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ASSOCIATION OF PUBLIC-SAFETY COMMUNICATIONS OFFICIALS-INTERNATIONAL, INC.

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August 1, 2002

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

The Honorable Michael Powell
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

RE: CC Docket No. 94-102

Dear Mr. Chairman:

We are writing to re-iterate our views regarding the Commission's enforcement of its Wireless E9-1-1 rules, and to indicate steps that the Commission should take to speed implementation. More specifically, we urge the Commission to take affirmative action regarding carriers that are clinging to questionable location technologies and, as a result, are falling well-short of implementation deadlines and accuracy requirements.

It has been ten years since the public safety community brought to the Commission's attention the problem of locating 9-1-1 calls from wireless telephones. Much has occurred during that period, though in many cases it has been at an unacceptable pace. More recently, real progress has been made, in large part due to the Commission's increasingly firm stance on compliance. Several of the largest wireless carriers have already begun full Phase II operation in some areas.

However, as the Commission is well aware, there continue to be impediments to nationwide Phase II deployment. The cost of necessary database and equipment upgrades, and the responsibility for those costs, continue to be issues in many instances. Among the most troubling problems is the failure of many LECs to cooperate with PSAPs and wireless carriers, or to provide timely upgrades to their ALI databases. Until now, other factors have been the focus of attention in expediting Phase II deployment. Now, as those other factors are slowly being resolved, at least with some carriers, the last remaining hurdle appears in many instances to be the LEC. Thus, we were pleased to see recently that the Commission has sent letters to each of the largest LECs and requested detailed information regarding their participation in Phase II deployment. This is an important first step. However, we believe that the Commission will need to consider taking further action, including adoption of provisions requiring LECs to proceed in a timely manner to provide necessary elements of Phase II operation.

We also believe that the Commission must take a hard look at the Phase II deployment of GSM carriers using the E-OTD location technology. Nearly two years ago, the Commission granted VoiceStream Wireless a waiver to extend its Phase II implementation deadlines and to implement a location technology, E-OTD, which would not provide initial accuracy levels otherwise required under the Commission's rules. APCO filed a Petition for Reconsideration of that order, arguing that VoiceStream had failed to demonstrate that it had given adequate consideration to alternative technologies, and that serious questions existed regarding the viability of E-OTD. APCO's Petition is still pending. Since then, two other major carriers, AT&T Wireless (AWS) and Cingular, have also adopted E-OTD for their GSM networks.

As the Commission is well aware, VoiceStream has repeatedly failed to meet the deadlines adopted in its waiver, and has sought numerous modifications to extend deadlines because of apparent

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difficulties in deploying E-OTD. On March 15, 2002, APCO, NENA, and NASNA commented on one such request from VoiceStream, noting that its new deployment schedule was 15 months behind that which was approved in the original waiver. More recently, both Cingular and AWS have submitted reports to the Commission indicating major E-OTD test failures, raising further questions regarding its deployment schedule and ultimate accuracy levels (*see* AWS *ex parte* letter, dated June 21, 2002, AWS Statement of Additional Information, dated July 25, 2002, and Cingular's Supplement to Second Quarterly Report, dated June 27, 2002). VoiceStream itself has also finally acknowledged major problems the E-OTD (as well as NSS) and indicated a willingness to consider alternative technologies under certain conditions (*see* VoiceStream *ex parte* letter, dated July 18, 2002, from John T. Nakahata). We have previously noted that several location technology vendors have indicated a willingness and ability to provide GSM carriers with Phase II solutions which they claim will meet the Commission's accuracy requirements.

We have often noted our "steadfast technology- and vendor- neutrality." Yet, the Commission cannot stand idly by and allow a carrier to cling to a technology that increasingly appears unlikely to meet Phase II requirements in a reasonable time frame, especially if alternatives appear to be available. Therefore, we urge the Commission to resolve finally the APCO Petition for Reconsideration and to require VoiceStream to consider alternative technologies as possible replacements for E-OTD. The Commission must also institute appropriate enforcement actions to the extent that VoiceStream and other carriers have not met deadlines that they themselves proposed and agreed to.

We look forward to continuing to work closely with the Commission, wireless carriers, and others to facilitate nationwide wireless E911 deployment as quickly as possible.

Respectfully submitted,

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