

**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)	WT Docket No. 02-377
911 Emergency Calling Systems)	

REPLY COMMENTS OF THE RURAL TELECOMMUNICATIONS GROUP

The Rural Telecommunications Group ("RTG"), by its attorneys, hereby responds to the comments filed on October 2, 2003 by the National Emergency Number Association ("NENA"), the Association of Public-Safety Communications Officials-International, Inc. ("APCO") and the National Association of State Nine One One Administrators ("NASNA") (collectively, the Safety Groups) regarding the Petition for Waiver and Request for Temporary Limited Stay ("Petition") filed by RTG on August 29, 2003.¹

The Safety Groups attempt to divide the rural wireless carrier industry by mischaracterizing RTG's petition. Addressing RTG's request for relief from the Commission's Phase II deadlines, they state that "[p]lainly, RTG is persuaded that even small rural carriers need only a bit more time, not generalized forbearance from the accuracy standards."² RTG has never stated that rural carriers do not need forbearance from the accuracy standards. RTG is on the record as fully supporting the Tier III

¹ The Comments also address filings made by Southern Illinois RSA Partnership d/b/a First Cellular of Southern Illinois and the Tier III Coalition for Wireless E911 ("Tier III Coalition"). These reply comments respond only to the portion of the Comments addressing RTG's petition.

² Safety Groups Comments at p. 6.

Coalition's petition for forbearance.³ In suggesting that certain carriers relying on a network-based Phase II solution be afforded 24 months after receipt of a public safety answering point ("PSAP") request for Phase II service in order to meet the accuracy requirements set forth in Section 20.18(f) of the Commission's rules (subject to certain conditions), RTG noted that the only carriers who would be capable of building the additional cell sites necessary to meet such a 24 month requirement would be those carriers capable of making huge capital expenditures relative to their income and expenses.⁴ While some small rural carriers may be capable of incurring such additional expense in certain portions of their network in order to attempt to meet network-based accuracy requirements, many are not. In its Petition, RTG stated that in order for a rural carrier to determine whether it could incur the expense of building additional cell sites to support triangulation which is necessary to comply with the FCC's accuracy requirements for a network-based solution, the rural carrier would have to "first run a business model to determine what modifications to its network are required to meet applicable Phase II requirements, and whether such modifications are technically and economically feasible."⁵ The Safety Groups have grossly misunderstood and mischaracterized RTG's Petition by implying that because a network solution might be technically possible as a result of the construction of additional cell sites, RTG believes that such a solution would be economically viable. RTG specifically stated that in order

³ In re Petition Pursuant to 47 U.S.C. § 160(c) for Forbearance from E911 Accuracy Standards Imposed on Tier III Carriers for Locating Wireless Subscribers Under Rule Section 20.18(h), WT Docket No. 02-377, Comments of the Rural Telecommunications Group, filed January 23, 2003.

⁴ Petition at p. 4. *See also Id.* at p. 3 ("The only technical solution for most rural carriers to meet the Phase II accuracy requirements would be the construction of additional cell sites, which would allow for the necessary triangulation. However, such construction would require the expenditure of substantial resources beyond those which such carriers have been able to make a business case to support.").

⁵ Petition at p. 4.

to add additional cell sites that would comply with the FCC's network accuracy requirement, the addition of such cell sites would have to be economically viable.

The Safety Groups appear to question RTG's assertions with respect to the unavailability of ALI-capable handsets, citing the reports by "certain Tier III carriers . . . that handsets are available to them in sufficient numbers to allow compliance with FCC penetration and accuracy requirements."⁶ RTG notes that without exception the carriers cited by the Safety Groups who have been able to obtain ALI-capable handsets are all utilizing CDMA technology. As RTG stated in its Petition, some ALI-capable CDMA handsets have been made available to small rural carriers. RTG's request for relief for CDMA carriers was therefore limited to those carriers who are unable to obtain competitive CDMA handsets.⁷ The Safety Groups do not dispute the total unavailability of ALI-capable analog, TDMA or GSM handsets.⁸ Until such handsets are available for these technologies, rural carriers providing service using analog, TDMA or GSM cannot meet the accuracy standards utilizing a handset-based solution, nor do these rural carriers have the market power to drive the development of handsets that are ALI-capable. RTG agrees with the Safety Groups that the FCC needs to involve the manufacturers in the

⁶ Safety Groups Comments at p. 7.

⁷ Competitive CDMA handsets are those that are popular among consumers. A carrier is not going to be able to sell an ALI-capable CDMA phone that consumers are not interested in purchasing because other popular features are not present in the handset. The Safety Groups seem to have also missed the point that the FCC rules require the handsets to have been sold, not simply be available for sale.

⁸ Although the Safety Groups appear to acknowledge that no handset manufacturer is willing to support TDMA, they question whether this is "so foregone a conclusion that even a mass promise to purchase by all the carriers still interested in a TDMA handset option could not induce one or more manufacturers to the task?" Safety Group Comments at p. 7, n. 14. While RTG admires the Safety Groups' optimism, manufacture of TDMA handsets is simply not going to happen. Manufacturers already know that they have a captive market for ALI-capable TDMA handsets, yet they have made the decision that the size of that market does not justify the expense of development and production. Given that TDMA carriers have already begun the process of converting to alternate technologies which will support Phase II capabilities, as well as the existence of other market forces pushing for equipment capable of supporting "3G" technology, the market for ALI-capable TDMA handsets will rapidly continue to shrink.

process of addressing Phase II implementation issues, and RTG suggests that the FCC mandate the manufacture of handsets that are ALI-capable.

Respectfully submitted,

/s/

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CERTIFICATE OF SERVICE

I, Colleen von Hollen, of Bennet & Bennet, PLLC, 1000 Vermont Avenue, NW, 10th Floor, Washington, D.C. 20005, do hereby certify that I have this 14th day of October 2003, had copies of the foregoing "REPLY COMMENTS" sent via First Class United States Mail, postage prepaid:

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