

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

In the Matter of)	
)	
Service Rules for the 698-746, 747-762)	WT Docket No. 06-150
And 777-792 MHz Bands)	
)	
Revision of the Commission's Rules to)	CC Docket No. 94-102
Ensure Compatibility with Enhanced 911)	
Emergency Calling Systems)	
)	
Section 68.4(a) of the Commission's Rules)	WT Docket No. 01-309
Governing Hearing Aid-Compatible)	
Telephones)	
)	
Former Nextel Communications, Inc. Upper)	WT Docket No. 06-109
700 MHz Guard Band Licenses and)	
Revisions to Part 27 of the Commission's)	
Rules)	
)	
The Development of Operational, Technical)	WT Docket No. 96-86
and Spectrum Requirements for Meeting)	
Federal, State and Local Public Safety)	
Communications Requirements Through)	
the Year 2010)	

COMMENTS OF NENA

The National Emergency Number Association (“NENA”) hereby responds to the Commission’s invitation to comment on the captioned proceedings.¹ Our principal interest is in paragraphs 99-105 of the Notice under the rubric of Docket 94-102. We support the Commission’s tentative conclusion that commercial services offered in the 700 MHz band “should be subject to the 911/E911” requirements at Section 20.18 of the Rules.

¹ Notice of Proposed Rule Making, FCC 06-114, released August 10, 2006, 71 Fed.Reg. 48506, August 21, 2006, as modified by Order, DA 06-1880, released September 15, 2006.

As the Notice observes (¶102), three years ago the initial application of wireless E9-1-1 rules to cellular and SMR services was extended in some measure to satellite telephony and to telematics applications as well as resold and prepaid cellular services. In each case, the FCC applied the four-part test of (a) real-time, two-way voice service interconnected to the public switched telephone network (“PSTN”), (b) reasonable customer expectation of 9-1-1 access, (c) competition with conventional wire or wireless voice service, and (d) technical and operational feasibility for support of E9-1-1.

If the Commission remains satisfied with these criteria, we see no reason why they could not be incorporated into the Rules, at Section 20.18 or elsewhere. This would obviate the need for repeated rulemakings as new services arise, or as older services change to make E9-1-1 access more feasible.² Instead it would place the burden on new service offerors, appropriately we believe, to justify any claim for exemption from or waiver of the rules.

As NENA and other public safety associations have repeated throughout the course of Docket 94-102, it is time to get ahead of the curve. Instead of trying to retrofit E9-1-1 to services long after their introduction, as occurred with conventional cellular telephony, it would be better to forewarn entrepreneurs of emergency calling access obligations that will apply to 700 MHz services meeting the chosen regulatory criteria.

² The question of applying E9-1-1 requirements to satellite telephony was decided negatively in a first proceeding, then with a partial affirmative in a subsequent rulemaking. Report and Order, FCC 03-290, released December 1, 2003.

This proceeding should serve to bring out any different views from prospective 700 MHz licensees whose intended offerings might fall at the margins of one or more of the four tests. NENA looks forward to reading and responding to these views.

Respectfully submitted,

NENA

By _____

James R. Hobson

Miller & Van Eaton, PLLC

1155 Connecticut Avenue, N.W.

Suite 1000

Washington, D.C. 20036-4320

(202) 785-0600

September 29, 2005

ITS ATTORNEY