

M I L L E R & V A N E A T O N
P. L. L. C.

MATTHEW C. AMES
KENNETH A. BRUNETTI†
FREDERICK E. ELLROD III
MARC L. FRISCHKORN
MITSUKO R. HERRERA†
WILLIAM L. LOWERY

† Admitted to Practice in
California Only

Incorporating the Practice of
Miller & Holbrooke

1155 CONNECTICUT AVENUE, N.W.
SUITE 1000
WASHINGTON, D.C. 20036-4320
TELEPHONE (202) 785-0600
FAX (202) 785-1234

MILLER & VAN EATON, L.L.P.
400 MONTGOMERY STREET
SUITE 501
SAN FRANCISCO, CALIFORNIA 94104-1215
TELEPHONE (415) 477-3650
FAX (415) 477-3652

WWW.MILLERVANEATON.COM

WILLIAM R. MALONE
NICHOLAS P. MILLER
HOLLY L. SAURER
JOSEPH VAN EATON

OF COUNSEL:

JAMES R. HOBSON
GERARD L. LEDERER**
JOHN F. NOBLE

** Admitted to Practice in
New Jersey Only

April 19, 2002

Marlene H. Dortch
Secretary
Federal Communications Commission
Washington, D.C. 20554

Re: CC94-102, ex parte communication

Dear Ms. Dortch:

Pursuant to Section 1.1206 of the Rules, this is to advise that representatives of the National Emergency Number Association ("NENA") met April 17th and 18th with the persons listed as copied on this letter to discuss several pending matters relating to wireless enhanced 9-1-1 service operation, especially location of mobile 9-1-1 callers pursuant to Phase II of the pertinent regulations.

With respect to wireless local number portability ("WLNP") we reiterated NENA's concern that carriers subject to WLNP work cooperatively with public safety 911 authorities to resolve certain remaining technical problems prior to the current November 24th deadline for implementation in major markets. NENA repeated its belief that the process should be monitored by the Commission and that some form of standardized testing for LNP readiness may be needed. Without such assurances, 25 to 40% of wireless calls delivered with Phase I or Phase II information could have a wrong callback number.

Wherever feasible, non-service-initialized ("NSI") phones capable of dialing 9-1-1 should be supplied with callback numbers. Where NSI phones are misused to place multiple false emergency calls, carriers should be able to shut down the phones subject to the safeguards of state or local law. The FCC was urged to clarify that the requirement to "forward all calls" from

MILLER & VAN EATON, P.L.L.C.

- 2 -

NSI phones would not prevent such local intervention to prevent harassing calls from tying up the 911 system and blocking legitimate requests for emergency assistance.

Accidental calls to 9-1-1 caused or exacerbated by special handset programs or single-button dialing of the emergency number are a serious and increasing problem. NENA does not object to voluntary efforts by carriers and manufacturers to resolve these difficulties, but urges the convening of an industry-public safety forum to speed this process. If voluntary efforts fail, regulation may be needed.

The NENA representatives, having testified at the Hatfield inquiry on Monday, April 15th, expressed the view that some examination of past conduct by carriers and manufacturers is necessary to lay a foundation for future recommendations.

The NENA representatives at the meetings on the 17th and 18th were John Melcher, Richard Taylor, Jim Goerke and the undersigned.

Sincerely,

James R. Hobson

cc: *May 17th* -- Commissioner Martin, Dan Gonzalez, Emily Willeford; Kris Monteith and WTB Policy Division staff members. *May 18th* -- Peter Tenhula; Paul Margie; Bryan Tramont.

2730\01\JRH00684.DOC