

**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	)	
	)	

**REPLY COMMENTS OF  
NEXTEL COMMUNICATIONS, INC.**

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April 3, 2003

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Nextel Communications, Inc. ("Nextel") submits these Reply Comments in response to the *Opposition To Petitions For Reconsideration* ("Opposition Petition") filed by the Association of Public-Safety Communications Officials-International, Inc. ("APCO") and the National Emergency Number Association ("NENA") (APCO and NENA may be referred to collectively herein as "Public Safety") in the City of Richardson proceeding.<sup>1</sup>

**I. INTRODUCTION**

On November 26, 2002 the Federal Communications Commission ("FCC" or "Commission") adopted an *Order on Reconsideration* ("Richardson II")<sup>2</sup> in response to Petitions for Reconsideration<sup>3</sup> filed by Cingular Wireless LLC ("Cingular") and Sprint PCS, which

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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, *Opposition To Petitions For Reconsideration* (March 24, 2003) ("Opposition Petition"). See also, Public Notice, *Petitions for Reconsideration and Clarification of Action in Rulemaking Proceedings*, Report No. 2596 (March 3, 2003). AT&T Wireless and T-Mobile filed comments supporting Cingular's, Nextel's and T-Mobile's Petitions for Reconsideration. See, *Comments of AT&T Wireless Services, Inc.*, CC Docket No. 94-102 (March 24, 2003); *Comments of T-Mobile USA, Inc. in Support of Petitions for Reconsideration by Cingular Wireless LLC and Nextel Communications Inc.*, CC Docket No. 94-102 (March 24, 2003).

<sup>2</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) ("Richardson II").

<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); Revision of the Commission's Rules To Ensure

challenged the Commission's October 17, 2001 Richardson Order ("Richardson I")<sup>4</sup> on substantive and procedural grounds and requested the Commission adopt certain proposed changes. Richardson II created a labyrinth of new requirements for both wireless carriers and public safety answering points ("PSAPs") attempting to deploy enhanced 911 ("E911") service. On February 21, 2003 Cingular, Nextel and T-Mobile USA, Inc. ("T-Mobile") filed Petitions for Reconsideration of Richardson II.<sup>5</sup>

Nextel submits this Reply to clarify a statement in the APCO and NENA Opposition Petition. Therein, Public Safety incorrectly summarized that Nextel proposes to "scrap the six-month rule altogether, and simply require carriers and PSAPs to work together in good faith to complete deployment as soon as possible."<sup>6</sup> Nextel provides clarification about its proposed solution and urges the Commission to reconsider Richardson II as set forth herein.

## II. DISCUSSION

Nextel proposes a solution that relies on cooperation to efficiently direct resources to their most productive use in place of the complicated certification process established by the Commission in Richardson II, which potentially forces both wireless carriers and PSAPs to divert limited resources from facilitating deployments to monitoring dates and exchanging time-consuming paperwork.<sup>7</sup> Although APCO and NENA correctly note that Nextel's proposal relies

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Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, *Sprint PCS Petition For Expedited Reconsideration and Clarification* (Nov. 30, 2001).

<sup>4</sup> Revision of the Commission's Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, *Order* (rel. Oct. 17, 2001) ("Richardson I").

<sup>5</sup> See *Petition For Reconsideration*, CC Docket No. 94-102 (Feb. 21, 2003); *Petition for Reconsideration of Nextel Communications, Inc.*, CC Docket No. 94-102 (Feb. 21, 2003) ("Nextel's Reconsideration Petition"); *Petition for Clarification and Reconsideration*, CC Docket No. 94-102 (dated Feb. 21, 2003, filed Feb. 24, 2003).

<sup>6</sup> Opposition Petition at p. 9.

<sup>7</sup> Although a separate and distinct issue from the PSAP-by-PSAP deployments addressed in Richardson I and Richardson II, Public Safety noted in its Opposition Petition Nextel's additional concerns about the existing handset penetration requirements. Nextel responds briefly herein. The Commission's December 31, 2005 benchmark requiring that 95% of all Nextel and other handset-based Tier I, II and III wireless carrier subscriber handsets in

on the good faith efforts of the parties, Nextel's proposal does *not* eliminate the six-month implementation period and provides PSAPs an opportunity to seek Commission relief if a wireless carrier is not engaged in good faith deployment efforts.

