

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Revision of the Commission’s Rules To)	CC Docket No. 94-102
Ensure Compatibility with Enhanced)	
911 Emergency Calling Systems)	
)	
Petition of City of Richardson, Texas)	
)	
)	

**COMMENTS OF
THE CELLULAR TELECOMMUNICATIONS & INTERNET ASSOCIATION**

The Cellular Telecommunications & Internet Association (“CTIA”)¹ hereby submits its comments in support of the petition filed by Sprint Spectrum L.P.d/b/a Sprint PCS (“Sprint PCS”)² for clarification and reconsideration of portions of the *Richardson Order*.³ CTIA agrees with Sprint PCS that to ensure that wireless enhanced 911 (“E-911”) service becomes operational as soon as possible, the Commission should clarify its rules on what constitutes a valid Public Safety Answering Point (“PSAP”) request triggering a wireless carrier's obligation to provide E-911 service.

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 *Sprint PCS Petition for Expedited Clarification and Reconsideration*, CC Docket No. 94-102 (filed Nov. 30, 2001) (“*Sprint PCS Petition*”).

³ *Revision of the Commission’s Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, CC Docket No. 94-102, *Richardson Order*, (Oct. 17, 2001) (“*Richardson Order*”).

I. INTRODUCTION

Sprint PCS has sought reconsideration and clarification of the Commission's new rules on the process by which a PSAP requests E-911 Phase II services. Consistent with the Commission's goals to "avoid the unnecessary expenditure of carrier and PSAP resources," the Commission should clarify its rules to "help ensure that none of the parties expends resources unnecessarily."⁴ CTIA agrees with Sprint PCS that granting a PSAP request for Phase II service where the PSAP has failed to verify that it will be capable of receiving or utilizing the Phase II data would serve only to frustrate Phase II implementation. Furthermore, requiring wireless carriers to deliver Phase II services when the PSAP will not be capable of utilizing the data within the six-month implementation period is a waste of resources.

II. THE COMMISSION SHOULD CLARIFY THE RICHARDSON ORDER TO EXPEDITE THE IMPLEMENTATION OF PHASE II SERVICES.

A. THE COMMISSION SHOULD TOLL THE SIX-MONTH PERIOD WHEN APPROPRIATE

CTIA agrees with Sprint PCS that the Commission should confirm that the six-month implementation period is tolled while a PSAP assembles its supporting documentation. Otherwise, carriers will be penalized every time a PSAP fails to respond to a carrier request for documentation. The Commission should specify that the six-month period for responding to valid PSAP requests be tolled during a "readiness dispute" since requiring the premature delivery of Phase II services to a PSAP that will not be capable of utilizing the services would unnecessarily burden carriers and

⁴ *Richardson Order* at ¶1 and 11.

customers with costs for which there are no corresponding benefits. To expedite the process, PSAPs should submit the supporting documentation at the time it makes a request to the carrier.

Despite the best intentions of the PSAPs, there is a history of PSAPs not being capable of receiving and utilizing Phase I data even with a cost recovery mechanism in place and the Commission has recognized that “PSAP funding is not synonymous with PSAP readiness.”⁵ When PSAPs fail to meet their own requested service dates, not only do they hurt carriers, but other PSAPs, and the public, by diverting resources from PSAPs that are prepared to move forward. As Sprint PCS notes in its Petition, PSAPs would be well advised to deploy its resources in areas where they know that they are or will timely be Phase II capable.⁶

Moreover, in those instances where PSAPs do not have access to funding or where state 911 funds have been depleted,⁷ concerns are heightened for PSAP readiness and delays in the implementation of Phase I and Phase II services. While the exact number of states remains unknown, it is anticipated that a majority of states have or will raid funds dedicated to wireless 911 to cover budget deficits.⁸ To ensure that carriers are

⁵ *Richardson Order* at ¶21.

⁶ *See* Sprint Petition at 6.

⁷ *See “Diversion of 911 Funds Criticized,” Los Angeles Times*, Part A, Part 1, Page 1, August 4, 2001 (“*LA Times article*”) (explaining California’s repeated history of shifting money from the 911 fund to other programs and warning of danger that the majority of states have the same problem).

⁸ CTIA is aware of at least three states, North Carolina, California, and New York, that have raided its E-911 coffers and anticipates a growing number of PSAPs to be effected by state budget deficits. *See* Letter from Ronald P. Hawley, Chair of the North Carolina Wireless 911 Board to County/City Manager (May 21, 2001) (adjusting the payment schedule to PSAPs to compensate for North Carolina Governor Easley’s

protected from expending unnecessary resources and that PSAPs will actually be ready to use E-911 data, the Commission should give carriers additional time for installation when a PSAP fails to substantiate Phase II readiness.

