

**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 September 19, 2001,^{2/} hereby submits its comments in support of the wireless E911 Phase II waiver request filed by AT&T Wireless Services, Inc. (“AT&T”).^{3/} AT&T has requested a limited waiver of the Commission’s Phase II E911 rules to permit it to deploy a network-based technology throughout its Time Division Multiple Access (“TDMA”) network.^{4/}

^{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 AT&T Wireless Services, Inc.,” CC Docket No. 94-102 (rel. Sept. 19, 2001).

^{3/} *Ex Parte* Letter from Douglas I. Brandon, AT&T Wireless Services, Inc. to Thomas Sugrue, Chief, Wireless Telecommunications Bureau, CC Docket No. 94-102, filed Sept. 17, 2001 (“AT&T Amended Waiver Request”).

^{4/} CTIA also supported a Phase II waiver request filed by AT&T on April 4, 2001 that would permit it to deploy a hybrid network and handset-based solution called Enhanced Observed Time Difference of Arrival (“E-OTD”) solution throughout its planned Global System for Mobile Communications (“GSM”) network, and a solution called Mobile-Assisted Network Location System (“MNLS”) throughout its TDMA network. AT&T Wireless Services Inc. Request for Waiver of the E911 Phase II Location Technology Implementation Rules, CC Docket No. 94-102 (filed April 4, 2001) (“AT&T Waiver Request”).

AT&T'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 the development and deployment of the best and most efficient ALI technologies and systems,"^{5/} the Commission should grant AT&T'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,"^{6/} carriers must demonstrate that "technology-related issues" or "exceptional circumstances" make it impossible for them to deploy Phase II by October 1, 2001.^{7/} 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.^{8/}

^{5/} 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).

^{6/} 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)).

^{7/} Fourth MO&O at ¶ 43.

^{8/} Id. at ¶ 44.

AT&T's request to deploy either TruePosition or Grayson Wireless network-based technology clearly satisfies the standards established by the Commission for waivers of the Phase II E-911 rules. As AT&T explains, it has been unable to identify another commercially available solution capable of providing a path to full compliance for its TDMA network.^{9/} Based upon the vendor's guarantee, AT&T determined that the proposed technology "will satisfy the Commission's accuracy requirements."^{10/} The relief AT&T requests in order to implement its chosen technology is "specific and limited," with a "clear path to full compliance" after a reasonable transition period. Because AT&T has satisfied the requirements for a waiver of the Phase II E911 implementation rules, the Commission should grant AT&T the relief it seeks.

Granting AT&T 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."^{11/} 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.

^{9/} AT&T Amended Waiver Request at 1. This waiver request supersedes a previous waiver request filed last April, in which AT&T proposed to use MNLS for its TDMA network. AT&T has determined that it will be unable to successfully implement its original TDMA solution, and will pursue the proposed alternative TDMA solution.

^{10/} Id. at 3.

^{11/} 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 AT&T's Phase II E911 waiver request.

Respectfully Submitted,

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