

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

In the Matter of	)	
	)	
Revision of the Commission's Rules	)	CC Docket No. 94-102
To Ensure Compatibility with	)	
Enhanced 911 Emergency	)	
Calling Systems	)	
	)	

**PETITION FOR RECONSIDERATION  
OF NEXTEL COMMUNICATIONS, INC.**

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February 21, 2003

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## SUMMARY

Nextel Communications, Inc. (“Nextel”) seeks reconsideration of the *Order on Reconsideration* adopted by the Federal Communications Commission (“Commission” or “FCC”) in the *City of Richardson* proceeding (“City of Richardson” or “Richardson Order”). In the *Order on Reconsideration*, the Commission improperly adopted detailed new procedural guidelines for requesting information about a PSAP’s Phase II readiness that create a labyrinth of new requirements and potential liabilities for wireless carriers as part of the Enhanced 911 (“E911”) deployment process.

By creating this even more complex and adversarial deployment process, the Commission did not grant the relief sought by those parties seeking reconsideration of its *Richardson Order*, and it ignored the multitude of deployment complexities described by carriers throughout the E911 docket. As wireless carriers have demonstrated, the E911 deployment process is complex, numerous parties that are outside of the wireless carrier’s control can influence and determine how quickly a deployment proceeds, there is no “plug and play” option given the number of alternative accepted deployment standards, and all parties must work together in good faith to deploy PSAPs as rapidly as possible. Both Dale Hatfield, in his October 2002 Report commissioned by the FCC, and the public safety community also have recognized these inherent difficulties and the need for good faith cooperation among all parties. Therefore, the Commission should reconsider its decision by establishing a process in sync with these realities.

Moreover, the *Order on Reconsideration* improperly assumes that any PSAP request can be categorized as “valid” or “invalid.” The current lack of a single standard for E911 feature set components and their end-to-end connectivity creates myriad variables and demands that, in

many cases, result in neither a “valid” nor “invalid” PSAP request. In reality, the wireless carrier may be “ready” and the PSAP may be “ready,” but because each has deployed a different solution compliant with differing applicable standards, their particular solutions do not work together and Phase II cannot be deployed. All of these complexities create an enormous gray area of “readiness” that means a particular PSAP request to a particular wireless carrier does not fit into “valid request” or “invalid request” categories established by the *Order on Reconsideration*.

The six-month rule in Section 20.18(d) of the Commission’s rules is arbitrary, and the new burdens and processes attached to it in the *Order on Reconsideration* amplify its arbitrariness by shifting valuable resources away from the deployment process. The better approach is a rule that imposes on carriers an obligation to work in good faith—with all relevant stakeholders—to deploy a requesting PSAP within six months of a request. If good faith efforts fail, the Commission should provide an expedited process for parties to resolve deployment disputes.

Finally, the Commission should reconsider its decision to impose personal liability on a corporate certifying director or officer. This additional potential liability is unnecessary, given that Nextel already is subject to the Commission’s rules. Moreover, without personal liability imposed on all stakeholders critical to the deployment process, and all parties being subject to the same enforcement action, the FCC could ultimately hold a certifying director or officer liable for actions that were within the control of these other stakeholders.

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**PETITION FOR RECONSIDERATION  
OF NEXTEL COMMUNICATIONS, INC.**

In response to the November 26, 2002 *Order on Reconsideration* (“Reconsideration Order”)<sup>1</sup> adopted by the Federal Communications Commission (“Commission” or “FCC”) in the *City of Richardson*<sup>2</sup> proceeding (“City of Richardson” or “Richardson Order”), Nextel Communications, Inc. (“Nextel”) submits this Petition for Reconsideration. The Commission adopted the Reconsideration Order in response to Petitions for Reconsideration filed by Cingular Wireless (“Cingular Petition”) and Sprint PCS (“Sprint Petition”) (Cingular Wireless and Sprint PCS are collectively referred to herein as “Petitioners”),<sup>3</sup> which challenged the Commission’s Richardson Order on substantive and procedural grounds and requested the Commission adopt certain proposed changes.

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<sup>1</sup> Revision of the Commission’s Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, *Order on Reconsideration*, rel. Nov. 26, 2002 (“Reconsideration Order”).

<sup>2</sup> Revision of the Commission’s Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, *Order*, rel. Oct. 10, 2001 (“City of Richardson” or “Richardson Order”).