Under Nextel's proposal a written Phase I or Phase II deployment request still is required from a PSAP to a wireless carrier. PSAPs also would be required to provide carriers the Richardson I documentation or Phase II Readiness checklist information that has been developed by the Emergency Services Interconnection Forum ("ESIF").<sup>8</sup> Deployments, as a practical matter, cannot begin without the sharing of this information. The content of this information, moreover, is needed to ensure that a PSAP has taken the necessary preliminary action to facilitate a deployment before a wireless carrier potentially diverts resources from other PSAP deployments to begin this one. As the rules currently provide per Richardson I, a PSAP would not have to be "ready" on the date of a deployment request. Rather, the PSAP would provide assurances to the wireless carrier that it would be "ready" within six months of a request or as soon as possible thereafter and, using all good faith efforts, had made the necessary request to the local exchange carrier ("LEC") for network upgrades and will have all the necessary customer premises equipment ("CPE") to support Phase II service.

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service must be assisted global positioning satellite ("A-GPS") Phase II capable would inefficiently allocate wireless carriers' resources to meet this benchmark, particularly given the current low level of PSAP Phase II readiness nationwide. Based on current deployment levels, the majority of PSAPs throughout the country are unlikely—despite on-going efforts of the industry and public safety community—to be capable of receiving and using Phase II location information transmitted from handsets. Moreover, current economic conditions, which are significantly weaker than at the time the Commission implemented the 95% requirement, have exacerbated the enormous investment required to meet this benchmark.

<sup>8</sup> 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 framework and 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 and cooperative efforts between PSAPs and local exchange carriers resulting in more efficient deployments.

Within six months of receiving the deployment request from a PSAP, the wireless carrier and the PSAP would be obligated to engage in good faith cooperative efforts to deploy the service. Based on Nextel's experience and other record evidence throughout this docket, the E911 deployment process is complex. Numerous parties outside of the wireless carrier's (and sometimes a PSAP's) control can influence and determine how quickly a deployment proceeds, and there is no "plug and play" option given the number of alternative accepted standards.<sup>9</sup> Given that some deployments may involve unexpected delays, good faith cooperative efforts would enable the parties to concentrate resources to *resolve* deployment issues rather than directing them to the complicated Richardson II administrative processes simply to get in "under the wire" of the six-month period.<sup>10</sup>

If a wireless carrier does not deploy a PSAP within six months and the PSAP believes that the carrier has not proceeded in good faith, at any time following the initial six month period a PSAP would have the right to file a complaint with the Commission alleging that the carrier has not fulfilled its deployment obligations. The FCC, in turn, should provide a forum to

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<sup>9</sup> See, e.g., *Comments of AT&T Wireless Services, Inc.*, CC Docket No. 94-102 (Nov. 15, 2002) pp. 2-3 ("[T]he 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 ("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."). See also, "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 (October 16, 2002) at pp. 20-21. Mr. Hatfield stated "[b]ecause 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..." and he notes "*an unusually high degree of coordination and cooperation among public and private entities will be required* (emphasis added)."

<sup>10</sup> The changes Nextel suggests herein are further supported by the fact that the six-month timeline is arbitrary and unsupported by the record. Nonetheless, given the range of complexities of a PSAP deployment, Nextel does not believe any other timeframe—whether 5 months, 9 months or 12 months—is any more justifiable. Thus, the six-month timeframe already in the FCC's rules, coupled with requiring good faith actions by all parties, is the most rational approach to deployment.

expedite any PSAP complaints and commit to resolve issues quickly to facilitate rapid deployments. One of the many advantages of this approach is that the FCC will not be inundated with “paper” from parties who could otherwise continue working together without ever having filed any “certifications” or other adversarial documents. Only those deployments that have resulted in carrier-PSAP disagreements and an inability to work together will be presented to the Commission.

Moreover, Nextel’s proposed approach fits the reality of E911 deployments better than the Richardson II “mutual agreement” approach because there may be times when a carrier, acting in good faith, simply cannot reach mutual agreement with a PSAP for an alternative deployment date. For example, if a LEC resolves a tariff issue causing 10 PSAPs (all having requests at or older than six months) to suddenly become “ready,” a wireless carrier would not be capable of simultaneously deploying each of these PSAPs, particularly if other PSAPs are already queued for deployment. In this scenario the carrier’s only option is to establish a sequential deployment timeline deploying those 10 PSAPs as soon as possible. If any, most or all of those PSAPs disagrees with the carrier’s proposed schedule, there is no “mutual agreement” and, essentially, the carrier can be subject to FCC enforcement. As a result, Richardson II would penalize carriers for actions outside of their control (i.e. LEC issues).

By allowing carriers and PSAPs to proceed in good faith, parties could reach consensus about deployment outside of the scope of the inefficient Richardson II rules and, to the extent a PSAP disagrees with the carrier’s proposed schedule, it could raise the issue with the FCC and then demonstrate that the carrier’s schedule was not a good faith proposal.



## CERTIFICATE OF SERVICE

I, Laura L. Holloway, hereby certify that on this 3rd day of April 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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/s/  
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