

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Wireless E911 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)	

COMMENTS OF NENA

The National Emergency Number Association (“NENA”) hereby comments on the Notice of Proposed Rulemaking (“NPRM”) in the captioned proceeding.¹ NENA supports the FCC’s tentative conclusion to require licensees subject to Section 20.18(h) of the Rules to satisfy these standards at a geographical level defined by the coverage areas of Public Safety Answering Points (“PSAPs”). This position is taken with an understanding that all 9-1-1 callers deserve to have their call located as accurately as possible and expect a comparable level of service regardless of where they are calling from or the device or service they are using. NENA’s support for the FCC’s tentative conclusion is also made with the understanding that carriers will face challenges in different areas of the country in meeting these standards and that doing so currently may not be technically feasible in some areas. Thus, reasonable time periods for

¹ 72 Fed Reg 33948, June 20, 2007. NENA’s response is limited to the questions posed in Section III.A of the NPRM.

implementation of the rules will be necessary that take into consideration the numerous factors that affect location accuracy.

In connection with this tentative conclusion, the NPRM asks whether to defer enforcement to allow wireless carriers to come into compliance. NENA believes that elemental fairness demands suspension of enforcement of this requirement for a reasonable period because it is new and the timing for its attainment uncertain. Section III.B of the NPRM acknowledges this uncertainty with questions that include the feasibility of meeting the requirement under the current choice of network-based or handset-based location standards or under a single uniform standard and whether the current accuracy standards in Section 20.18(h) should be modified.

The proposed PSAP-level requirement is new because it has never been made explicit in Section 20.18. To the contrary, the most detailed discussion of the existing accuracy standards² was in the form of guidance from the Office of Engineering & Technology (“OET”) that mentioned both PSAP and wireless carrier service areas without expressly preferring one measurement territory over the other.³ Acknowledging this ambiguity in its Petition for Declaratory Ruling, APCO suggested that related clarification should acknowledge administratively predetermined groupings of PSAPs or on ad hoc aggregations created by the PSAPs themselves.⁴ The definitional aspect of whether the rules are only meant to apply to individual PSAPs or whether the Commission intends to allow other functional arrangements is an important issue that the

² Handset-based, 50 meters 67% of the time, 150 meters 95% of the time; network-based, 100 meters and 300 meters for the respective percentages.

³ OET Bulletin No. 71, Guidelines for Testing and Verifying the Accuracy of Wireless E911 Location Systems (April 12, 2000) at 5.

⁴ Association of Public-Safety Communications Officials International, Inc. Request for Declaratory Ruling, CC Docket N. 94-102, at 5 (filed October 6, 2004) (APCO Request).

rules must make clear.⁵ We would further suggest that most productively the rules should accommodate those locally determined arrangements which the carriers are familiar with already; and, that service providers should work with appropriate 9-1-1 authorities to determine the arrangements involved. Finally, NENA notes that there are some major metropolitan areas, such as Chicago, New York and Los Angeles in which a PSAP may cover an area with a population greater than some states, and the Commission should consider how the rules adopted address this situation.

A reasonable deadline for the proposed requirement of PSAP-level accuracy determinations is unclear at this time for the reasons brought out in the results of APCO's "Project Locate"⁶ and in the Report of Focus Group 1A issued under the aegis of NRIC VII.⁷ Conceivably, the deadlines could be in the form of performance benchmarks reflecting incremental improvements in accuracy. Both substance and timing of the requirements could vary with the physical realities of radio propagation in various types of terrain taking into account technical feasibility based on current carrier deployments.

Because sound answers to the two Section III.A questions of accuracy measurement area and timing of compliance necessarily depend on the sharing of responses to the multiple questions posed in Section III.B, NENA believes the Commission should consider issuing any decision in III.A as a tentative opinion pending resolution of the Section III.B issues. Because we anticipate that the path to compliance

⁵ In many parts of the country, while it is the individual PSAP that ultimately receives a call and assists in the dispatch of emergency responders, the management of the 9-1-1 system for an area is the responsibility of a 9-1-1 governing authority. In many cases, the 9-1-1 governing authority coordinates 9-1-1 service among multiple PSAPs encompassing a larger territory than any individual PSAP, including the management of 9-1-1 data bases, connecting infrastructure, carrier relationships and testing processes. For example, in Ohio every county has a 9-1-1 governing authority ranging from the management of one to fifty-two PSAPs in a given county. Thus, while it may seem obvious what is meant by PSAP, for this purpose it is essential that the Commission be clear on this subject in its rules.

⁶ http://www.locatemodelcities.org/documents/LOCATE_Final_Report.pdf

⁷ http://www.nric.org/meetings/docs/meeting_20051216/FG%201A_Dec%2005_Final%20Report.pdf

with any PSAP-level accuracy targets approximating those in the current rules will be far longer than the comment period for Section III.B, this approach should not delay progress toward the ultimate goal.

In NENA's view, it is crucial for wireless carriers, public safety organizations and PSAPs/9-1-1 governing authorities to stay in touch not only during these comment periods but throughout the period of implementation for any new accuracy rules. In that spirit of collaboration, we are pleased to announce plans, in conjunction with APCO, to host a summit in the near future on the future of 9-1-1 location technology as discussed in the second portion of the FCC's NPRM. As the NPRM properly acknowledges, establishing clear wireless accuracy requirements is important, but it is also essential that a well-defined course is set on the issue of automatic location and accuracy requirements for the multitude of IP-enabled services that are emerging.