<sup>3</sup> Revision of the Commission’s Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, *Petition for Reconsideration*, Dec. 3, 2001 (“Cingular Petition”); Revision of the Commission’s Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, *Sprint PCS Petition For Expedited Reconsideration and Clarification*, Nov. 30, 2001 (“Sprint Petition”).

## I. INTRODUCTION

On December 12, 2001 the Commission released a Public Notice seeking comments on Sprint's and Cingular's Petitions.<sup>4</sup> Sprint requested the Commission clarify and reconsider portions of the Richardson Order and adopt proposed changes to help ensure that Enhanced 911 ("E911") service be activated as rapidly as possible.<sup>5</sup> Cingular argued that the Commission's decision substantively changed, instead of clarified, Section 20.18(j) in violation of the Administrative Procedure Act ("APA").<sup>6</sup> Importantly, Petitioners requested that the Commission clarify the Richardson Order to better reflect realities of the Phase II deployment process to ensure that public safety answering point ("PSAP") "...and carrier resources are used productively which, in turn, will maximize the number of operational wireless E911 systems that can be activated in the near future."<sup>7</sup>

On November 26, 2002 the Commission released the Reconsideration Order, which adopted new procedural guidelines for requesting information about a PSAP's Phase II readiness and created a labyrinth of new requirements and potential liabilities for wireless carriers as part

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<sup>4</sup> See Wireless Telecommunications Bureau Seeks Comment On Petitions For Reconsideration Regarding Public Safety Answering Point Requests For Phase II Enhanced 911, CC Docket No. 94-102, Dec. 12, 2001 ("Public Notice").

<sup>5</sup> Sprint argued that the Richardson Order would not ensure that wireless E911 service becomes operational as soon as possible and that (a) conversion of individual systems should not begin unless the PSAP documents that its automatic location information ("ALI") database will be Phase II capable within six months, and (b) the Commission should either reconsider the E2 interface issue or adjust the implementation schedule for customized E911 installations. *See generally*, Sprint Petition at pp. 3-10. Moreover, Sprint proposed clarifications to expedite future deployments including (a) the Commission should confirm that Phase II ALI database upgrades must include the "pull" and "refresh" capabilities, and (b) the Commission should confirm that the six-month implementation period is tolled while a PSAP assembles its supporting documentation. *See generally*, Sprint Petition at pp. 10-13.

<sup>6</sup> Cingular alleged that the Commission's actions were arbitrary and capricious and urged the Commission to (a) require PSAPs to submit documentation with their requests establishing they are able to receive and utilize the requested information, (b) establish an expedited process for resolving disputes, (c) toll the six-month period for responding to a disputed PSAP request, and (d) determine whether the Wireless Telecommunications Bureau has delegated authority to issue rulemaking notices. *See generally*, Cingular Petition at pp. 6-13.

<sup>7</sup> Sprint Petition at p. 1.

of the deployment process.<sup>8</sup> By adopting the Reconsideration Order and creating a more complex and adversarial deployment process, the Commission did not grant the relief sought by the Petitioners and ignored the multitude of deployment complexities described by carriers throughout the E911 docket while, most egregiously, overlooking the very relevant conclusions in the Hatfield Report.<sup>9</sup> For example, despite ample record evidence to the contrary, the Reconsideration Order implicitly assumes that PSAP requests can be neatly categorized in “valid” or “invalid” categories. Nextel requests that the Commission reconsider its decision and, based on the record in the E911 proceeding, implement rules enabling all parties to work together to deploy Phase II PSAPs within six months or as soon as possible using good faith efforts. Where there is a perceived absence of good faith on the part of the wireless carrier, the Commission should provide an expedited process for parties to resolve disputes at the FCC.

## **II. BACKGROUND**

### **A. THE RICHARDSON ORDER**

In the original City of Richardson decision, the Commission amended its rules to clarify what constitutes a valid PSAP request triggering a wireless carrier’s obligation to provide E911 service to a PSAP within six months. The Commission stated that a PSAP request would be deemed valid if (1) a cost recovery mechanism was in place for the PSAP, (2) the PSAP had ordered necessary equipment upgrades that would be in place no later than six months following

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<sup>8</sup> See generally, Reconsideration Order at pp. 3-6.