B. THE COMMISSION SHOULD REQUIRE PSAPS TO DOCUMENT THAT ALI DATABASE UPGRADES WILL BE COMPLETED WITHIN SIX MONTHS

In its petition, Sprint PCS has asked the Commission to clarify that not only must a PSAP document that the necessary CPE upgrades have been implemented, but that Automatic Identification Location (“ALI”) database upgrades will be completed within six months of the time of the request.⁹ The Commission has recognized that the failure of a PSAP to complete ALI database upgrades could cause unnecessary delay and without ALI database upgrades a PSAP will not receive operational Phase II service.¹⁰ CTIA agrees with Sprint PCS that the Commission should adopt the proposed clarification since Phase II service can only become operational when the PSAP’s ALI database has also been upgraded to accommodate Phase II service.

decision to transfer \$5 million from the Wireless 911 fund), attached as Exhibit 1. *See LA Times article*. In California, where customers have been paying for over 25 years, \$50 million was removed from the 911 account in 2001 and the state upgrades are expected to cost at least \$115 million. The 2001 raid was not the first-- the state took nearly \$45 million from the fund over the course of three years in the early 1990’s. New York was one of the first states in the nation to enact a wireless 911 surcharge in 1991. However, since that time, institutional failures, inadequate fiscal safeguards and local government budgetary concerns, coupled with outmoded state statutes have combined to thwart wireless E911 implementation throughout the state. In New York, there has been a recent spate of legislative proposals that are designed to divert portions of the existing wireless surcharge revenue to entities other than the State Police. Some of these bills would allow several counties that do not receive 911 service from the State Police to access wireless 911 surcharge funds for purchases of ambulances, communications vehicles and safety equipment for firefighters.

⁹ *See* Sprint PCS Petition at 5.

¹⁰ *Richardson* Order at ¶1.

C. THE COMMISSION SHOULD CLARIFY THAT THE J-STD-036 STANDARD IS THE BEST SOLUTION

Sprint PCS has also urged the Commission to reconsider its decision regarding the E2 interface standard, or, in the alternative, change the implementation schedule to accommodate for customized installations. In the *Richardson Order*, the Commission rejected the E2 interface standard because it does not want to “dictate technical standards for the implementation of Phase I and II of E911 service.”¹¹ Instead of micromanaging,¹² the Commission’s adoption of the J-STD-036 would provide up to ten different architecture options from which Emergency Services Message Entities (“ESME”) could choose to employ the interface between the PSAP’s ALI database and the carrier’s Mobile Positioning Center (“MPC”). CTIA agrees with Sprint PCS that “the common interface standard should be the one adopted in J-STD-036, especially given that one of the parties to the interface (carriers) will be using this standard.”¹³

While the Commission has recognized that “it is necessary that some common interface standard be employed by the carrier and the PSAP,” it has failed to establish a common interface standard to prevent the chaos that would result from each carrier implementing a different, non-standardized Phase II solution in its network.¹⁴ Nearly six months ago, CTIA filed comments explaining that a PSAP’s failure to deploy systems in conformity with the J-STD-036 E2 or an equivalent interim solution: 1) increases the

¹¹ *Richardson Order* at ¶19.

¹² *Richardson Order* at ¶19.

¹³ Sprint PCS Comments at 9.

¹⁴ *Id.*

potential for incompatible interface standards, further delaying Phase II deployment; 2) blocks the delivery of Phase II data since non-compliant standards generally lack an update request functionality; and 3) fails to include “confidence level” data associated with Phase II location information.¹⁵ CTIA continues to believe that the J-STD-036 standard, which is the standard wireless carriers will be using, is the best solution.¹⁶

Finally, the Commission’s new rules will force carriers to negotiate and install a customized solution since they cannot rely on a standardized solution. CTIA agrees with Sprint PCS that under the new rules, carriers will effectively have less time to install a more complex arrangement.

¹⁵ See CTIA Comments, CC Docket No. 94-102 (filed July 25, 2001) at 4.

¹⁶ While Addendum B of the J-STD-036 solution, developed through the Telecommunications Industry Association and Electronics Industry Association, is still awaiting final approval, Addendum A has been in effect for some time. Official approval of Addendum B is expected shortly and the document has already been submitted for balloting in the standards-setting process.

III. CONCLUSION

For the foregoing reasons and as set forth in Sprint PCS's petition for clarification and reconsideration, the Commission should clarify its rules to ensure that a PSAP is ready to use the Phase II location information within six months of the time it makes its request. The wireless industry recognizes the tremendous public safety benefits of wireless 911 service and reaffirms its commitment to deploy Phase II enhanced services.

Respectfully submitted,

/s/

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