

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Wireless E911 Location Accuracy Requirements)	PS Docket No. 07-114
)	
Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems)	CC Docket No. 94-102
)	
Association of Public-Safety Communications Officials-International, Inc. Request for Declaratory Ruling)	
)	
911 Requirements for IP-Enabled Service Providers)	WC Docket No. 05-196
)	

COMMENTS OF NSIGHTTEL WIRELESS, LLC

Nsighttel Wireless, LLC (Nsighttel),¹ by its attorney, hereby files comments regarding the *Notice of Proposed Rulemaking (NPRM)*, 22 FCC Rcd. 10609; 72 Fed. Reg. 33948 (June 20, 2007). Based upon its long experience as a facilities-based provider of mobile telecommunications services, Nsighttel requests that the Commission consider the instant minor refinements to its tentative conclusions. In support whereof, the following is respectfully submitted:

Comments Regarding E911 Accuracy at the PSAP Level--NPRM Section III.a.

1) Nsighttel and its affiliated companies are Tier III carriers, individually and in the aggregate, because they are non-nationwide mobile radio service providers with fewer than 500,000 subscribers.

¹ Nsighttel is owned by Northeast Communications of Wisconsin, Inc. (NEC). NEC has several subsidiaries and affiliated companies which provide mobile telecommunications services. As used herein, "Nsighttel" shall refer to NEC and its subsidiary and affiliated companies in a collective manner.

See Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Phase II Compliance Deadlines for Non-Nationwide CMRS Carriers, Order to Stay, 17 FCC Rcd 14841, 14847 (2002). Nsighttel and its affiliated companies provide cellular and PCS service throughout much of the state of Wisconsin. Nsighttel's affiliated company, Brown County MSA Cellular Limited Partnership, obtained its Green Bay MSA186B cellular radio license in 1986. Since that time Nsighttel has obtained numerous mobile radio licenses and has constructed and operated numerous mobile networks and numerous mobile transmission facilities. Nsighttel is fully familiar and experienced with testing the E911 location capability of its various mobile networks as required by 47 C.F.R. § 20.18(h)(2) (handset-based location accuracy).

2) As discussed in the *NPRM*, para. 6, the current rule does not specify the geographic area which is to be used to test the accuracy of Phase II E911 location capability. While the initial standard may not have clearly defined the scope of accuracy compliance, it certainly did outline the intent of the rule: a carrier should be able to accurately locate a wireless customer in an emergency. Factors beyond a carrier's control can preclude a location system from accomplishing that critical goal. But it is self-evident that accurate location capability is every bit as important to health and safety in more rural areas as it is in more urban areas. The safety and well-being of rural residents cannot be sacrificed by averaging poor rural accuracy results with excellent urban area accuracy results. Accuracy results in rural areas that are consistently off by thousands of feet and even several miles are unacceptable. If a county has one cell site or 500, individual safety within that cell's authorized service area must remain paramount.

3) Nsighttel understands from its monitoring of the industry that some carriers have used what they see as vagueness in the E911 location capability rule to render the purpose of the rule nearly nugatory for large portions of their service areas. Various carriers are, in fact, using statistical

averaging of location capability tests over large areas to show compliance when, in fact, much of their service area lacks reliable E911 location capability. *NPRM*, para.5. Nsighttel has always understood the Commission's initial orders establishing the location capability requirement as mandating delivery to PSAPs of reliable information; to do otherwise is detrimental to public safety and, in Nsighttel's view, not within the plainly obvious intent of the earlier E911 location capability orders.

4) That said, the FCC must take care in clarifying the E911 location capability. Some wireless firms are just now starting to install service in many rural areas. Concern with E911 location capability could become a factor in whether or not telecommunications companies choose to install a site. It would seem obvious that the complete lack of wireless coverage is contrary to the public interest and not at all helpful to public safety, that is, viewed from a certain perspective, some wireless telecommunications service is better than none.²

5) In attempting to fashion a workable definition APCO, had proposed the accuracy standard boundaries be based upon the MSA/ RSA (CMA) boundary configurations. *See APCO Supplement*, at 3-4, filed February 4, 2005; *NPRM*, para. 4. MSA/RSA (CMA) market boundaries are used, for example, in the Commission's licensing of Part 22 800 MHz cellular systems. Nsighttel applauds APCO for getting the ball rolling on this critical life/safety issue. However, with all due respect, Nsighttel feels that defining the E911 location accuracy at the MSA/RSA (CMA) level is not workable because the various wireless services are licensed by the Commission with varying market areas. For instance, Part 24 PCS licenses are authorized with market areas based upon BTA and MTA areas (47 C.F.R. § 24.202(a),(b); Part 90 800 & 900 MHz SMR systems area licensed, for example, on a EA and on an MTA market area basis. *See* 47 C.F.R. § 90.617(d) and 47 C.F.R.