<sup>9</sup> “A Report on Technical and Operational Issues Impacting the Provision of Wireless Enhanced 911 Services,” Prepared for the Federal Communications Commission by Dale N. Hatfield (hereinafter, the “Hatfield Report”) October 16, 2002. See also, Public Notice, “Wireless Telecommunications Bureau Seeks Comment on Report on Technical and Operational Wireless E911 Issues,” WT Docket No. 02-46, DA 02-2666, released October 16, 2002. See, *infra.*, at pp. 6-7 for additional discussion of the Hatfield Report.

its request, and (3) the PSAP had requested necessary trunking and other facility upgrades from the local exchange carrier (“LEC”).<sup>10</sup>

Petitioners requested that the Commission clarify its Order by addressing certain conditions, which also resulted in delayed PSAP deployments but were not the fault of or within a wireless carrier’s control. For example, the Richardson Order did not address delays caused by a PSAP’s request for customized installations or when a PSAP had placed its request with a LEC, but the LEC upgrades were not completed prior to the conclusion of the six-month period. In both instances, under the Richardson Order, the wireless carrier would remain liable for not deploying within the six-month window. Generally, the Petitioners were requesting that the Commission provide a framework better suited to the reality of the Phase II deployment process, which often is complex and involves the good faith efforts of many parties, not just wireless carriers.

In response, although it clarified that a wireless carrier will not be subject to FCC enforcement for a lack of deployment when the failure is due to a PSAP’s “unreadiness” or when the parties mutually agree upon an alternative deployment schedule, the Commission’s Reconsideration Order disregards the record evidence about the complexities of Phase II deployments and creates an even more adversarial process for wireless carriers and PSAPs. This process will divert a wireless carrier’s valuable deployment resources from actual deployment efforts to managing a new and onerous administrative process that is not in sync with the realities of deployment.<sup>11</sup>

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<sup>10</sup> See Richardson Order at pp. 1-2.

<sup>11</sup> See *generally*, Reconsideration Order at pp. 3-6.

## B. THE REALITIES OF PHASE II DEPLOYMENT

Nextel has been actively engaged in wireless E911 efforts since the inception of this proceeding and has successfully deployed over 700 Phase I PSAPs and more than 95 Phase II PSAPs. On October 1, 2002 Nextel achieved its first Phase II implementation benchmark when it began selling and activating the i88s, its first assisted global positioning satellite (“A-GPS”) capable handset, and recently introduced a second A-GPS capable handset, the i58sr.

During its Phase I, and particularly its Phase II, deployments Nextel has experienced extensive and unexpected end-to-end connectivity problems related to trunking between the LEC’s regional automatic location identification (“ALI”) database and the PSAP, the configuration of the LEC’s selective routers and ALI databases, the synchronization of critical timers throughout these various components, and the interface between Intrado’s wireless national ALI (“WNALI”) and the LEC’s infrastructure.<sup>12</sup> These hurdles, which were not related to the readiness of Nextel’s network or its ability to accurately locate an A-GPS integrated digital enhanced network (“iDEN”) handset, involved the actions of third parties outside of Nextel’s control and inserted added delay into an already complex deployment process. Because of variations in equipment and technology, and a number of varying standards for each, as well as a lack of uniform end-to-end configuration standards, deployment is not a “plug and play” process.

Although Nextel continues to devote substantial resources to deploy PSAPs and to work in good faith with all parties involved in the process, Nextel must identify and solve end-to-end connectivity issues on an *ad hoc* basis with each deployment and, more importantly, cannot

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<sup>12</sup> See *Nextel Communications, Inc. Phase I and Phase II E911 Quarterly Report*, CC Docket No. 94-102 (Nov. 1, 2002) (“Nextel’s November 2002 Report”) at pp. 5-13, for a complete discussion about end-to-end connectivity problems Nextel has encountered during its Phase II deployments.

predict when or where these issues will occur.<sup>13</sup> The absence of clearly defined end user requirements, as well as the lack of clearly defined roles and responsibilities for all stakeholders, ultimately can result in deployment delays for all PSAPs. Moreover, all of these complexities create an enormous gray area of “readiness” that means, as discussed further in Section III A.2. below, a particular PSAP request to a particular wireless carrier may not fit into “valid request” or “invalid request” categories established by the Reconsideration Order.

### III. DISCUSSION

#### A. THE COMMISSION MUST RECONSIDER ITS DECISION SO ITS RULES WILL ACCOMMODATE THE REALITIES OF PHASE II DEPLOYMENT.

##### 1. Given the Complexities, Amply Detailed in the Record, Cooperative—Not Adversarial—Efforts are the Only Avenue for More Rapid and Efficient Deployment.

