

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

In the Matter of)	
)	
IP-Enabled Services)	WC Docket No. 04-36
)	
E911 Requirements for IP-Enabled Service Providers)	WC Docket No. 05-196
)	

**REPLY COMMENTS OF THE
CTIA – THE WIRELESS ASSOCIATION™**

CTIA – The Wireless Association™ (“CTIA”)¹ hereby submits its reply comments in the above captioned proceeding in support of the Petition for Clarification filed by T-Mobile USA (“T-Mobile”),² which asks the Commission for a limited clarification of its *VoIP E911 Order*.³ CTIA joins T-Mobile in its request for the Commission to clarify certain aspects of its rules to ensure that CMRS providers offering interconnected VoIP services can provide the most reliable emergency location information.⁴ CTIA also urges the Commission to allow CMRS providers of interconnected VoIP services the option of delivering location information in the same manner as CMRS services.

¹ CTIA – The Wireless Association™ (formally known as the Cellular Telecommunications & Internet Association) is the international organization of the wireless communications industry for both wireless carriers and manufacturers. Membership in the association covers all Commercial Mobile Radio Service (“CMRS”) providers and manufacturers, including cellular, broadband PCS, ESMR, as well as providers and manufacturers of wireless data services and products.

² See T-Mobile Petition for Clarification, WC Docket Nos. 04-36, 05-196 (July 29, 2005) [*heinafter* “T-Mobile Petition”]; Public Notice, *Petitions for Reconsideration and/or Clarification Filed*, DA 05-2277 (Aug. 12, 2005), *published in* 70 Fed. Reg. 51815 (Aug. 31, 2005).

³ See *In re* IP-Enabled Services; E911 Requirements for IP-Enabled Service Providers, FCC 05-116, WC Dockets No. 04-36, 05-196 (rel. June 3, 2005) [*heinafter* “*VoIP E911 Order*”].

⁴ *Id.*

I. THE COMMISSION SHOULD PROVIDE CMRS PROVIDERS OF INTERCONNECTED VOIP SERVICES WITH THE OPTION OF DELIVERING LOCATION INFORMATION IN THE SAME MANNER AS CMRS SERVICES

In the *VoIP E911 Order*, the Commission granted providers of interconnected VoIP services flexibility “to adopt a technological solution that works best for them.”⁵ As CTIA stated in our previous comments, the wireless E911 experience validates the need to provide VoIP service providers with flexibility in how they meet the Commission’s 911 goals. The Commission should give such flexibility to commercial mobile radio service (“CMRS”) providers offering interconnected VoIP services by clarifying that they have the option of using the existing CMRS E911 regulatory scheme to help ensure that all consumers, including VoIP subscribers, receive the most reliable E911 service.

As T-Mobile and other parties have noted, many CMRS providers will likely expand and improve customer service offerings by fully integrating their existing CMRS operations with unlicensed spectrum to provide IP-enabled services.⁶ Commenters have overwhelmingly urged the Commission not to mandate particular technology solutions or arbitrary timelines since it is premature for the Commission to do so given the early stages of VoIP E911 development.⁷ Many commenters, including VoIP providers, network operators, solutions providers, manufacturers, and to a large extent, the public safety community, advocate a maximum flexible regulatory approach to achieve the

⁵ *VoIP E911 Order*, *supra* note 3, at ¶ 5.

⁶ See T-Mobile Petition at 3; Sprint Nextel Comments, at 2 (Sept. 15, 2005).

⁷ See, e.g., CTIA Reply Comments at 2-3.

Commission's VoIP E911 objectives.⁸ Such flexibility is critically important in these early stages of VoIP E911 development.

The CMRS industry already has deployed considerable network infrastructure to automatically locate mobile customers and the Commission already has developed rules that govern CMRS carriers' provision of location information to public safety answering points ("PSAPs").⁹ CMRS carriers and PSAPs should be able to continue to utilize the same procedures they have used with Phase I and Phase II services when CMRS providers begin to offer interconnected VoIP services.¹⁰

II. CLARIFICATIONS OF THE VOIP ORDER, AS CONTEMPLATED IN THE T-MOBILE PETITION, WILL ALLOW CMRS PROVIDERS TO LEVERAGE THEIR EXISTING E911 INFRASTRUCTURE TO PROVIDE VITAL EMERGENCY SERVICES

Clarification of the *VoIP E911 Order* is necessary to ensure that CMRS carriers offering interconnected VoIP services can provide the best emergency location information possible, and to allow CMRS providers to leverage their existing E911 infrastructure to offer such emergency services.¹¹

T-Mobile has asked the Commission to clarify that (1) an interconnected VoIP provider may use automatically derived location information in lieu of end user supplied location information, and (2) under the Commission's rules, the collection of customer-

⁸ *Id.*

⁹ See 47 C.F.R. § 20.18(j).