² Without exception the Commission's pertinent wireless mobile licensing rules do not require a carrier to provide reliable service to 100% of its authorized market area.

§ 90.661. Each of these market areas are composed of certain counties which may, or may not, be in the other market areas. Moreover, any of these licenses may be partitioned such that two or more carriers may be authorized to provide the same service on the same frequencies in the same CMA, but they do not cover the same geographic service areas. For instance, a PSAP may be located within a certain county which is located within CMAXYZ and Carrier A is authorized to provide service within CMAXYZ, but it is not authorized to provide service in the geographic area of interest to the PSAP. A rule which would seem to require Carrier A to demonstrate E911 capability for that PSAP service area is not workable.

6) The *NPRM* seems to understand this and suggests a refinement that sets the E911 location accuracy standard at the PSAP level. *NPRM*, para. 5. While this definition is much better than the “vagueness” imputed by some carriers to the current rule, and is an improvement over the CMA level accuracy standard discussed above, Nsighttel respectfully submits that even this definition could induce confusion because it is not based upon a geographically identifiable concept which one can glean merely by taking a quick look at a map. Nsighttel respectfully suggests that the public interest would be enhanced if the Commission adopted a geographic-based definition which easily and clearly delineates the area to be studied to determine E911 location capability compliance.

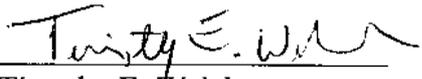
7) Some states, such as Wisconsin, have mandated that in counties where there are more than one PSAP a single PSAP per county is responsible for matters relating to wireless mobile E911 issues. A county is a concisely and precisely defined and readily identifiable geographic area. A carrier which provides service to a county should be able to satisfy the responsible PSAP in that county that the mobile E911 location capability within the carrier’s Commission authorized service area within that county complies with the Commission’s location capability requirements. Nsighttel’s view is that setting the study area at the county level 1) is easily understandable; 2) establishes a

clearly and readily identifiable compliance boundary which is easily ascertainable by all persons, including the Commission staff, who might not have instantaneous, or even quick, access to the service area of a specific PSAP; 3) recognizes that the Commission's historic licensing processes have created wireless market areas based upon county boundaries;³ 4) creates a E911 location compliance study area which, in the great majority of cases, will be smaller than the CMA level study area suggested by APCO and will not be larger than the CMA level study area in any case; and 5) appears to be a reasonable accommodation for PSAPs which would be covered in their areas of concern because they are, in all cases, located within at least one county and for carriers which prefer readily identifiable geographic boundaries.

WHEREFORE, in view of the foregoing information, it is respectfully submitted that wireless mobile E911 location capability compliance should be determined on a county-wide basis to the extent that a carrier provides Commission authorized wireless mobile service within the county.

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Respectfully submitted,
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³ See e.g., *Memorandum Opinion and Order on Reconsideration*, 89 F.C.C.2d 58 (FCC 1982) n. 45 (larger cellular markets, originally termed SMSAs, are composed of a central city and the surrounding county, except that New England cellular markets are defined by town and city borders); *Memorandum Opinion and Order on Further Reconsideration*, 51 R.R.2d 1433 (FCC 1982) ¶ 21 (the FCC reconsiders and New England cellular markets are now defined along county borders); *Public Notice*, 55 RR 2d 1565 (FCC 1984) (cellular MSA markets 91-305 defined along county boundaries); *Amendment of the Commission's Rules for Rural Cellular Service, First Report and Order*, 60 RR2d 1029 ¶ 11 (FCC 1986) (cellular RSA markets 306-734 defined by county groupings); *Second Report and Order*, 8 FCC Red. 7700 ¶ 73 (FCC 1993) (MTA and BTA market "boundaries have been drawn on a county-line basis").