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Via Electronic Submission

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: *Written Ex Parte Communication*
Revision of the Commission's Rules to Ensure Compatibility with
Enhanced 911 Emergency Calling Systems – City of Richardson,
CC Docket No. 94-102

Dear Ms. Dortch:

On August 19, 2002, Verizon Wireless (“VZW”) filed an *ex parte* letter in this docket which describes certain hurdles wireless carriers face in implementing Phase II E911 services.¹ In the letter, VZW echoed many of the concerns regarding LEC and PSAP readiness that Sprint has articulated on numerous occasions over the past year.² The next week, on August 28, 2002, the large LEC providers of ALI services filed reports regarding their Phase II E911 implementation plans. These LEC reports underscore the need for Commission action. Certain LEC ALI providers are largely unready to provide Phase II services and, in some instances, are seeking to impose new cost allocation schemes in contravention of FCC rules – which in turn threatens to cause further Phase II delays.³

Sprint has taken the steps necessary to proceed with Phase II E911 implementation and has supported the Commission’s efforts to rapidly deploy Phase II service. LEC delays have now disrupted the deployment schedules the Commission established in its various Waiver Orders. The Commission should act expeditiously to correct this situation. First, it should resolve Sprint’s outstanding Petition for Reconsideration in the *Richardson* proceeding, in a manner consistent with VZW’s proposed rule change, with the limited modifications outlined below.⁴ Second, the Commission should direct the LECs providing ALI services to proceed with necessary

¹ See Letter from John T. Scott, Verizon Wireless, to Marlene Dortch, FCC Secretary, CC Docket No. 94-102 (Aug. 19, 2002)(“VZW August 19 *Ex Parte*”).

² See Sprint Supplemental Phase II Implementation Report, CC Docket No. 94-102, at 24-26 (July 30, 2001); Sprint Reply Comments, CC Docket No. 94-102 at 15-16 (Sept. 4, 2001); Sprint Richardson Reconsideration Petition, CC Docket No. 94-102, at 7 (Nov. 30, 2001).

³ This is not the case with all LEC ALI database providers. Both the Verizon and the Sprint local exchange divisions appear to be moving forward in an expeditious manner.

⁴ See Sprint Petition for Expedited Reconsideration and Clarification, CC Docket No. 94-102 (Nov. 30, 2001)(“Sprint Richardson Reconsideration Petition”).

ALI upgrades without further delay and to price those services in a manner that is consistent with the Commission's previous rulings.

I. Background

In compliance with the FCC's stated goal of rapid deployment of enhanced 911 location technology, Sprint completed well ahead of Commission deadlines all necessary national platform installations, switch modifications, software upgrades, handset modifications and vendor contracts necessary to deploy Phase II services. Sprint was the first wireless carrier to begin selling aided GPS handsets, and it will likely be the first to convert one hundred percent of its handset lineup to GPS enabled phones. Sprint has deployed live Phase II services for more than eighty PSAPs. As Sprint outlined in its August 1, 2002 Compliance Report, however, it cannot proceed with further deployment in most areas of the country due to the lack of LEC and PSAP preparedness.

Over a year ago Sprint warned the Commission and the Public Safety Community that LECs were not making plans to upgrade their ALI databases to support Phase II functionality in the timelines expected by the Commission.⁵ Again, in its *Richardson* Petition, Sprint noted that "PSAPs will not be capable of receiving Phase II data *unless and until* necessary Phase II upgrades have been made to the ALI database."⁶ Despite the fact that Phase II services cannot be deployed without these upgrades, the Commission ordered Sprint and other wireless carriers to complete installation of all valid Phase II requests issued by June 30, 2002, by December 31, 2002. Sprint urged the Commission to clarify that a request could not be valid unless there were assurances that the LEC ALI upgrades would be completed within six months of the PSAP request. As Sprint predicted, the LECs did not complete their upgrades by June 30, 2002 and this fact has now been documented in the LEC Phase II filings made on August 28, 2002. In turn, this delay has negatively impacted Sprint Phase II deployment activity – and continues to do so.

