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

In the Matter of	)	
	)	
Relief from the requirement that wireless licensees employing a handset-based Enhanced 911 (E911) Phase II location technology achieve ninety-five percent penetration of location-capable handsets among their subscribers by Dec. 31, 2005	)	
	)	
Request of Sprint Nextel	)	WT Docket 05-286
Request of Alltel	)	WT Docket 05-287
Request of CTIA/RCA	)	WT Docket 05-288

REPLY COMMENTS OF NENA

The National Emergency Number Association ("NENA") hereby responds to several of the comments in the captioned proceedings.

ACSW supports the Joint Petition of CTIA/RCA and asks that "if the Commission grants the Petition, it apply relief to all carriers that show good faith compliance with the Commission's E911 rules . . ." (Comments, 8) Motorola, in endorsing the Sprint Nextel waiver request, says that a latent glitch disabling location capability in some of its phones – many of which remain incapable of caller location – "is not something that should count against Sprint Nextel in terms of compliance with the Commission's mandate." (Comments, 4) U.S. Cellular supports the CTIA-RCA petition and repeats the claim that "one of the principal reasons wireless customers were reluctant to upgrade their handsets is the lack of PSAP readiness to receive and utilize phase II location information." (Comments, 6)

In its Comments of October21, 2005 (at 4), NENA recommended against "blanket suspension of the deadline" for 95% penetration of location-capable handsets. For the same reason, we ask that ACSW and other carriers be evaluated individually, particularly where, as here, a waiver already exists with a distinctive deadline six months or more beyond 2005. This includes many if not most of the Tier III carriers on whose behalf NTCA also filed in support of CTIA/RCA's Joint Petition.

Motorola likens the software glitch to "a broken '9' key or a broken antenna" and suggests that the necessary "re-flashing" to restore location capability of the portable phone is in the hands of the subscriber. Further, these units, whether restored or not, "should be included as compliant phones." (Comments, 4) NENA repeats (Comments, 7) that the continuing loss of an important lifesaving function in these phones is more serious than a broken key. Someone needs to be held to account.

U.S. Cellular's claim about PSAP un-readiness as a prime factor in customer refusal of location-capable phones simply repeats the utterly unsupported assertion of CTIA and RCA. If the assertion were true, we would expect to see higher penetration levels in PSAP-ready areas and lower levels in areas where PSAPs are not yet ready to receive and use location information. We have seen no such correlations, but we invite the carriers to supply the data. In any event, the handset-based location requirements at Section 20.18(g) of the FCC's rules apply

"without respect to any PSAP request to any PSAP request for deployment of Phase II." That is, the carriers are supposed to move forward with or without the PSAPs.

Respectfully submitted,

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