

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

In the Matter of)	
)	
VERIZON WIRELESS REQUEST FOR LIMITED WAIVER)	
OF THE DECEMBER 31, 2005 DEADLINE TO ACHIEVE)	WT Docket
05-301)	
95% PENETRATION OF LOCATION-CAPABLE HANDSETS)	
)	
NEXTEL PARTNERS PETITION FOR LIMITED WAIVER)	
OF THE DECEMBER 31, 2005 DEADLINE TO ACHIEVE)	WT Docket
05-302)	
95% PENETRATION OF LOCATION-CAPABLE HANDSETS)	

COMMENTS OF NENA

The National Emergency Number Association (“NENA”) hereby responds to the invitations of the FCC to comment on the captioned petitions.¹ NENA appreciates the efforts that permit Verizon Wireless to seek only a short extension of the handset penetration deadline. We also recognize that Nextel Partners has been faced with many of the same problems as Nextel Communications.²

Both petitioners base their requests in part on lagging Public Safety Answering Point (“PSAP”) readiness to receive and use Phase II wireless caller location information. Both use outdated statistics in support of their assertions. As Verizon puts it “GPS handset penetration has outpaced PSAP Phase II readiness.” (Request, 11)

¹ DA 05-2760, DA 05-2761, released October 21, 2005.

² Sprint Nextel Request for Limited Waiver, September 29, 2005. NENA filed comments and replies on this and similar petitions on October 21 and 31, respectively, in WT Dockets 05-286, 287 and 288.

NENA would like nothing better than for every PSAP to be able to receive and use Phase II location data. Inherent in the FCC rule, however, is the policy choice that, if there is to be disparity of deployment, the wireless carrier must be ready ahead of (or independently of) the readiness of the PSAP.³ In any event, the numbers on PSAP conversion are (1) better than predicted in the Monitor Report estimate of December 2003 cited by several carrier petitioners,⁴ and (2) better than current carrier quotes.

Verizon gives its own Phase II deployment total as of September 30, 2005, but then goes on to recite, without support, that “only about one third of the nation’s PSAPs have deployed Phase II service.” (Request, 11, emphasis in original) NENA’s latest information on 6186 primary and secondary PSAPs shows:

78.0% of PSAPs have some Phase I
52.6% of PSAPs have some Phase II

69.1% of 3135 Counties have some Phase I
42.1% of 3135 Counties have some Phase II

82.6% U.S. Population have some Phase I
64.7% U.S. Population have some Phase II

We will endeavor to check these against the carrier quarterly reports submitted November 1st, which we have not yet had a chance to examine.

The Verizon Request. Based on Verizon’s reported efforts and its near-achievement of the 95% threshold, NENA has no objection to a waiver that

³ Section 20.18(g)(1) (“Without respect to any PSAP request for deployment of Phase II 911 enhanced service, the licensee shall . . .”)

⁴ For example, Verizon Request at 12-13.

would extend the time for meeting the location-capable handset requirement to June 30, 2006, provided that quarterly reporting continues as offered by the carrier.

The Nextel Partners Request. The FCC's initial waiver grant covered both Nextel Communications and Nextel Partners.⁵ Accordingly, rather than repeat ourselves we incorporate by reference NENA's comments and replies as to the Sprint Nextel Request. (Note 2, *supra*) We appreciate Partners' inclusion as Exhibits 2 and 3 of letters to PSAP and individual users whose phones had been affected by the software glitch causing loss of location capability in most of the Motorola phones provided to Nextel customers. The letters suggest a degree of complexity to the fix that hardly makes it quick or easy.

Our reading of the Partners' report suggests that 200,000 of the 400,000-plus customers in their Motorola recall have not yet upgraded. That accounts for about 40% of the 25% of their customers who do not have GPS enabled phones.⁶ Fractions of that size militate against Motorola's suggestion that the glitch-affected handsets simply be treated as complying, no matter the status of their upgrade.⁷

For the reasons stated earlier in comments on the Sprint Nextel and other requests, we believe that if relief is granted to Partners here it should be for only a

⁵ Order, FCC 01-295, released October 12, 2001.

⁶ The 25% without location-capable phones is composed of 10% whose disabled phones are not yet restored and 15% who do not have or never had such phones.

⁷ Comments, 4. The FCC recently declined to adopt a "categorical exclusion" of non-compliant phones. Order, FCC 05-182, released October 28, 2005, ¶23. ("We cannot categorically allow Petitioners to exclude an entire segment of their subscribership from the ninety-five percent calculation without effectively amending and undermining the purpose of the . . . requirement.")

year, to December 31, 2006, with the possibility of extension if quarterly reports show acceptable levels of conversion effort. Excluding the glitch phones, if Partners could effect 1% conversion per month, they would reach 95% before the end of 2006.

Respectfully submitted,
NENA
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Certificate of Service

The foregoing "Comments of NENA" have been served via e-mail upon counsel for the respective petitioners.

November 4, 2005

James R. Hobson