To promote the laudable goals identified in the *Richardson* Order, it is essential that the Commission act to clarify its ruling in a manner that acknowledges the reality of the current situation, and provides a mechanism for proceeding with Phase II implementation in a rational and orderly manner.

Accordingly, Sprint supports, with certain modifications, the language proposed by VZW in its recent *ex parte* filing as a reasonable means of resolving the *Richardson* Reconsideration Petitions. To avoid further delay, Sprint further asks the Commission to direct the LEC ALI providers to move forward with ALI upgrades as quickly as possible and to comply with the costing decisions the Commission previously issued. Finally, the Commission should adopt as a part of its *Richardson* Order a provision that grants PSAPs and wireless carriers the ability to agree upon a reasonable implementation schedule. Such a provision would permit carriers and PSAPs to continue working together in a cooperative spirit.

⁵ Sprint PCS Supplemental Phase II Implementation Report, CC Docket 94-102 (July 30, 2001) ("Sprint PCS is alarmed to learn that LECs have not taken the steps necessary to support Phase II wireless services and do not appear ready to proceed with those upgrades").

⁶ Sprint *Richardson* Reconsideration Petition, at 5 (emphasis in original).

II. Proposed Rule Change on Reconsideration

Sprint agrees that the Commission must address the pending *Richardson* Reconsideration Petitions and that VZW's proposed rule change is a reasonable starting point for addressing those filings. Sprint respectfully submits, however, that VZW's proposed language does not fully address the issues raised in the *Richardson* proceedings and it suggests a slightly revised version.

Verizon proposes that the following language be added to 47 C.F.R. § 20.18(j):

If the PSAP is not in fact capable of receiving and utilizing the data elements associated with Phase II service by the end of the six-month period specified in paragraphs (f) and (g) of this section, then the licensee shall begin delivering Phase II enhanced 911 service to the PSAP not later than ninety (90) days after the PSAP becomes capable of receiving and utilizing the data elements associated with such service.

Sprint has four concerns with the VZW proposed language. First, it is unclear what the application of the rule would be in situations in which the LEC ALI provider declares Phase II readiness near the end of the six-month period (*e.g.*, five months and 29 days) following the date of the PSAP request. As Verizon describes in its *ex parte* filing, there is substantial work that cannot be performed until both the ALI upgrades and PSAP CPE installations are complete. Thus, the wireless carrier could be placed in a position of being out of compliance with the rule even though it was left with only one day to implement service – a physical impossibility. Such a rule would clearly be unreasonable and unenforceable.

Second, Sprint's experience with deployment of Phase II services indicates that ninety days is overly optimistic to complete all work necessary for deployment after the LEC ALI upgrades and PSAP CPE changes have been made. Only after these steps have been completed can final network designs be completed, trunks ordered and end-to-end testing be completed with all parties. Trunk ordering alone takes 30 to 60 days on average.⁷ Testing can require, depending upon the size of the market, hundreds of hours scheduled over several weeks. Accordingly, Sprint suggests that *120 days* would be the minimum time period within which this work could be completed.

Third, this rule modification does not address the current scheduling crisis created by the LEC delay in deployment of Phase II systems. If all of the LEC ALI providers complete their proposed tariff filings and deployment schedules in the September to October timeframe currently projected, then there will be a sudden glut of newly "valid" requests. Under VZW's proposed rule, all of these requests, which had originally been scheduled for deployment over a fourteen-month period, would arguably need to be deployed within 90 days. Sprint's deployment schedule cannot be compressed to this extent. Accordingly, the new rule should be applied prospectively. Where a request was issued more than six months ago, and the ALI provider or PSAP did not complete the necessary upgrades within the six-month window, the request should be treated as invalid for purposes of determining compliance with the deadlines established in the Waiver Orders. As Sprint has stated before, however, it will *continue to pursue implementation of these requests*, and it will not require a new PSAP request in moving forward with deployment efforts.

⁷ Although the statement is unclear, BellSouth's August 28, 2002 filing suggests that the standard interval for trunk ordering by a PSAP is 12 to 18 months.