Over 240,000 wireless 9-1-1 calls are placed every day in the United States⁸. Approximately half of those calls, and more than half in some areas, are placed from wireless phones. Additionally, nearly thirteen percent of households are now using wireless phones as their only telephone service and this number is growing⁹. Millions more are transitioning to voice over IP (VoIP) service, providers of which are increasingly offering wireless VoIP service. Customers of wireless and newer IP-based services expect to be located when they dial 9-1-1 and PSAP telecommunicators expect to know where the call is coming from.

The goal of this summit will be to bring together public safety representatives and technologists with leaders from the wireless and IP industry, including those working on

⁸ CTIA Wireless Quick Facts: http://www.ctia.org/consumer_info/service/index.cfm/AID/10323

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automatic location standards critical to the future success of 9-1-1. The conversation will focus on technological advancements, standards development efforts and the technical, operational and policy steps needed to enable the effective automatic location of any device, from anywhere at any time. We expect to offer more details during the course of comment in this NPRM.

For its part, the FCC should provide a clear management plan for whatever accuracy targets and compliance deadlines are chosen, perhaps utilizing the experience of the Commercial Mobile Service Alert Advisory Committee of bringing private and public representatives together to determine how to best meet an established technological goal based on current technical capabilities, while also looking to emerging and needed technological developments.¹⁰ In this regard, NENA believes the idea of an FCC convened “E9-1-1 Accuracy Forum”, or something similar, as proposed in the letter of May 8, 2007¹¹ submitted by Verizon Wireless, T-Mobile, Dobson Communications Corp. and the Rural Cellular Association to establish a “technical solutions body” is a worthy idea. Such a Forum could provide an organizational framework to bring all parties together to assist the Commission in providing ongoing recommendations moving forward on how to best optimize location accuracy capabilities. NENA is prepared to work with the Commission, industry and other public safety groups in establishing such a forum.

NENA also believes it is critical that Section III.A of this proceeding is put into proper context with other current wireless E9-1-1 issues. Location accuracy is important,

¹⁰ See <http://www.fcc.gov/pshs/cmsaac/docs/pdf/Charter.pdf>

¹¹ Letter from Thomas Coates, Dobson Communications Corp., David Nace, Rural Cellular Association, Thomas Sugrue, T-Mobile USA, Inc., and John Scott, III, Verizon Wireless, to Marlene Dortch, Secretary, FCC, CC Docket No. 94-102 (filed May 8, 2007).

but so too is being able to locate a wireless 9-1-1 caller at all. As of this filing, while progress is being made, twenty five percent of PSAPs, in approximately forty percent of U.S. counties still are not capable of receiving Phase II wireless E9-1-1 data¹². There are other challenges as well, including the fact that in many areas calls are not routed based on the actual call location (lat/lon), but are instead routed based on Phase I data. Additionally, in some areas PSAPs do not receive an uncertainty value with every call, whereas in other areas PSAPs do receive this vital information. This is important information in the hands of a 9-1-1 telecommunicator and should be provided with every call.

These disparities and general lack of full E9-1-1 in many areas need to be addressed, and all interested parties in this debate should expend equal energy on fully completing E9-1-1 deployment since it is irrelevant how accurate a call is when the PSAP can't receive the data. While primarily a state and local government issue, NENA is prepared to work with like minded associations, industry organizations and the FCC on an outreach campaign targeted at areas yet to request Phase II. The FCC's Outreach Division of the Public Safety and Homeland Security Bureau is perhaps a candidate to lead such an effort, in conjunction with other appropriate federal entities such as the national 9-1-1 Implementation and Coordination Office (ICO)¹³.

Focusing on the issue of geographic testing areas is important, but perhaps nothing is as important as establishing a national plan for the future of 9-1-1 location technology. Determining how to automatically locate all 9-1-1 communications, regardless of the type of device they are made from or the network they are on or if the

¹² See 9-1-1 Fast Facts: <http://www.nena.org/pages/Content.asp?CID=144&CTID=22>

¹³ See <http://www.e-911ico.gov>

call is coming from the tenth floor of a building, and routing that information to the correct PSAP, is becoming an increasingly difficult challenge. Therefore, Section III.B of this NPRM truly offers an opportunity for commenters and the FCC to provide needed leadership on current and future automatic location and call routing issues.

There are numerous details that must be determined in Section III.B of this NPRM which will impact the questions asked in Section III.A. We look forward to reading the comments of other interested parties and the opportunity to participate in a constructive dialogue, not only on how to achieve the best wireless location accuracy possible, but also on the future of automatic location for 9-1-1.

Conclusion. For the reasons discussed above, the Commission should adopt by rule a clearly defined PSAP level of wireless accuracy measurement that allows reasonable deadlines for compliance taking into consideration factors affecting technical feasibility where appropriate, perhaps in the form of graduated performance benchmarks. We believe time would not be lost, and in the long run possibly saved, by rendering such conclusions tentatively pending the resolution of issues posed in Section III.B.

Respectfully submitted,

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