

**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)	
)	
Petition of City of Richardson, Texas)	

**COMMENTS OF APCO, NENA, NASNA
AND TARRANT COUNTY 9-1-1 DISTRICT
IN RESPONSE TO
SPRINT PCS PETITION FOR EXPEDITED RECONSIDERATION
AND CLARIFICATION**

The Association of Public-Safety Communications Officials-International, Inc. (“APCO”), the National Emergency Number Association (“NENA”), and the National Association of State Nine One One Administrators (“NASNA”) (collectively referred to herein as “Public Safety Organizations”), joined by Tarrant County, Texas 9-1-1 District (“District”), hereby submit the following comments in response to the Sprint PCS Petition for Expedited Reconsideration and Clarification regarding portions of the Commission’s *Order*, FCC 01-293, released October 17, 2001, in response to the Petition of the City of Richardson in the above-captioned proceeding.¹

Pursuant to Section 20.18(j) of the Commission’s rules, a wireless carrier’s obligation to provide a PSAP with Phase II location information is triggered by the PSAP’s request, and is conditioned upon the PSAP being “capable of receiving and utilizing the data elements associated with the service.” The Commission clarified in its *Order* that, for a request to be valid, the PSAP must have “ordered the necessary

equipment to receive and utilize the E911 data and the equipment will be in installed and capable of receiving and utilizing the data no later than six months following its request.” *Order* at ¶1. Sprint does not ask the Commission to overturn this interpretation, but rather seeks to clarify and modify the interpretation in four specific respects.

First, Sprint notes that Commission held in the *Order* that a PSAP request is valid only if it “has made a timely request to the appropriate local exchange carrier (LEC) for ...any necessary Automatic Location Identification (ALI) database upgrades, to enable the E911 data to be transmitted to the PSAP.” Sprints suggests that PSAPs should also be required to document that such upgrades will be completed within six months of the request, to correspond with the Commission’s requirement that CPE upgrades be competed within that same time frame.

However, as Sprint notes, the provision of LEC upgrades is largely beyond the control of PSAPs in most cases, and requiring each PSAP to obtain documentation of upgrade schedules may thus be an unnecessary burden. Therefore, Sprint acknowledges that a better approach may be to require LECs to publish their Phase II database upgrade schedule. That will provide both carriers and PSAPs with a far more efficient mechanism for obtaining necessary information regarding upgrades. Such LEC publication requirement should not, however, alter the basic obligation of carriers to respond to a PSAP request, so long as the PSAP can document that a database upgrade request has been submitted to the relevant LEC. Given that LEC upgrade schedules typically are known to the LEC, not the PSAP, if the wireless carrier doubts the LEC’s ability to meet the PSAP request in six months, the wireless carrier can inquire of the LEC on its own.

¹ The Public Safety Organizations are also filing an Opposition to the Petition for Reconsideration submitted by Cingular Wireless LLC.

There is no reason to specially burden the PSAP. We submit that the clarification is unnecessary.²

Second, Sprint once again requests that the Commission mandate use of the J-STD-036 standard. While we concur that standardization is a necessary element of Phase II implementation, we agree with the Commission that mandating a specific standard is unnecessary, absent “intractable” disputes among the parties that threaten to delay E9-1-1 deployment. *Order* at ¶19. In the alternative, Sprint proposes that carriers be allowed more than six months to respond to requests from PSAPs where non-standard “customized” installations are necessary. While this may prove to be a reasonable approach, we believe that the number of such “customized” installations will be few, and that this matter is best handled by the Commission on a case-by-case basis.

Third, Sprint proposes that, if a PSAP uses a customized interface, its ALI database must include a “refresh” capability. While we acknowledge that the refreshment capability specified in J-STD-036 may be an obvious choice in most cases, we hesitate to stifle customization or to freeze technology, particularly while the standard remains under review.³ Neither would we want wireless carriers to assume that refreshment capability frees them from their fundamental obligation to deliver in timely fashion the Phase II location data. Just because a PSAP can ask for the data again does not mean it should

² We share Sprint’s concern, expressed in its letter of January 4, 2001, to Thomas J. Sugrue on the Hatfield inquiry, that priority needs to be given to the quality and timeliness of LEC participation in wireless E9-1-1 implementation.

³ TIA interim J-Std-036 (TR-45) defines the messaging required to support information transfer to identify and locate wireless emergency services callers. Initially published in June 2000, the standard is currently under review. NENA and its technical committees were provided an opportunity for input into the process. It is anticipated that an updated standard will be published in the near future.

have been absent in the first place. Accordingly, we ask the Commission to deny this request from Sprint.

Fourth, Sprint suggests that the six month period for compliance with a PSAP request should be tolled during the time that a PSAP is compiling supporting documentation in response to a carrier request. The Commission's *Order* provides that a carrier is permitted to demand documentation from a PSAP of its planned PSAP readiness (e.g., that the PSAP has ordered necessary CPE upgrades). However, the Commission clearly intended that there be a presumption that PSAP requests are valid; otherwise the Commission would have required documentation at the time of the PSAP request. Furthermore, while many PSAPs will have documentation at hand and be able to respond quickly, others may require additional time due to staff and resource restrictions. Therefore, in some cases, carriers could take advantage of PSAPs by requesting documentation simply to tack additional time on to the six months compliance period. On the other hand, we recognize that carriers are entitled to a reasonable degree of assurance that PSAPs are meeting their E9-1-1 readiness requirements. Thus, we suggest as an alternative to Sprint's proposal that the six month period continue running upon a carrier request for documentation, unless the PSAP fails to provide the requested documents within a reasonable time frame (e.g., 15 days), after which the six month period will toll.

CONCLUSION

Therefore, the Public Safety Organizations believe that the Commission should not reconsider or clarify its *Order*, except as otherwise discussed above.

Respectfully submitted,

NENA, APCO, NASNA and the DISTRICT

Robert M. Gurss
Shook, Hardy & Bacon, LLP
600 14th Street, NW
Washington, DC 20005
(202) 662-4856
Counsel for APCO

James R. Hobson
Miller & Van Eaton, P.L.L.C.
1155 Connecticut Ave. N.W., Suite 1000
Washington, D.C. 20036
(202) 785-0600
Counsel for NENA and the DISTRICT

January 18, 2002

CERTIFICATE OF SERVICE

I, Stella Hughes, hereby certify that a copy of the forgoing "Comments" were served this 18th day of January, 2002, by first-class mail, postage pre-paid, to the following individual at the address listed below:

Luisa L. Lancetti
Vice President
Sprint PCS
401 9th Street, NW Suite 400
Washington, DC 20004

Stella Hughes