

Before the

Federal Communications Commission
Washington, D.C. 20554

OCT 7 2002

In the matter of)
)
 911 Call Processing Modes)
) WT Docket No. 99-328
 Motorola Request for Expedited Relief)
 For Phase 11-Enabled Handsets)

ORDER

Adopted: October 3, 2002

Released: October 3, 2002

By the Chief, Wireless Bureau:

I. INTRODUCTION

1. In this Order, we grant a limited, interim waiver to Motorola, Inc. (Motorola) to permit the continued shipment of Enhanced 911 (E911) Phase 11-capable handsets incorporating a modified 911 call completion method, subject to further review of this modified method.

II. BACKGROUND

2. In its *Second Report and Order* in the Wireless 911 Rulemaking, Docket No. 94-102,¹ the Commission adopted Section 22.921 of the rules. This rule helps improve 911 call completion by requiring new wireless handsets capable of operating in the analog mode to be able to complete 911 calls to either analog carrier in an area, using a 911 call completion method endorsed or approved by the Commission. This requirement took effect on February 13, 2000. In that Order, the Commission also approved three specific 911 call completion methods and delegated authority to the Wireless Telecommunications Bureau to consider new or revised 911 call processing methods.²

3. Another critical Commission program to improve wireless 911 service is E911 Phase II, which requires wireless carriers to deploy the capability to automatically locate wireless 911 calls. Under the Phase II rules and waivers, wireless carriers employing handset-based location technologies are required to comply with specified schedules for selling and activating handsets with location capability.³ For example, under a waiver granted in October 2001, Verizon Wireless was obligated to begin selling handsets with the Assisted GPS (A-GPS) location technology no later than December 31, 2001 and is required to meet additional, future milestones for new handset activations, leading to a requirement that 100% of the new digital handsets it activates include A-GPS capability no later than December 31, 2003.⁴

¹ *Revision of the Commission's Rules To Ensure Compatibility With Enhanced 911 Emergency Calling Systems*, CC Docket No. 94-102, 14 FCC Rcd 10954 (1999) (*Wireless 911 Second Report and Order*)

² Id. at 10995, para. 97.

³ See 47 C.F.R. § 20.18(e).

⁴ *Request for Waiver by Verizon Wireless*, CC Docket No. 94-102, 16 FCC Rcd 18364 (2001).

4. On September 20, 2002, Motorola filed a request for approval of a modification to the Automatic A/B Roaming-Intelligent Retry (A/B-IR) 911 call processing method approved by the Commission in the *Wireless 911 Second Report and Order*.⁵ This modification would affect the way 911 calls are processed in a limited set of cases, specifically when a 911 call is terminated prematurely, without action by caller or call-taker, for example because of loss of signal. Under A/B-IR, the handset would in that case immediately attempt to complete the call using alternate channels and systems until the call is completed. Under the revised method, the phone would remain on the paging channel of the wireless carrier that last served the call for a period of five minutes. After five minutes, the phone would return to normal scanning for service.⁶ Motorola asserts that this modification is justified as helping to transmit location information, assist PSAPs in handling Phase II calls, and reduce unintentional 911 calls.⁷

5. Accompanying its request for approval of the revised 911 call completion method, Motorola also filed a request for expedited relief to permit continued shipment of two E911 Phase II-capable, multimode handsets incorporating this method.⁸ According to Motorola, it began shipping these handsets to Verizon on about September 5, 2002 and approximately 250,000 handsets are in the supply chain, including some portion in the hands of consumers. It expects to ship an additional 250,000 handsets per month by December 31, 2002. Further, Verizon Wireless scheduled a national campaign to promote and advertise these handsets to begin on September 23, 2002. Delay in granting expedited relief to continue shipping could, Motorola claims, undermine the process of informing the public of the benefits of these new, advanced handsets.⁹ Motorola states that Verizon Wireless supports both of its requests.¹⁰

III. DISCUSSION

6. To assess the merits of Motorola's revised 911 call completion method, we will seek public comment on the proposal through a separate Public Notice. In response to Motorola's request for expedited relief, we here grant a limited, interim waiver of the Section 22.921 911 call processing rule to permit continued shipping of the two A-GPS handset models while our consideration of the revised method is pending. As Motorola indicates, the revised call processing method affects only a limited set of 911 calls. On initial review, the revised method does not appear to impair public safety, and it is possible, as Motorola asserts, that it could benefit PSAPs. Conversely, facilitating the delivery of location-capable handsets to consumers is clearly in the public interest, helping achieve the public safety goals of the Phase II program. To the extent that we conclude, based on the further record, that the proposed method should not be approved, we can take further steps to minimize or eliminate any harm. For example, in its waiver request, Motorola says that if the Bureau does not approve the modified procedure after permitting shipping to continue, it will immediately cease additional shipments and work with Verizon Wireless to reprogram any handsets in inventory as well as any future handsets that are manufactured.¹¹ We also may consider other enforcement and corrective steps, if appropriate. In this

⁵ Request of Motorola, Inc. for Approval of a Modified 911 Call Processing Mode, filed Sept. 20, 2002 (*Motorola Request for Approval*).

⁶ *Id.* at 3-4

⁷ *Motorola Request for Approval* at 5-7

⁸ Request for Expedited Relief for Phase II-Enabled Handsets, letter from Mary E. Brooner to Thomas Sugrue, Sept. 25, 2002 (*Motorola Request for Waiver*). The handsets are Motorola models 120E and T720. These handsets operate in both digital CDMA and analog modes.

⁹ *Id.* at 5-6.

¹⁰ *Motorola Request for Approval* at 1 n.3; *Motorola Request for Waiver* at 1 n.1

¹¹ *Motorola Request for Waiver* at 6

regard, grant of this limited, interim waiver to permit continued shipment of the two A-GPS handset models does not excuse Motorola's apparent failure to seek timely approval of the revised 911 call completion method, as required by Section 22.921. We are accordingly referring this matter to the Commission's Enforcement Bureau.

7. IT IS ORDERED, that the Request by Motorola for Expedited Relief for Phase II-Enabled Handsets IS **GRANTED** pending further order.

A handwritten signature in black ink, reading "Thomas J. Segrue". The signature is written in a cursive style with a large, looping "S" and "e".

Thomas J. Segrue

Chief, Wireless Telecommunications Bureau