

Statement of APCO-International
To the NRIC VII Council
March 29, 2005
By Wanda McCarley, Acting President Elect

Dear Mr. Chairman and fellow members of the NRIC VII Council.

It is with reserved regret that APCO International has elected to cast a negative ballot on the report that has been submitted by the NRIC 1A working group. We use the phrase "reserved regret" in the sense that APCO International is disappointed that the final recommendation developed, not by consensus but by majority consensus of the NRIC VII work group 1A has placed APCO International in a position of declining to recommend approval.

APCO International is grateful that the FCC recognizes the importance of the issues identified and chartered to NRIC VII. Equally, APCO International appreciates the thousands of man hours that have been dedicated by the various members of NRIC VII work group 1A and acknowledges the commitment and sacrifices invested in this effort. We applaud the very worthy goal of ultimately providing maximum protection to all members of the wireless calling community in times of emergencies. APCO International regrettably asserts that the report presently on the table fails to adequately achieve that goal. The inadequacies are not simply centered on the public safety community. Rather they are rooted in the reliance of the general public on wireless phones and the equal reliance on 9-1-1 as a trusted life saving tool. In that respect, all participants in this process share a burden of accountability.

From the time Docket 94-102 opened in 1994 until the initial deadline for offering phase II services in 2001, a primary argument offered by many wireless carriers was that location services simply could not be delivered due to inadequacies in location technology. Today's reality is that technology, in a variety of formats, allows for the delivery of the location of citizens who use wireless phones to report emergencies. Tens of millions of wireless subscribers now have access to this life saving technology. Given this reality, it now appears that the challenges referred to NRIC VII work group 1A relate more specifically to business case issues than technical obstacles.

The charter to NRIC VII work group 1A recognized that there are a number of issues facing the current deployment of wireless 9-1-1. Specifically, issues include the footprint required for accuracy testing by wireless carriers; the frequency of that testing; the use of test methodologies such as predictive modeling; and the reporting of the results of testing conducted by the wireless carrier community both in initial deployment and in support of continued compliance.

APCO International would like to point out that the current document resulted from an extended negotiation period following a gridlock on these key issues. After an initial attempt to reach consensus failed in December 2004, APCO International, along with NENA and NASNA, filed a Public Safety Position Paper as an attachment to the NRIC VII work group 1A submission to this body. We have provided a copy of that position paper today along with our written comments. APCO International's position on each of the critical elements was clearly articulated at that time. Our position remains clear and firm today. While we agreed to return to the table in response to an extension of deliberations, we clearly stated that any final product would be evaluated based on the total impact to both public safety and the safety of the public. On such critical considerations there could be no sacrificial compromise.

While NRIC VII work group 1A was chartered to minimize the conflicting, ambiguous language provided in previous FCC Report and Orders and OET Bulletins, the language contained in the current document supporting this work group's recommendations fails to resolve, and even compounds, the conflicts and ambiguities. After two additional months of deliberation, wherein words and phrases were written, rewritten, moved, measured, associated, disassociated, evaluated and reevaluated, there was a decided focus on producing a document which could be accepted and agreed upon by all participants. APCO International asserts that, more important than mutually acceptable verbiage within the document, we lay the fundamental principles of service to the public that fell victim to compromise.

The polarization that exists on these issues makes reaching consensus, even majority consensus, a path full of potholes for all parties. Technological barriers have fundamentally been removed from the equation. Time and deployments have demonstrated that it is possible to locate a caller and to deliver the callers location to a 9-1-1 PSAP with reasonable accuracy. What sadly remains is a balancing act between business case and service potential, liability and accountability, and mitigation and enforcement. With so much at stake on both sides of the equation it is easy to see how polarization can exist, gridlock can occur, and meaningful compromise remain extremely difficult to achieve. While the carriers point fingers at public safety and cite a reluctance to negotiate, it was, in fact, members of the carrier community who were most adamant in statements of what they would and would not do. A business driven "will not" differs greatly from a technology driven "can not" in much the same manner as public safety's assertion that expectations exist that cannot be set aside by even the best intentioned negotiator.

That said, APCO International remains puzzled by an assertion that there should be no expectation for the accountability of accuracy at the local level. For better or worse, Phase II services are requested at the local level, specifically at the PSAP level. In most cases, contracts between wireless carriers and PSAPs are

initiated at the local level. Phase II services are deployed at the local level. Phase II services are utilized at the local level and responses to calls are initiated at the local level by local authorities including fire, police and EMS response units funded by local budgets. APCO International asserts that accuracy testing should logically be conducted at the local level. APCO International offered aggregate PSAP levels as an alternative expansion of the testing footprint and ultimately offered the wider metropolitan area/MSA/RSA concept. These alternatives were summarily rejected by the wireless carriers.

Much is at stake and the record reflects examples of real and documented instances where there were breakdowns in the delivery of accurate location information. For example, shortly after implementation of Phase II services in Orange County, Florida, one major carrier's location delivery was tested by the local PSAP. Regrettably, the carrier's accuracy was substantially below the level required by Docket 94-102. While the carrier ultimately responded to the issues raised by the PSAP and corrected the deficiencies, this situation would have been avoided altogether if the carrier had been validating accuracy at the PSAP level as defined in FCC OET Bulletin 71. If the same situation had occurred in a jurisdiction without the resources to accomplish their own testing, the consumer public, both resident and roaming, would have been both underserved and deceived in their expectation of the safety afforded by their wireless phones. In countless occurrences public safety resources such as squad cars, fire trucks and helicopters are committed to extensive searches when accuracy at the local level fails. Local budgets and local resources are strained by such incidents and the list of impacts extends to other citizens who wait in line to receive emergency service when available resources are thus committed to such endeavors.

APCO International is likewise puzzled by the wireless carrier assertions related to continued compliance reporting and certification. While there was an acknowledged need to maintain mandated levels of accuracy post deployment, there was adamant and forceful rejection of any requirement to certify accuracy data to the FCC after initial compliance. If good faith and diligence are invested by each carrier, why would there be reluctance to simply certify the results?

It is not our intent to throw stones at either this process or the participants who have contributed so much. Rather we want to clearly state that APCO International fundamentally believes that the best interests of the public, the public safety community, and the wireless carrier community remain at risk with the acceptance of the NRIC VII work group 1A recommendations and the supporting document. More important than the business case of the wireless carrier and the working environment and expectations of 9-1-1 PSAPS is a need to make reasonable effort to address the safety expectations of the public whose dollars ultimately support the financial investments in this life-saving technology.

APCO International, on behalf of its 16,000 members, respectfully requests that the language currently recommended by the document and presentation before

you today be set aside. We further request that the FCC, in its rightful oversight and leadership role, give due attention to APCO International's supplemented Request for Declaratory Ruling. It would be sad indeed if the safety of the public fell victim to compromise rather than being addressed with true leadership.