Throughout the record in this docket and in the Hatfield Report, wireless carriers have explained that the E911 deployment process is complex, that numerous parties outside of the wireless carrier’s control can influence and determine how quickly a deployment proceeds, that there is no “plug and play” option given the number of alternative accepted standards, and that all parties must work together in good faith to deploy PSAPs as rapidly as possible.<sup>14</sup> On

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<sup>13</sup> See Nextel’s November 2002 Report at pp. 10-11, for a description of unexpected complications that surfaced in Nextel’s second Phase II deployment in Hampton, Virginia.

<sup>14</sup> See, e.g., *Comments of AT&T Wireless Services, Inc.*, CC Docket No. 94-102 (Nov. 15, 2002) pp. 2-3 (“[V]irtually all of the E911 compliance burden currently falls on CMRS providers, yet many of the problems and obstacles to E911 deployment cited in the Hatfield Report are completely beyond the control of wireless carriers” and noting “the Commission should take steps to ensure that the responsibilities of standards-setting bodies are clarified and that there is better specification of E911 implementation standards.”); *Nextel Communications, Inc. Phase I and Phase II E911 Quarterly Report*, CC Docket No. 94-102 (Nov. 1, 2002) at pp. 4-11 (discussing end-to-end connectivity issues during Nextel’s first live E911 Phase II deployment and subsequent deployments); *Sprint Corporation Quarterly E911 Implementation Report*, CC Docket No. 94-102 (Aug. 1, 2002) at p. 6 (“[B]oth PSAPs and wireless carriers will continue to waste time and money on sporadic deployment efforts that stall mid-project as they wait for the LEC to determine how and when it intends to pass Phase II information and what interfaces will be required by all parties involved.”); *Comments of T-Mobile USA, Inc.*, CC Docket No. 94-102 (Nov. 15, 2002) at pp. 12-13 (“Custom solutions require development time, and the six-month implementation period envisioned by the rules is too short to contain any time for the development and testing of new features... The Commission should exclude customized requests from the six-month implementation deadline, or alternatively toll the running of the six-month period for any deployment seeking customized features.”).

October 16, 2002 the Bureau released a report by Dale N. Hatfield that it had commissioned to examine the technical and operational issues impacting the provision of wireless E911.<sup>15</sup> In the Public Notice requesting comment on the Report, the Commission specifically stated that it would “use the information in the Hatfield Report and in the comments it receives to assess enhanced emergency 911 services (E911) deployment issues and consider methods to overcome any obstacles and accelerate deployment.”<sup>16</sup> Nonetheless, in the Reconsideration Order, released a month after the Hatfield Report, the Commission appears to have considered none of the Report’s invaluable information and conclusions.<sup>17</sup>

In his Report, Mr. Hatfield stated “it is...important to stress that the deployment of wireless E911 services in the United States is an extremely complex matter...[and that] [t]here is complexity in every dimension.”<sup>18</sup> “Because of the total number of stakeholders involved, the complexity of the inter-relationships among the stakeholders, and the incentives and constraints faced on those stakeholders...,” he notes “*an unusually high degree of coordination and cooperation among public and private entities will be required* (emphasis added).”<sup>19</sup>

Similarly, the Public Safety community has recognized the complexities of deployments and the need for good faith cooperation among all parties. Two months prior to the Reconsideration Order, in a September 20, 2002 letter from the presidents of the National

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<sup>15</sup> See generally, Hatfield Report. See also, *Wireless Telecommunications Bureau Seeks Comment On Report On Technical and Operational Wireless E911 Issues*, WT Docket No. 02-46 (October 16, 2002) (the “Hatfield Public Notice”).

<sup>16</sup> See, Hatfield Public Notice.

<sup>17</sup> The Hatfield Report also found the need for a more adaptable regulatory approach and noted that being forced to meet handset deployment requirements could unfairly penalize a wireless carrier with a low churn rate. See The Hatfield Report at p. 44. Nextel reiterates that the Commission must carefully consider the information provided in The Hatfield Report and, rather than forcing consumers to trade in their existing handsets for a Phase II handset by a date certain (i.e., December 31, 2005), allow consumers to decide on their own when to upgrade their handsets. The government’s role should be limited to assuring that Phase II-capable handsets are available to subscribers.

<sup>18</sup> The Hatfield Report at p. 18.

<sup>19</sup> *Id.* at pp. 20-21.

