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September 26, 2001

Magalie Roman Salas, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Room TW-A325
Washington, DC 20554

Re: CC Docket No. 94-102, DA 01-1836
Notice of Permitted *Ex Parte* Presentation
Verizon Wireless Request for Limited Waiver of the Commission's Phase
II Rules

Dear Ms. Salas:

Cellco Partnership d/b/a Verizon Wireless ("Verizon Wireless"), by its attorney, hereby notifies the Commission of a meeting yesterday between: Commissioner Kathleen Abernathy; Bryan Tramont, Senior Legal Advisor for Commissioner Abernathy; John Scott, Vice President and Deputy General Counsel -- Regulatory Law, Verizon Wireless; and Kathy Zachem of Wilkinson Barker Knauer, LLP, counsel for Verizon Wireless. The instant filing is submitted in accordance with Section 1.1206(b) of the Commission's rules.

The subject of the meeting was the pending above-referenced Phase II waiver request, focusing primarily on Verizon Wireless' proposed Phase II implementation schedule. The participants also discussed issues regarding Verizon Wireless' current levels of analog-only subscribership and the anticipated availability of Phase II service to existing analog-only subscribers. In this regard, participants discussed Verizon Wireless' September 20, 2001 *ex parte* presentation, a copy of which is attached hereto.

Participants also discussed Verizon Wireless' interim proposed solution to deploy Grayson Wireless' network-based Phase II technology in three metropolitan areas, as well as the company's interaction with representatives of the PSAP community on this issue. (A copy of the September 10, 2001 correspondence from Ted Hoffman, Vice President of Technical Development to Mr. John Melcher, Greater Harris County 9-1-1 Emergency Network is attached.) Participants discussed the technical challenges involved and implementation measures

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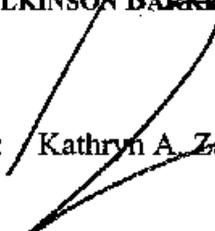
required to meet these proposed target dates for deployment of Grayson's network-based solution in these markets.

Finally, participants discussed potential mechanisms to promote compliance with wireless carriers' proposed implementation schedules.

Please contact the undersigned should you have questions regarding this matter.

Respectfully submitted,

WILKINSON BARKER KNAUER, LLP

By:  Kathryn A. Zachem

cc: Commissioner Abernathy
Bryan Tramont
Kris Monteith
Thomas Navin
Dan Grosh
Jane Phillips
Martin Liebman

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OFFICE OF THE SECRETARY

September 20, 2001

Magalie Roman Salas, Secretary
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Room TW-A325
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Re: CC Docket No. 94-102, DA 01-1836
Notice of Permitted *Ex Parte* Presentation
Verizon Wireless Request for Limited Waiver of the Commission's Phase
II Rules

Dear Ms. Salas:

Cellco Partnership d/b/a Verizon Wireless ("Verizon Wireless" or the "Company"), by its attorney, hereby notifies the Commission of permitted *ex parte* discussions between the undersigned and Thomas Navin, Deputy Chief of the Wireless Telecommunications Bureau's Policy Division. These discussions took place yesterday September 19, 2001, and Tuesday, September 18, 2001. An original and two copies of the instant filing are submitted pursuant to Section 1.1206(b) of the Commission's rules.

The subject of the discussions was Verizon Wireless' pending Phase II waiver request and, in particular, confirmation of the Company's commitment to comply with its obligations to transition its embedded base of subscribers, including analog subscribers, to ALI-capable handsets. The Commission imposed both interim benchmarks accounting for *all* new handset activations and a requirement to achieve 95 percent penetration of location-capable handsets among its embedded base of subscribers by December 31, 2005.¹ Verizon Wireless' reply comments of August 31, 2001 discussed the extent to which Verizon Wireless provides analog cellular service. To confirm, Verizon Wireless' digital coverage is expected to reach nearly 100 percent of its service areas by the end of 2003, its number of customers with analog-only handsets is steadily declining, and the Company will introduce and marketing and targeted

¹ See Verizon Wireless, Updated Phase II E911 Report and Request for Limited Waiver, CC Docket No. 94-102, filed July 25, 2001, at 14, 20; 47 C.F.R. §§ 20.18(g)(1)(ii)-(iii) (the "interim benchmarks") and (g)(1)(v) (the "2005/95 percent requirement").

incentives encouraging customers to acquire ALI-capable handsets.² These implementation efforts and market trends discussed in its reply comments will assist in ensuring that Verizon Wireless will meet the interim benchmarks and, ultimately, the prescribed 95 percent penetration level.

Verizon Wireless' manner of addressing non-ALI capable handsets is as the Commission intended. The Commission "recogniz[ed] that handset-based solutions present problems in achieving universal coverage, because callers without ALI-capable handsets, such as roamers and those using older handsets, might not receive Phase II ALI" but nevertheless determined "that concerns associated with non-ALI-capable handsets and roamers can be addressed and minimized or eliminated within a reasonable time."³ In adopting the 2005/95 percent requirement the Commission sought to "ensure that the public safety goals of this proceeding are achieved within a reasonable period *regardless of normal handset churn*" and ensure "that Phase II extends to all wireless callers as quickly as is reasonably possible."⁴ In fact, the 100 percent new activation benchmark of the Commission's rules applies only to *digital* handsets, thus underscoring the Commission's expectation that the embedded base of analog handsets would be phased out over time.

