cingular's TDMA AMPS cell sites in 2002, which, according to Cingular, should be sufficient to satisfy all valid, outstanding PSAP requests for Phase II information. From that point forward, Cingular asserts that it will be able to deploy its Phase II solution in its TDMA AMPS markets within 6 months of a valid PSAP request. Cingular asserts that TruePosition's solution will give it the capacity to be fully deployed on its TDMA AMPS networks by late fourth quarter 2004/early first quarter 2005, dependent upon PSAP requests.

Cingular states that it has not tested the current version of TruePosition's technology on a TDMA/AMPS network and would not be able to do so without delay. Accordingly, Cingular seeks contingent enforcement relief in the event that TruePosition's accuracy and deployment commitments cannot be met.

Cingular claims that the public interest would be served by a grant of its waiver request because the network-based solution it has chosen will supply location information for TDMA subscribers, analog subscribers and roamers. Cingular asserts that no other type of technology can supply location information to these three types of callers.

We seek comment on this waiver request. Parties interested in filing comments may do so on or before **September 19, 2001** and reply comments on or before **September 26, 2001**.

This is a "permit but disclose" proceeding pursuant to § 1.1206 of the Commission's Rules.⁶ Presentations to or from Commission decision-making personnel are permissible provided that *ex parte* presentations are disclosed pursuant to 47 C.F.R. § 1.1206(b).

Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the docket number of this proceeding. Parties that choose to file by paper must file an original and four copies of each filing with the Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554, and a diskette copy with the Commission's copy contractor International Transcription Service, Inc. (ITS), Room CY-B400, Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554. The filing should include the docket number of this proceeding: CC Docket No. 94-102. Filings and comments are also available for inspection and copying during regular business hours in the Reference Information Center, Federal Communications Commission, Court Yard Level, Room CY-A257, 445 12th Street, S.W., Washington, D.C. or may be purchased from ITS.

For further information concerning this proceeding, contact Jennifer Salhus, Policy Division, Wireless Telecommunications Bureau, at (202) 418-1310.

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⁵ *Cingular Wireless LLC Petition for Limited Waiver of Section 20.18(f)*, CC Docket 94-102 (filed August 30, 2001).

⁶ 47 C.F.R. § 1.1206.