Finally, carriers should have the flexibility to meet each PSAP's unique needs. The Commission should therefore clarify that its implementation timelines apply only when the PSAP and carrier do not agree to their own implementation timeframe. As one public safety organization noted recently, PSAPs and carriers are generally able to "work out their own schedules."⁸

Based upon these concerns, Sprint proposes language similar to that suggested by Verizon, but modified to address the issues raised above:

Where a PSAP has not completed all of the CPE and ALI database upgrades necessary to be capable of receiving and utilizing the data elements associated with Phase II service at the time of its request, the licensee shall begin delivering Phase II enhanced 911 service to the PSAP within six months of the request or within one hundred twenty (120) days after the PSAP is in fact capable of receiving and utilizing the data elements associated with Phase II service, whichever is later. Nothing in this rule shall prohibit PSAPs and licensees from reaching some other mutually agreeable implementation deadline.

Sprint believes this language would establish a rational means of moving forward while maintaining the spirit and purpose of the *Richardson* Order. This rule would further serve the interest of both PSAPs and wireless carriers in the prompt deployment of Phase II services.

III. Direction on Cost Recovery

The Commission acknowledged in its *Richardson* Order that the implementation of Phase II service would require modifications to both the wireless network and the PSAP/LEC 911 network. Specifically, the Commission stated that:

Phase II requires an additional upgrade to the ALI database so that it will query the Mobile Positioning Center (MPC) at the appropriate time to acquire the Phase II latitude/longitude data.⁹

The Commission, after receiving extensive comments, also established a clear division of responsibility for the costs associated with these upgrades. Wireless carriers "are responsible for the costs of all hardware and software components and functionalities that precede the 911 Selective Router."¹⁰ PSAPs, on the other hand, "must bear the costs of maintaining and/or upgrading the E911 components and functionalities beyond the input to the 911 Selective Router, including the 911 Selective Router itself, the trunks between the 911 Selective Router and the PSAP, the Automatic Location Identification (ALI) database, and the PSAP customer premises equipment (CPE)."¹¹

⁸ Letter from James R. Hobson, Counsel for NENA, to Marlene H. Dortch, FCC Secretary, CC Docket No. 94-102, at 1 (Aug. 30, 2002).

⁹ *Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Petition of City of Richardson, Texas*, CC Docket No. 94-102, Order, FCC 01-293, 16 FCC Rcd 18982, 18987 ¶ 17 (Oct. 17, 2001) ("Richardson Order").

¹⁰ *Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Request of King County, Washington*, CC Docket No. 94-102, Reconsideration Order, FCC 02-124, at ¶ 4 (May 14, 2002) ("King County Reconsideration Order").

¹¹ *Id.*

Despite these straightforward statements regarding cost allocation, certain LECs are now showing needless and surprising confusion on the issue of cost allocation. If PSAPs and wireless carriers are required to challenge the new proposed LEC cost allocation systems on a state-by-state basis, Phase II deployment will be further delayed.

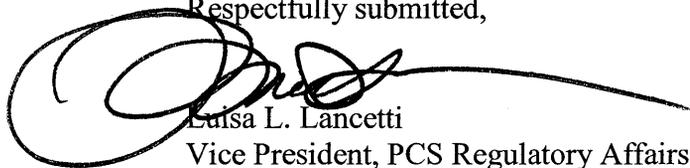
The Commission has established cost allocation rules which address the ALI upgrade issue and it should direct LEC ALI providers to comply with those cost allocation rulings. The Commission should further direct LEC ALI providers to proceed with necessary upgrades to their databases without delay.

IV. Conclusion

Sprint will continue to lead the industry in E911 implementation. It cannot, however, correct the delays created by the LEC ALI providers. Sprint attempted to avert this problem with multiple filings over the past year. Unfortunately, the Commission will now need to address the matter after the fact. Sprint urges the Commission to act promptly on this matter.

Pursuant to Section 1.1206 of the Commission's rules, this presentation is being electronically filed with your office. Please associate this letter with the file in the above-captioned proceeding.

Respectfully submitted,



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