

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Revision of the Commission’s Rules to	)	
Ensure Compatibility with Enhanced 911	)	WT Docket No. 94-102
Emergency Calling Systems	)	

**REPLY COMMENTS OF VERIZON WIRELESS**

Verizon Wireless hereby submits its reply comments in further support of OnStar’s petition requesting a ruling that in-vehicle, embedded telematics devices are not wireless handsets subject to existing E911 rules for such handsets. While OnStar requested a ruling that would confirm the inapplicability of existing handset rules to telematics devices, OnStar also suggested an alternative regulatory scheme that would ensure that all telematics devices must provide a level of emergency service and security commensurate with existing obligations imposed on wireless carriers.<sup>1</sup> The Commission must not discount the benefits of the emergency services that telematics devices already offer to the public. OnStar’s petition demonstrates that telematics devices can continue to provide valuable emergency services, including location information, in ways equal to (and in some cases better than) other services, particularly in areas where PSAPs have not upgraded to E911.

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<sup>1</sup> In its petition, OnStar stated, “OnStar recommends that a premise of this clarification be that any in-vehicle, embedded telematics unit that is enabled to provide wireless calling must also be subscribed to a safety and security call center system capable of interacting with public safety answering points nationwide and designed to provide the location of the telematics unit originating an emergency service request with specificity equal or superior to the Commission’s requirements for ‘handset’ based 911 Phase II solutions.” OnStar Petition at 9-10.

Most of the comments support OnStar’s petition. Notably, the ComCARE Alliance, a broad-based coalition of doctors, nurses, other health care professionals, public safety, law enforcement, consumer organizations, companies, and other entities, strongly supported the OnStar petition.<sup>2</sup> ComCARE urged the Commission to avoid regulatory action that will discourage companies like OnStar from installing life saving systems in vehicles and notes that the unique technological issues facing telematics were never considered by the Commission.<sup>3</sup> Likewise, Motorola stated that because telematics safety and security devices are well established and their performance is well known, there is no need to impose disruptive regulatory burdens.<sup>4</sup> CTIA argued that the public interest will not be served by strict application of the Phase II rules to in-vehicle telematics units, which may require different rules given the different telematics technologies and providers.<sup>5</sup>

Verizon Wireless does not believe that any additional rules governing telematics are necessary at this time because, as ComCARE aptly stated, “Telematics is the only wireless service that is delivering – nationwide – precise location with emergency calls and, importantly, is providing this information regardless of a PSAP’s readiness for Phase II under the E9-1-1 rules.”<sup>6</sup> This proceeding is narrowly focused on whether the existing E911 rules apply to telematics devices. They do not, and the few parties that argue they should present no persuasive arguments for doing so. Intrado, Inc. and PSAP Organizations mainly argue that because telematics devices can function in the same

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<sup>2</sup> Comments of the ComCARE Alliance at 1-2.

<sup>3</sup> Comments of the ComCARE Alliance at 3. Similarly, CTIA states that the Commission did not consider in-vehicle telematics units when it established the Phase II E911 rules. Comments of CTIA at 2.

<sup>4</sup> Comments of Motorola at 2.

<sup>5</sup> Comments of CTIA at 2.

<sup>6</sup> Comments of ComCARE at 4.

capacity as handsets (through voice activated dialing), the devices should be required to have the same E911 functionality,<sup>7</sup> presumably on the existing schedule. But these parties ignore the fundamental technological differences between telematics devices and handsets.

#### **I. THERE IS INSUFFICIENT BASIS TO TREAT EMBEDDED TELEMATICS DEVICES AS HANDSETS**

OnStar’s petition and the majority of the comments filed in this proceeding establish that telematics devices are not wireless handsets and as such, pose different technological challenges for providing location capability. While there are functional similarities to services provided by traditional wireless handsets, evidenced by OnStar’s voice activated personal calling feature, telematics devices nevertheless are not handsets.<sup>8</sup> Furthermore, it is not necessary that telematics devices be called “handsets” in order for the Commission to ensure provision of emergency services to the public. Nor is it necessary to inflexibly and reflexively seek to apply existing rules designed for handsets to telematics devices to achieve the goals of public safety.

The record clearly shows that telematics devices provide valuable emergency services, including location via their own autonomous GPS technology, to drivers – services not mandated by the Commission for wireless handsets (*e.g.*, automatic crash notification, stolen vehicle location, *etc.*).<sup>9</sup> Moreover, customers choosing to dial 9-1-1 directly via OnStar’s personal calling feature (instead of the call center) will also have similar benefits enjoyed by subscribers of wireless handsets operating on the underlying

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<sup>7</sup> Comments of APCO, NENA and NASNA (collectively, “PSAP Organizations”) at 2-3; Comments of Intrado, Inc. at 3-4.

<sup>8</sup> Verizon Wireless could not find any previous references to telematics in the Commission’s E911 orders adopting the handset milestones.

<sup>9</sup> OnStar Petition at 3; Comments by Verizon Wireless at 2.

carrier's network. If the underlying carrier has deployed a network-based Phase II E911 technology with area PSAPs, location information will be provided to the PSAP. If the underlying carrier has deployed a handset-based Phase II E911 solution with area PSAPs, at a minimum, Phase I (cell/sector) location information will be provided just as it is provided for all roamers, resellers or other customers whose handset decisions are outside of the serving carrier's control. In the case of Verizon Wireless, in instances where location information is available using our EFLT technology, more granular location information will be provided for users of telematics devices, roamers, and other customers with non-AFLT/AGPS-capable handsets instead of Phase I. Thus, OnStar and other telematics providers that implement personal calling will be able to offer location information commensurate with the abilities and expectations of the relatively few PSAPs that have upgraded to receive location information.

