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FEB - 7 2003

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the Matter of)
)
OnStar Corporation Petition for)
Declaratory Ruling)
)
Applicability of the Commission's)
E911 Phase II Requirements for)
Wireless "Handsets" to In-Vehicle,)
Embedded Telematics Units)

CC Docket No. 94-102

REPLY COMMENTS OF TOYOTA MOTOR NORTH AMERICA, INC.

Toyota Motor North America, Inc. and the U.S. affiliates of Toyota Motor Corporation, including Toyota Motor Sales, Inc. (collectively, "Toyota") hereby offer the following Reply Comments in response to the above-captioned Petition for Declaratory Ruling ("Petition") filed by OnStar Corporation ("OnStar") and associated Comments.

Introduction

As the manufacturer and distributor of Toyota and Lexus vehicles, preeminent brands in the American automotive market, Toyota has a publicly recognized commitment to the safety and security of its customers and their families. Consistent with that commitment, since October 2000, Lexus has offered embedded telematics units as part of its product options on various Lexus models. To date, Lexus has, through its dealers, sold 53,000 Lexus vehicles equipped with telematics installed under the "Lexus Link" brand

The Lexus Link service offering includes emergency service notification, automatic crash notification, automatic notification of loss of battery, theft notification, stolen vehicle tracking, remote door lock/unlock, and accident assistance, as well as a variety of other

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location and data-based convenience services. The Lexus Link system appears as several buttons. These buttons are linked to a Global Positioning System (“GPS”) receiver and a wireless transmitter capable of sending and receiving analog cellular signals. In addition to volume controls and buttons that allow customers to record and play brief audio messages, the Lexus Link control panel has two “hot” buttons. Both connect the customer directly to Lexus Link Call Center Advisors, located at call centers in Troy, Michigan and Charlotte, North Carolina. One button, labeled “services,” is used to support ordinary roadside assistance, concierge services and the like; the other, labeled with the likeness of an ambulance, is intended to be used for emergencies.² Thus, as a provider of in-vehicle telematics services, Toyota has a vested interest in the outcome of this proceeding and any Commission regulation of telematics equipment and/or services that would directly impact Toyota and its affiliated companies.

Toyota will offer comments later this month on the Commission’s more general inquiry into whether or how it should extend or tailor its E911 regulatory framework to telematics services.’ However, Toyota agrees here with those parties that have highlighted the extent to which embedded telematics units are not and should not be considered “handsets” under the Commission’s current E911 rules (and thus should not be included in Commercial Mobile Radio Service (“CMRS”) providers’ handset activation compliance requirements).⁴

¹ Lexus Link and other telematics services are in the process of converting to digital wireless transmission

² Lexus has contracted with OnStar Corporation to provide the underlying telematics service support for Lexus Link. OnStar operates the Lexus Link call centers in Michigan and North Carolina. For information on OnStar, access <http://www.onstar.com>.

³ Revision of the Commission’s Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, *Further Notice of Proposed Rulemaking*, CC Dkt No. 94-102, IB Dkt No. 99-67 (rel. Dec. 20 2002).

⁴ See Comments of the Cellular Telecommunications & Internet Association; Comments of the ComCARE Alliance; Comments of Motorola; Comments of Verizon Wireless.

Telematics Units Constitute Vehicle-Integrated Technology That Is Not Analogous to A Wireless Handset

An in-vehicle telematics unit is not the same as a wireless telephone handset. In-vehicle telematics units are an integral part of a vehicle's electrical system. They employ their own unique and autonomous GPS technology for providing GPS location information (as opposed to the AGPS/AFLT technology handset solution being deployed by wireless carriers), and provide features and services specifically focused on the driving experience.'

Moreover, contrary to the position of a few parties in this proceeding,⁶ the mere fact that a suite of in-vehicle telematics services may include an untethered calling capability interconnected with the Public Switched Telephone Network ("PSTN") does not and should not convert a telematics unit into a wireless handset. OnStar, for example, offers a variety of call center services that are location-based or interactive with the vehicle, including automatic airbag deployment/crash notification ("ACN"), emergency services, remote diagnostics, stolen vehicle location and remote door unlock, and navigation.⁷ To the extent that OnStar also offers a wireless calling service such as OnStar Personal Calling, Toyota agrees with other commenters that this is "clearly ancillary to OnStar's cornerstone location-based telematics safety and security services,"⁸ and a "complement" to OnStar's "core suite of services."⁹

⁵ See OnStar Petition at 2-3; Comments of the Cellular Telecommunications & Internet Association at 2-3; Comments of Verizon Wireless at 2.