Emergency Number Association (“NENA”), the Association of Public-Safety Communications Officials-International (“APCO”), and the National Association of State Nine One One Administrators (“NASNA”) to the Commission, the organizations stated:

We recognize that some clarification or modification of existing rules may be necessary to address some of the concerns raised by Verizon and Sprint, particularly in light of the year that has passed since the Richardson petitions were filed. However, **in the end, as we have said previously, implementation will depend more on common-sense accommodations reached in good faith among the parties than on rule changes** (emphasis added).<sup>20</sup>

Additionally, the Commission should recognize ongoing cooperative efforts to develop a Phase II Readiness checklist that more accurately reflects the realities of deployment and implementation with PSAPs and LECs that have not deployed Phase II. In developing this proposed checklist, the Alliance for Telecommunications Industry Solutions (“ATIS”) and the Emergency Services Interconnection Forum (“ESIF” which is a forum of ATIS) have noted the continued confusion created by the Commission’s City of Richardson Order framework and, therefore, are attempting to put real-world cooperative guidelines in place. This process, or building upon this process, rather than implementing the complex administrative rules recently adopted by the Commission, better reflects the realities of deployment and implementation and would foster goodwill, cooperative efforts between PSAPs and LECs resulting in more efficient deployments.

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<sup>20</sup> See Letter from John R. Melcher, Thera Bradshaw and Evelyn Bailey to Marlene H. Dortch, CC Docket No. 94-102, (September 20, 2002) (“Public Safety Letter”). NENA also has initiated an effort through its Strategic Wireless Action Team (“SWAT”) to bring representatives of all E911 primary stakeholders including wireless carriers, local exchange carriers, third party vendors, PSAPs and other organizations together to identify and resolve operational, technical, financial and policy related issues that currently impede rapid E911 deployment. The SWAT has hired Monitor Group, a leading global strategy advisory firm, to provide objective, independent, coordination of the process to create a pragmatic, multi-lateral “coalition plan” for E911 that identifies and develops a comprehensive recommendation for accelerating implementation throughout the country. The spirit of the SWAT is progress through good faith cooperation.

Although the Commission indicated that it would use the information in the Hatfield Report to influence its policies addressing deployment obstacles, the Commission's Reconsideration Order failed to heed Mr. Hatfield's observations and recommendations about deployment complexities and the necessity for good faith cooperation among all parties. Instead, the Commission has implemented a complicated administrative and adversarial process that will more likely slow—rather than speed—deployment.

2. E911 Deployments Often Cannot be Classified into the Distinct “Valid” or “Invalid” Requests Established by the Reconsideration Order.

The current lack of a single standard for E911 feature set components and their end-to-end connectivity creates myriad variables and demands that, in many cases, result in neither a “valid” nor “invalid” PSAP request. In reality, the wireless carrier may be “ready” and the PSAP may be “ready,” but because each has deployed a different solution compliant with differing applicable standards, their particular solutions do not work together and Phase II cannot be deployed. Additionally, questions frequently arise about the method in which a wireless carrier routes Phase II calls to a PSAP, and a wireless carrier's responsibility to use a technology requested by a LEC or PSAP which deviates from its Phase II solution.<sup>21</sup> Mr. Hatfield recognized these inherent pitfalls and potential deployment delays by noting that “[w]ithout standards, the necessary interfaces must be designed and implemented on an *ad hoc* basis defeating the plug and play notion and making it difficult, costly and time consuming to rollout the [Phase II] service.”<sup>22</sup>

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<sup>21</sup> Mr. Hatfield notes that some early adopters are pushing for additional functionalities or capabilities beyond Phase II such as routing by latitude and longitude and warns of delay resulting from additional requirements. *See* The Hatfield Report at p. 40.

<sup>22</sup> *Id.* at p. 26.