Thus, in adopting interim benchmarks and the 2005/95 percent requirement, the Commission directly addressed concerns that handset-based solutions might not adequately account for a carrier's non-ALI capable handsets. The Commission's treatment of comments in this proceeding further underscores this point. Opponents of handset-based solutions argued that handset-based solutions should not be allowed because of their inability to immediately provide Phase II capabilities for the embedded base of handsets, and the Commission expressly acknowledged these concerns.⁵ In spite of these arguments, the Commission concluded that "the benefits of a reasonable a phase-in approach for handset-based ALI solutions justify and outweigh the drawbacks, including any possible additional delays in ALI deployment."⁶ As a related matter, proponents of handset-based solutions argued that handset churn would ensure expeditious deployment of ALI-capable handsets among a carrier's embedded base of subscribers.⁷ The Commission struck a balance between these two approaches by adding a

² See Reply Comments of Verizon Wireless, CC Docket No. 94-102, filed August 31, 2001, at 7, 9.

³ See *Revision of the Commission's Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Third Report and Order*, 14 FCC Rcd 17388, 17404 ¶ 31 (1999).

⁴ See *Third Report and Order*, 14 FCC Rcd at 17412 ¶ 52 (emphasis added), *modified in relevant part, Fourth Memorandum Opinion and Order*, 15 FCC Rcd 17442, ¶ 36 (2000) (extending requirement one year from December 31, 2004 to December 31, 2005).

⁵ See *Third Report and Order* at 17399 ¶ 20, 17404 ¶ 31; Comments of TruePosition in CC Docket No. 94-102, filed June 17, 1999, at 5-6 and n.10.

⁶ See *Third Report and Order* at 17399 ¶ 21.

⁷ See Comments of SnapTrack in CC Docket No. 94-102, filed June 17 1999, at 16.

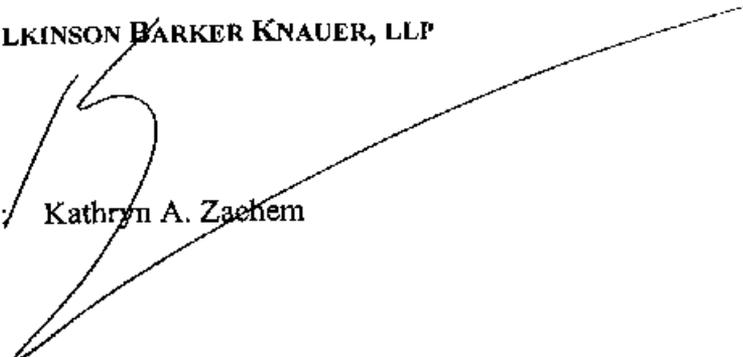
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2004/100 percent embedded base requirement (later amended to 2005/95 percent) as a
"backstop" approach.⁸

Please contact the undersigned should you have questions regarding this matter.

Respectfully submitted,

WILKINSON BARKER KNAUER, LLP

By:  Kathryn A. Zaehem

cc: Kris Monteith
Thomas Navin
Dan Grosh
Jane Phillips
Martin Liebman

⁸ See *id.*

September 10, 2001

Mr. John Melcher
Greater Harris County 9-1-1 Emergency Network
602 Sawyer, Suite 710
Houston, TX 77077

Dear Mr. Melcher:

I understand from John Scott that you're looking for an explanation of why Verizon Wireless cannot convert the "proof of concept" system it used to trial the E911 Phase II technology in Houston to a live system by October 1, 2001. I know that you have already spoken to our engineer who is managing these Phase II network deployments, but let me add an additional assurance. Let me first say that we're proud to have worked with you and the various vendors to successfully complete the nation's first end-to-end Phase II call to a PSAP. Previous to this only the system components had faced lab and field trials; we specifically selected Harris County because of the experience you've had in rolling out these new technologies.

As you know, however, there were a number of steps we took in the Houston trial to prove the technology that cannot be used to provide reliable, commercial emergency service to the public.

- We used a different MPC service bureau, different than the firm currently providing Phase I service
- To isolate test calls from the live Phase I network we placed and routed test calls made via 9-2-2 rather than 9-1-1
- We used the switch and cell software patches that were available at the time
- We did not engineer nor install redundancy or alarms
- We used temporary connections using dial-up facilities as opposed to permanent frame relay connections

We took these steps so that we could quickly test. But in short, each of these temporary measures needs to be corrected before production 9-1-1 service can be launched.

You've wondered why we couldn't convert the 30 sites used for the trial to a live system immediately while we work to equip the remaining 170 sites. A wholly unique and untested configuration would be required to provide Phase II service to this limited area and at the same time continue to provide reliable Phase I service to the remaining system. A new combination of switch and cell translations would be required in conjunction with coordination of both MPC vendors. The development and testing efforts required to put the 30 cell sites in service, even if possible would delay our commitment to equip your entire system for Phase II capability within the period we committed.

We know what we have to do. We assure you that given the magnitude of your needs, your system deployment is our top priority. We committed in our FCC filing that we would provide the network solution to Greater Harris County and committed to serve 100% of your area by April 1, 2002, a full 6 months ahead of schedule. We know that you too, have worked hard to see Phase II implemented. We will attempt to improve upon our schedule as we proceed to implement your Phase II enhancements for the residents of Harris County.

I hope this explanation helps. If you have any further questions, please call Jim Elter, (908) 607-8098 or me.

Sincerely,

Ted L. Hoffman
Vice President
Technical Development