¹⁰ See Sprint Nextel Comments at 5; T-Mobile Petition at 8-10.

¹¹ *VoIP E911 Order* at ¶ 3. See T-Mobile Petition at iii.

provided location information is not necessary, if the provider only uses automatically-driven location information as the Registered Location.¹²

The Commission in its *VoIP E911 Order* did not require interconnected VoIP providers to use automatic location methods because it recognized that it is “not always technologically feasible for providers of interconnected VoIP service to automatically determine the location of their end users without end users’ active cooperation.”¹³ But the Commission also made clear that interconnected VoIP providers are free to use automated methods if available.¹⁴ CTIA agrees with T-Mobile and other commenters that the Commission should confirm that a Registered Location may include “any automatically derived location information, and is not required to be the most recent customer provided location information.”¹⁵ As T-Mobile and Sprint Nextel have noted, VoIP services that are integrated with mobile devices may be best served through the use of automated location methods already in operation. More often, automated location methods that derive location information in real time from the network provide PSAPs with a more precise geographic location of the 911-caller than a user-provided address.¹⁶ The Commission should confirm that nothing in its rules precludes interconnected VoIP providers from using an automatically derived Registered Location instead of end user provided information whenever the provider believes its information would be more accurate. Accordingly, the Commission should not endeavor to define all of the options a provider may use to update a

¹² See T-Mobile Petition at 4-6.

¹³ *VoIP E911 Order* at ¶ 46.

¹⁴ *Id.* at n.146.

¹⁵ Sprint Nextel Comments at 4.

¹⁶ See T-Mobile Petition at 3; Sprint Nextel Comments at 3.

customer's location information – as the technical means to automatically derive location information is continually evolving.

With regard to existing systems used to provide location to Public Safety agencies, the Commission should maintain its technologically neutral stance and allow interconnected VoIP providers to deliver location information in the same manner as for CMRS services.¹⁷ Distinguishing between CMRS and VoIP service providers based on imagined differences between “mobile” and “nomadic” services makes no sense.¹⁸ While CTIA recognizes NENA's preference for “civil addresses” over latitude and longitude or other forms of geodetic information, in reality, there is no civil address for many “fixed” nomadic locations, for example “hot spot” locations at airport boarding gates and frequent traveler clubs. Moreover, a nomadic VoIP customer visiting a Starbucks or other location while on a trip is just as unlikely to know the “legal” address of the visited location as a CMRS customer on the sidewalk outside the location. Accordingly, CTIA urges the Commission to allow CMRS providers who also provide VoIP services the option of harmonizing their E911 obligations by using their existing infrastructure to the maximum extent possible.¹⁹

¹⁷ See CTIA Reply Comments at 2; Reply Comments of Level 3 Communications, LLC, at 4 (Sept. 12, 2005); Reply Comments of the Telecommunications Industry Association, at 2 (Sept. 12, 2005).

¹⁸ See Opposition of NENA (Sept. 15, 2005).

¹⁹ NENA's suggestion that this issue has been “deferred” to the Notice of Proposed Rulemaking cannot be squared with the Commission's mandate requiring providers of interconnected VoIP service to provide location information. Nothing in the *VoIP E911 Order* should be read as restricting how service providers deliver location information.

CONCLUSION

The Commission, wireless industry and public safety community must work cooperatively to advance E911 capabilities for interconnected VoIP services. For the foregoing reasons, CTIA respectfully requests the Commission to grant the T-Mobile Petition for Clarification.

Respectfully submitted,

/s/ Marlo Go _____

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CERTIFICATE OF SERVICE

I, Marlea Leary, do hereby certify that on this 26th day of September 2005, I caused copies of the foregoing **REPLY COMMENTS** to be delivered to the following by electronic mail:

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