

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)	
)	
Revision of the Commission's Rules to Ensure)	File No. EB-02-TS-003
Compatibility with Enhanced 911 Emergency)	NAL/Acct. No. 200232100001
Calling Systems)	FRN 0004-9792-33

To: Chief, Enforcement Bureau
Chief, Wireless Telecommunications Bureau

**CINGULAR WIRELESS LLC
SECOND SUPPLEMENT TO SECOND QUARTERLY E911 IMPLEMENTATION
REPORT FOR TDMA, AMPS AND TDMA/AMPS NETWORKS AND
REQUEST FOR CLARIFICATION AND MODIFICATION OF CONSENT DECREE**

Cingular Wireless LLC ("Cingular"), by its attorneys and pursuant to the May 9, 2002 *Order* in this proceeding,¹ hereby files a second supplement to its Second Quarterly E911 Implementation Report concerning the status of Phase II E911 implementation in its TDMA, AMPS, and TDMA/AMPS networks. Cingular also requests clarification and modification of the terms of the Consent Decree under which it agreed to deploy a Phase II compliant technology at a minimum of 2,000 cell sites and provide Phase II service at all of those sites by December 31, 2002.

¹ *In the Matter of Cingular Wireless LLC*, File No. EB-02-TS-003, NAL/Acct. No. 200232100001, *Order*, 2002 FCC LEXIS 2280, FCC 02-132 (rel. May 9, 2002) ("*Order*"). This *Order* adopted a Consent Decree between Cingular and the Commission regarding Cingular's E911 implementation on its TDMA, AMPS and TDMA/AMPS networks.

As of today's date, Cingular has deployed a Phase II compliant technology at *more than 2,400 cell sites* and is providing Phase II service at all of those sites.² Because of PSAP readiness issues, however, it is possible that a number of PSAPs will be unable to receive this location information. To date, these PSAPs are unable to engage in end-to-end testing of the Phase II solution because of readiness problems including a lack of upgraded PSAP customer premises equipment ("CPE") and improper connectivity between the PSAP's ALI database and its CPE. Thus, although Cingular is capable of supplying Phase II location information within the coverage area of commissioned sites, these PSAPs will be unable to receive the information. Once the PSAP readiness issues are resolved, Cingular can conduct end-to-end testing of its Phase II solution and the PSAP will be able to receive and utilize the data elements associated with the E911 Phase II service. Despite these issues and having commissioned more than 2,400 cell sites based on pending PSAP requests, as of the date of this filing, Cingular anticipates that it will be providing Phase II data to PSAPs who are able to receive and utilize the location information within the geographic coverage area of 1,000 or more commissioned sites by December 31, 2002.

² At each of these sites (hereinafter "commissioned sites"), Cingular has installed a location monitoring unit which, in turn, has been successfully integrated with the controlling position determining entity ("PDE") to which it contributes measurement information. This integration is facilitated by the connection of a DS0 circuit between the LMU and the PDE as well as database configuration files entered for that LMU at the PDE. This then allows the PDE to utilize the commissioned sites to participate in the location of wireless callers. The output of the PDE is a set of x,y coordinates, *i.e.*, latitude and longitude, that the PDE then transmits to the Mobile Positioning Center ("MPC") over an E5 interface, which is an Internet Protocol data link. All of the foregoing occurs on Cingular's side of the PSAP's (proprietary or contracted for) Automatic Location Information ("ALI") database. The connection to pass the set of x,y coordinates between Cingular's MPC and the PSAP's ALI database is an E2 or equivalent interface. The PSAP's ALI database then transmits the information to the PSAP's customer premises equipment.

Cingular requests clarification that, under the terms of the Consent Decree and consistent with the *City of Richardson Reconsideration Order*,³ it will not be deemed in violation of the decree because (i) it is capable of providing location information to the ALI database and (ii) it has “completed all necessary steps toward E911 implementation that are not dependent on PSAP readiness” for more than 2000 cell sites prior to December 31, 2002.⁴ As the Commission recognized, it will not impose liability for violating deadlines established by FCC rules or consent decrees where the carrier is capable of delivering location information to the PSAP, but the PSAP is not capable of receiving the data.⁵

Consistent therewith, Cingular requests that paragraphs 8(a)(2) and 8(a)(3) of its consent decree be modified as follows:

- (2) To deploy a Phase II compliant technology at a minimum of 2,000 cell sites and provide Phase II service at 1,000 of these sites by December 31, 2002.
- (3) To deploy a Phase II compliant technology at a minimum of 4,000 cell sites and is able to provide Phase II location information to the relevant ALI database for all of these sites by June 30, 2003.

These modifications do not lessen Cingular’s deployment obligations but merely recognize that PSAPs may be unable to receive and utilize Phase II location information even after Cingular begins transmitting the information. Instead, the modifications merely ensure that Cingular will not be deemed in violation of the consent decree where it has completed all necessary steps

³ *Revision of the Commission’s Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, CC Docket No. 94-102, *Order on Reconsideration*, FCC 02-318, ¶¶14-15, 20 (rel. Nov. 26, 2002) (“*Reconsideration Order*”).

⁴ *Id.* at ¶ 15.

⁵ *Reconsideration Order* at ¶¶14-15, 20.

toward Phase II E911 implementation that are not dependent on PSAP readiness, but the PSAP is unable to receive and utilize the information.

Finally, Cingular remains committed to meeting its consent decree benchmarks and its personnel and those of its vendors and contractors have been and are working overtime – some virtually around the clock – to resolve outstanding issues and complete end-to-end testing with PSAPs located within the coverage area of the more than 2,400 commissioned sites. Teams have been deployed at the local and regional level. Updates are provided to Cingular’s E911 Phase II project management team at its headquarters in Atlanta on a nightly basis. Unfortunately, due to PSAP readiness issues, Cingular is unable to deliver Phase II location information to a number of PSAPs served by commissioned sites.

Based on the foregoing, Cingular respectfully requests: (1) clarification that it will not be deemed in violation of its TDMA consent decree because (i) it is capable of providing location information to the ALI database and (ii) it has completed all necessary steps toward E911 implementation that are not dependent on PSAP readiness for more than 2000 cell sites prior to December 31, 2002; and (2) modification of paragraphs 8(a)(2) and 8(a)(3) of its consent decree as follows:

- (2) To deploy a Phase II compliant technology at a minimum of 2,000 cell sites and provide Phase II service at 1,000 of these sites by December 31, 2002.

CERTIFICATE OF SERVICE

I, Joy Taylor, do hereby certify that on this 23rd day of December 2002, a copy of the foregoing Second Supplement to Second Quarterly E911 Implementation Report for TDMA, AMPS, and TDMA/AMPS Networks and Request for Clarification and Modification of Consent Decree was served by U.S. mail, first-class postage prepaid to the following:

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