⁶ See Comments of Intrado, Inc. at 5, Comments of APCO, NENA and NASNA at 2.
OnStar Petition at 3.

⁸ Comments of ComCARE Alliance at 6.

⁹ Comments of Verizon Wireless at 2

**The Difficulties in Upgrading and Retrofitting Telematics Units
Militate Against Equating Them With Wireless Handsets for E911 Purposes**

Telematics units do not have short product cycles like wireless handsets.

Telematics units cannot be swapped out of vehicles every one-two years or readily retrofitted.

They are, instead, subject to the extensive validation and phase-in requirements that are generally required for integrated electronic automotive features. The product cycle of a Toyota or Lexus brand vehicle is typically five years or longer, depending on its sales volume and market conditions. Changes to electronic devices that involve redesigns of a vehicle's architecture and wire harness are difficult to make within the vehicle product cycle. In addition, the lifecycle of a vehicle often exceeds ten years.¹⁰ In short, telematics units are fundamentally different than traditional CMRS handsets in this respect, as well, and should not be regulated as such.

**Customers Do Not Expect to Receive 911 or
E911 Services from Telematics Devices**

Consumer expectations do not support a construction of the Commission's E911 rules that would encompass telematics services. Customers that purchase the Lexus Link supplementary service expect to talk directly with call center staff, and are reminded of this fact each time a Lexus Link button is pushed because the standard call center staffs introductory statement is "Lexus Link, this is [Advisor's name]. How may I help you [Mr./Ms. Name of Primary Driver]?" Toyota agrees that where a user "has chosen a telematics service that provides a safety and security call center system, the Commission should not second-guess or

¹⁰ Furthermore, as Verizon Wireless notes, customers "who have spend thousands on a vehicle with an in-vehicle telematics device are unlikely to spend additional **sums** to swap out the device for something different when the device already provides access to emergency help and location services." Comments of Verizon Wireless at 3.

overrule that individual's decision and impose a different set of performance requirements than the individual has chosen.””

**There is a Notable Absence Of Public Interest Benefits
Attending the Regulation of Telematics**

Most critically, in addition to potentially massive practical disruption and cost,” no public interest benefit would be reaped by attempting to wedge telematics services into current E911 definitions or implementation timetables specifically intended to govern the deployment of wireless handsets. To the contrary, as the ComCARE Alliance observes, sweeping telematics into the current E911 framework, and raising a host of attendant compliance issues, threatens to shift attention away from other important issues attending the transition from analog to digital telematics units, and indeed, could ultimately impede the continued installation and expansion of embedded telematics units that the America public wants.” Clearly, regulatory action that “discourages companies from installing these life saving systems, or makes them less effective,” is not in the public interest.¹⁴

Conclusion

The development of telematics capabilities has been and will continue to be of tremendous benefit to the U.S. consumer. Significantly, in the absence of any governmental mandate, telematics services have developed into an important complement to and safety net supporting E911 emergency services. As Verizon Wireless observes, the provision of telematics services by OnStar (i) does not rely upon the funding, staffing or technological upgrades to

¹¹ Comments of Motorola at 2

¹² OnStar provides telematics to more than two million subscribers that would need to somehow be retrofitted in the event that the Commission concluded that telematics devices were “handsets.” See OnStar Petition at 2; Comments of the Cellular Telecommunications & Internet Association at 3.

¹³ Comments of the ComCARE Alliance at 5, 7

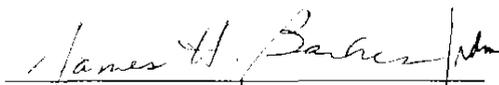
¹⁴ *Id.* at 3

Public Safety Answering Points (“PSAPs”) and their serving local exchange carriers that must be made in order to receive and utilize E911 information; (ii) enables professionally trained call center staff, under the “dispatch” calling model, to act as valuable information filters and to contact PSAPs in appropriate circumstances to alert them to emergencies, including relaying pertinent location and vehicle information that may be critical for locating a distressed caller; and (iii) permits call center staff to stay on the line with a distressed caller as long as necessary to resolve an emergency.¹⁵

Such valuable and important services should remain free to develop and expand outside of the Commission’s E911 regulatory framework. Neither telematics providers nor the consuming public are well served by a “one size fits all” approach to emergency services.”

Toyota therefore respectfully urges the Commission to grant OnStar’s petition,

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February 7, 2003

¹⁵ *Id.* at 4

¹⁶ *Id.* at 5.