No system of delivering emergency services to the public is perfect. The Achilles heel of E911, as currently formulated and ordered by the Commission, is its reliance on the ability of thousands of locally based PSAPs, LECs, wireless carriers, and multiple vendors to deploy the technology one PSAP and one wireless carrier at a time. The inherent inefficiency of this process is evident throughout the record. Likewise, telematics services should improve over time with technology enhancements such as the conversion to digital technology. It is better to build upon the successes of the telematics system rather than trying to impose requirements developed for wireless handsets. The comments in this proceeding do not establish that telematics devices should be burdened with E911 handset rules.

## II. TELEMATICS DEVICES PRESENT A UNIQUE SET OF CHALLENGES NOT CAPTURED BY CURRENT FCC RULES

The existing rules, including the Order granting Verizon Wireless's waiver and establishing new and/or modified requirements, do not envision that OnStar's devices would be counted as part of Verizon Wireless's handset deployment obligation.<sup>10</sup> As a legal matter, therefore, the Commission should grant OnStar's petition because it correctly interprets the existing rules.

In any event, there are fundamental differences that would make the inflexible expansion of the handset rules to telematics devices ill-advised. For example, OnStar resells wireless airtime minutes to its subscribers. However, OnStar is not the typical reseller. Many resellers obtain their handsets in the wireless handset marketplace. By contrast, OnStar and its automotive manufacturing partners and their vendors must develop and maintain the telematics devices and the electrical system integrated into motor vehicles, which are the core of OnStar's business. Another contrast is that while resellers will benefit from the broad availability of handsets developed by manufacturers in response to demands from carriers with E911 handset deployment deadlines, OnStar will not. The fact that Verizon Wireless and Sprint, among others, are expanding GPS handset sales has propelled vendors to begin to offer more GPS capable handset models, enabling resellers to purchase and sell compliant handsets and meet any obligations the Commission may impose on them directly.<sup>11</sup> None of this will benefit OnStar. Broad

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<sup>10</sup> See *Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, Request for Waiver by Verizon Wireless, CC Docket No. 94-102, ("Order"), 16 FCC Rcd. 18634 (2001).

<sup>11</sup> In the E911 NPRM, the Commission is examining whether resellers should have a more express obligation to ensure compliance with E911 handset rules. NPRM at ¶ 95. Verizon Wireless notes that in another proceeding resellers held up the E911 handset obligation as justification for the FCC to reconsider its decision exempting CPE from the mandatory resale rule. See *Petition for Further Reconsideration*, MCI

availability of GPS handsets will do nothing to ensure availability of modified telematics devices. Telematics providers would face special challenges, both technology based and cost, to develop and deploy E911 Phase II consistent with existing handset requirements. Furthermore, the ability of underlying carriers to drive this process would be limited.

For these reasons, the PSAP Organizations' assertion that imposing existing E911 obligations on telematics providers is of little consequence because of existing requirements on underlying wireless carriers is simply wrong.<sup>12</sup> Moreover, whatever obligations the FCC may seek to impose on telematics providers, if any, should be theirs to meet. Verizon Wireless should not be required to ensure technological innovation and regulatory compliance by OnStar or any other telematics provider – a goal that is neither practical nor desirable as Verizon Wireless has devoted its resources to meeting its own regulatory obligations, which are substantial.

The conversion of their systems to digital technology is another challenge faced by telematics providers like OnStar. OnStar has argued in this proceeding that the public interest is served by allowing telematics providers to convert to digital technologies unencumbered by additional regulatory burdens, specifically, the E911 handset obligations. Verizon Wireless supports this request. OnStar and other telematics providers need time to develop and implement digital products and services. Moreover,

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WorldCom, WT Docket No. 98-100 and CC Docket No. 94-54, filed December 9, 1999. Specifically, MCI WorldCom argued that because resellers who use underlying carriers must also employ the handset solution and purchase modified handsets, the FCC should require mandatory CPE resale to allow resellers to receive handsets without delay. MCI WorldCom petition at 1, 5-6. In denying the petition, the FCC asserted that there was no evidence that modified handsets would not be available to resellers or that carriers would cross-subsidize their CPE component of their rates to disadvantage resellers. See *Interconnection and Resale Obligations Pertaining to CMRS, Order on Reconsideration of Memorandum Opinion and Order on Reconsideration*, 15 FCC Rcd 16221, at ¶ 4 (2000). Importantly, the FCC did not deny the petition on grounds that underlying carriers must, as a condition of meeting their E911 obligations, ensure that resellers sell modified handsets. Instead, the FCC implicitly accepted that whatever

the need to engineer compatible telematics facilities with wireless networks will present time-consuming challenges to underlying carriers as well. None of these considerations were contemplated in the E911 proceedings that established the current E911 handset obligations.

### III. CONCLUSION

For the foregoing reasons, Verizon Wireless again urges the Commission to grant OnStar's petition and declare that in vehicle, embedded telematics devices operating on wireless networks are not handsets and are not subject to the Commission's E911 rules for handsets.

Respectfully submitted,

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obligations resellers had with respect to selling modified handsets, it was theirs to meet, and that WorldCom's assertions regarding their alleged inability to obtain modified handsets was speculative. *Id.*

<sup>12</sup> Comments of PSAP Organizations at 4.