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September 14, 2005

The Honorable Kevin Martin  
Chairman  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

RE: Docket 94-102

Dear Mr. Chairman:

As you know, APCO has asked the Commission to clarify its requirement that wireless carriers provide accurate location information for 9-1-1 calls. The current rules require carriers to provide location information that is accurate to within 50 or 100 meters (depending upon their location technology) for 67% of calls. However, the rules do not specify the geographic area within which that level of accuracy must be met.

APCO believes that carriers should be required to meet the accuracy requirement within a PSAP's service area. As we have indicated previously, PSAPs are the entities that request wireless E9-1-1 services and pay for the relevant upgrades to PSAP facilities to utilize the location information. Requiring accuracy to be met over larger geographic areas, such as states, defeats much of the purpose of the E9-1-1 rules, as some PSAPs within the state could receive location information that is so inaccurate as to be virtually useless in the dispatching of scarce first responder resources.

APCO has acknowledged, however, that a PSAP-level accuracy requirement will be difficult to meet in some areas by some carriers at the present time. Thus, APCO participated in the NRIC VII process as it attempted to devise recommended best practices regarding the accuracy standard. However, those negotiations were not successful, and APCO was unable to support the final NRIC VII recommendation, which calls for state-level compliance (See Statement of APCO Acting President-Elect Wanda McCarley, March 29, 2005).

Nevertheless, APCO returned to the negotiation table and for the last several months has attempted to find a new consensus among the parties. Within that process, APCO made what we believe to be significant concessions. For example, we indicated a willingness to accept a PSAP-level accuracy requirement conditioned on an enforcement policy that expressly recognizes and accepts best practices of carriers to achieve PSAP-level compliance. We also stated that we would support elimination of any across-the-board compliance testing requirement. Notwithstanding these efforts, the wireless carriers have been unwilling to accept an accuracy requirement other than state-level. Therefore, an impasse has been reached and the parties appear to agree that further negotiations are unlikely to reach an agreement.

APCO is disappointed that it could not join with the carriers to present a true consensus position to the Commission for its consideration. However, APCO and its nationwide members feel strongly that the Commission must establish a high, but achievable goal for wireless E9-1-1 accuracy. State-level state compliance, with a mere encouragement to do better, is not enough.

Therefore, APCO respectfully requests that the Commission move forward and address the issues set forth in APCO's pending petition for declaratory ruling as quickly as possible.

Respectfully submitted,



Gregory S. Ballentine  
President

cc: The Honorable Kathleen Abernathy  
The Honorable Michael Copps  
The Honorable Jonathan Adelstein  
Cathy Seidel  
Michael Wilhelm