This lack of standard feature set specifications for each of the various technologies (i.e. GSM, TDMA, CDMA and iDEN) to establish their respective technological capabilities as well as to help manage PSAP expectations about each system's functionalities creates situations in which PSAPs cannot be strictly classified as "valid" or "invalid" as the Reconsideration Order requires. For example, because of trunking-related connectivity issues and other factors such as PSAP preferences, some PSAPs require a Phase II solution using emergency services routing digits ("ESRD") rather than the emergency services routing key ("ESRK") technology currently supported by Nextel.<sup>23</sup> Thus, this PSAP's request may be "valid," but given the incompatible technologies, cannot be deployed within the Commission's prescribed timeframes. In the meantime, adjusting Nextel's interconnectivity to support the use of ESRDs create new integration issues that may involve Nextel, the LEC and Intrado, requiring additional time before Nextel can successfully deploy those PSAPs.<sup>24</sup>

Public Safety leaders also recognize that a PSAP's readiness cannot always be easily classified, stating:

It is a feature of the real world, testified to by many early Phase II implementers, that the definition of readiness evolves and varies according to the peculiarities of individual serving arrangements, configurations and geographies. Not until the work starts will all the variables be identified.<sup>25</sup>

As Nextel has previously stated,<sup>26</sup> in light of the complexities and realities of Phase II deployment, the six-month rule in Section 20.18(d) of the Commission's rules is arbitrary.

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<sup>23</sup> Either ESRK or ESRD is a technologically acceptable signaling solution to allow the PSAP to obtain E911 Phase II information from the wireless carrier's network.

<sup>24</sup> Nextel currently is analyzing an ESRD solution for its iDEN network and anticipates testing with PSAPs in the near future. Nextel remains in contact and is committed to working with PSAPs from those areas requiring an ESRD solution and will begin to deploy them as soon as possible.

<sup>25</sup> See Public Safety Letter.

<sup>26</sup> See *Comments of Nextel Communications, Inc.*, CC Docket No. 94-102 (Nov. 15, 2002) at p. 7; See also, *Nextel Communications, Inc. Reply Comments*, CC Docket No. 94-102 (Dec. 3, 2002) at pp. 2-5.

While initially providing a “jump start” to the Phase I process, it is wholly at odds with today’s Phase II reality in which carriers are faced not only with complex end-to-end integrations, but also with a “piling up” of PSAP requests that cannot possibly be deployed simultaneously. Nextel believes the better approach is a rule that imposes on carriers an obligation to work in good faith—with all of the relevant stakeholders—to deploy a requesting PSAP within six months of a request. Supporting this framework should be an expedited process for parties to resolve disputes when it appears parties are not acting in good faith.

**B. THE COMMISSION SHOULD RECONSIDER ITS DECISION TO IMPOSE PERSONAL LIABILITY ON A CORPORATE CERTIFYING DIRECTOR OR OFFICER.**

The Richardson Reconsideration states

[t]he certifying director or officer has the duty to personally determine that the affidavit [certifying that a carrier has taken all steps to determine that a PSAP will not be capable of receiving and utilizing E911 information at the end of the six-month implementation period] is correct. If it is incorrect or incomplete, *he or she, as well as the carrier*, will be subject to Commission action, including action by the Commission or the Enforcement Bureau for false or misleading statements, where appropriate (emphasis added).<sup>27</sup>

As noted herein, the deployment process often is complicated and complex and is subject to various factors that often can be difficult, if not impossible, to verify without cooperation from a number of other involved stakeholders. Once again the Commission has positioned wireless carriers as the “quarterback” of deployments and made the carriers’ officers potentially personally liable for representations about the actions of third parties over which they have no control. Without personal liability imposed on all involved parties, and all parties being subject to the same Enforcement Bureau action, there is great potential for the Commission to improperly impose liability not only on a wireless carrier but also on a certifying director or

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<sup>27</sup> Reconsideration Order at p. 5.

officer who cannot control the actions of these other stakeholders. Extending Commission reach to corporate officers or directors who are acting solely in their roles as Nextel representatives is wholly unnecessary and should be reconsidered.

#### **IV. CONCLUSION**

For the reasons stated herein, Nextel requests that the Commission reconsider the Reconsideration Order. The six-month rule in Section 20.18(d) of the Commission's rules is arbitrary, and the new burdens and processes attached to it in the Reconsideration Order amplify its arbitrariness by shifting valuable resources away from the deployment process. The better approach is a rule that imposes on carriers an obligation to work in good faith—with all of the relevant stakeholders—to deploy a requesting PSAP within six months of a request. If good faith efforts fail, the Commission should provide an expedited process for parties to resolve deployment disputes.

Respectfully submitted,

**NEXTEL COMMUNICATIONS, INC.**

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February 21, 2003

## CERTIFICATE OF SERVICE

I, James Paull IV, hereby certify that on this 21<sup>st</sup> day of February 2003, I caused a copy of the attached Petition for Reconsideration of Nextel Communications, Inc. to be served via Federal Express or First Class Mail to the following:

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