

**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)	
)	

REPLY COMMENTS OF AT&T WIRELESS SERVICES, INC

AT&T Wireless Services, Inc. ("AWS") hereby replies to the comments filed by APCO, NENA and NASNA (collectively, "the Public Safety Entities") regarding its modified request for waiver of the Phase II E911 rules with regard to the TDMA portion of its network.^{1/}

While characterizing AWS's modified TDMA waiver request as a "substantial improvement" over Mobile-Assisted Network Location System ("MNLS"), the Public Safety Entities contend that AWS's request came "late in the process, just two weeks before October 1, 2001, when carriers were to begin Phase II deployment." They also claim that AWS's "prior missteps" and "steadfast refusal" until recently to modify its waiver request will "postpone actual Phase II deployment on [its] network[] until 15 months after October 1, 2001."^{2/} As demonstrated below, these arguments are totally without merit.

^{1/} See 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. September 19, 2001). The Cellular Telecommunications & Internet Association ("CTIA") also filed comments in support of AWS's waiver request. See Comments of CTIA (filed October 4, 2001).

^{2/} Comments of APCO, NENA, and NASNA in Response to Revised Request for Waiver of AT&T Wireless Services, Inc., at 2-3 (filed October 4, 2001) ("Comments of the Public Safety Entities").

As a threshold matter, the Public Safety Entities' suggestion that AWS delayed its Phase II compliance efforts until weeks before the deadline is baseless and insulting.^{3/} As the Public Safety Entities are well aware, AWS filed a request for a waiver in order to use MNLS as the Phase II E911 solution for its TDMA network over six months ago.^{4/} Prior to filing the waiver request, AWS spent years identifying, investigating, analyzing, and conducting field trials of multiple potential location service technologies, including network overlay solutions (MNLS, TDOA, AOA, and combinations of TDOA and AOA); radio frequency pattern matching technology; handset-based solutions (GPS standalone and GPS Assisted); and hybrid solutions (E-OTD).^{5/} AWS also conducted countless vendor meetings, technology conferences, and site visits from 1999 through 2001 in pursuit of the best possible Phase II E911 technologies.^{6/} Despite AWS's lengthy and focused efforts, it was unable to identify any commercially available solution for its TDMA network that would satisfy the Commission's accuracy and timing requirements for Phase II.

It was because of the fundamental shortcomings of these technologies that AWS sought a waiver from the Commission to use MNLS. MNLS could be deployed much more quickly than the network-overlay technologies that AWS had tested, while providing ubiquitous, robust, and reliable Phase II service with accuracy comparable to those demonstrated in AWS's real-world field trials of other technologies. Contrary to the Public Safety Entities' contentions, it was

^{3/} Id. at 2.

^{4/} See 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) ("AWS Waiver Petition").

^{5/} Id. at 6.

^{6/} Id.

logical and in the best interest of AWS's subscribers to select MNLS for its TDMA network.^{7/} AWS submitted detailed test results to support its claims,^{8/} and even invited Commission staff to attend a demonstration of AWS's MNLS Phase II E-911 solution in Orlando, Florida.^{9/} AWS continues to believe that MNLS is by far the best Phase II solution for its TDMA customers. Despite the substantial evidence AWS submitted regarding the benefits of MNLS, however, it became clear that the public safety community was determined to oppose its use.

AWS could have decided to use a TDOA/AOA solution earlier in the process. But AWS's real-world field tests demonstrated that the Grayson and TruePosition technologies would not satisfy the Commission's accuracy standards for network-based solutions.^{10/} AWS was also concerned that the deployment of any network overlay solution would be subject to the construction and zoning delays associated with the addition of any new RF equipment to a wireless network.^{11/} Nonetheless, in the face of the Public Safety Entities' opposition to MNLS - - and in order to move forward with Phase II implementation -- AWS re-evaluated Grayson Wireless's and TruePosition's TDOA/AOA technologies, based upon representations from those vendors that the current versions of its technologies would, in fact, meet the Commission's accuracy requirements. As AWS indicated in its September 17 letter to the Commission, it is now engaged in contractual discussions with TruePosition and Grayson Wireless and expects to secure a contractual commitment shortly.

^{7/} Comments of the Public Safety Entities at 1.

^{8/} See Letter from Douglas I. Brandon, Vice President – External Affairs and Law, AT&T Wireless, to Ms. Magalie Roman Salas, Secretary, Federal Communications Commission (July 10, 2001); Supplemental Response of AT&T Wireless Services, Inc. to Order of the Wireless Telecommunications Bureau (filed June 12, 2001).

^{9/} See AT&T Wireless Services, Inc. Ex Parte Presentation filed September 7, 2001.

^{10/} See AWS Waiver Petition at Exhibits C-E.

Significantly, the Public Safety Entities now support AWS's and Cingular's decisions to move forward based on the vendors' guarantees that their location solutions will be able to meet the FCC's location requirements.^{12/} This is only fair, when, as Cingular has noted, the Commission and the Public Safety Entities originally "supported adoption of the current accuracy requirements based on the statements of vendors that their technologies work."^{13/} Cingular and AWS should now be entitled to rely on similar representations. While AWS does not seek blanket relief from future enforcement actions that might result from TruePosition's or Grayson's failure to satisfy their Phase II accuracy guarantees, if that situation should arise, AWS expects that the Commission will take into consideration AWS's willingness to forgo its preferred Phase II location solution for its TDMA network in order to address the public safety community's concerns regarding the accuracy of MNLS and move forward with Phase II implementation.^{14/}

^{11/} Id. at 9-10, 12-13.

^{12/} Comments of the Public Safety Entities at 4.

^{13/} Reply Comments of Cingular Wireless LLC, at 2 (filed September 26, 2001). The Public Safety Entities reference to "evidence in the record" that other technologies are available that are "far more accurate" than MNLS likewise can only be a reference to such vendor representations. Comments of the Public Safety Entities at 2.

^{14/} See News Release, FCC Acts on Wireless Carrier and Public Safety Requests Regarding Enhanced Wireless 911 Services, Separate Statement of Commissioner Kathleen Abernathy, at 4 (released October 5, 2001) (noting that it would be unreasonable for the Commission automatically to begin an enforcement action against a carrier because of a vendor's shortcomings).

CONCLUSION

The Commission should grant AWS's request for waiver of the Phase II implementation rules for its TDMA networks because AWS faces technology-related issues and special circumstances that make it impossible to deploy Phase II by October 1, 2001, and grant of its waiver is justified under these circumstances.

Respectfully submitted,

AT&T WIRELESS SERVICES, INC.

Howard J. Symons
Michelle M. Mundt
Bryan T. Bookhard
Mintz, Levin, Cohn, Ferris, Glovsky
and Popeo, P.C.
701 Pennsylvania Avenue, NW - Suite 900
Washington, D.C. 20004
202/434-7300

/s/ Douglas I. Brandon
Douglas I. Brandon
Vice President - External Affairs
1150 Connecticut Avenue, N.W.
Suite 400
Washington, D.C. 20036
202/223-9222

Of Counsel
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