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

In the Matter of	)	
	)	
Wireless E911 Location Accuracy Requirements	)	PS Docket No. 07-114
	)	
Revisions 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 THE NATIONAL ASSOCIATION OF TELECOMMUNICATIONS OFFICERS AND ADVISORS, THE NATIONAL ASSOCIATION OF COUNTIES, THE NATIONAL LEAGUE OF CITIES, AND THE U.S. CONFERENCE OF MAYORS IN RESPONSE TO THE NOTICE OF PROPOSED RULEMAKING

I. INTRODUCTION

The National Association of Telecommunications Officers and Advisors ("NATOA"), the National Association of Counties ("NACo"), the National League of Cities ("NLC"), and the U.S. Conference of Mayors ("USCM") submit these comments in response to the Notice of Proposed Rulemaking ("NPRM") (FCC 07-108), released June 1, 2007, in the above-captioned proceedings.

NATOA's membership includes local government officials and staff members from across the nation whose responsibility is to develop and administer cable franchising and telecommunications policy for the nation's local governments.

NACo is the only national organization that represents county governments in the United States. It serves as a national advocate for counties; acts as a liaison with other levels of government; and provides legislative, research, technical and public affairs assistance to its members.

NLC is the nation's oldest and largest organization devoted to strengthening and promoting cities as centers of opportunity, leadership and governance. NLC is a resource and advocate for more than 1,600 member cities and the 49 state municipal leagues, representing 19,000 cities and towns and more than 218 million Americans.

USCM is the official nonpartisan organization of the nation's 1,183 U.S. cities with populations of 30,000 or more. Its mission is to promote effective national urban/suburban policy, strengthen federal-city relationships and ensure that federal policy meets urban needs.

II. NOTICE OF PROPOSED RULEMAKING

There is no question the crucial role that wireless 911 calls play in our society. From seeking emergency medical assistance to reporting crimes and accidents, these calls – and their prompt delivery to the appropriate public-safety agency – help protect life and property. But "[u]nfortunately, not every wireless 911 caller can adequately describe the location of the event, often leading to delayed responses and in rare cases, no response at all. The impact upon public safety agencies searching for such an ill-defined location

results in loss of time, unavailability of emergency responders for other calls, as well as increased operational expense."[1]

The Commission, in an effort to alleviate such problems and "to ensure that E911 service meets the needs of public safety and the American people," issued this NPRM. In doing so, the Commission tentatively concluded that "wireless carriers would be required to meet Phase II location accuracy and reliability standards under Section 20.18(h) at the service area level of PSAPs," a position advocated by the Association of Public Safety Communications Officials-International, Inc. ("APCO"). This is a conclusion with which we agree and, accordingly, file the following comments.

APCO's Request for Declaratory Ruling

In it Request for Declaratory Ruling, APCO urges the Commission to clarify "the geographic area over which a wireless carrier must provide the levels of 9-1-1 location accuracy specified in the Commission's rules, and the degree to which carriers must provide accuracy data to relevant Public Safety Answering Points ("PSAPs")."[2] While section 20.18(h) sets forth accuracy guidelines, the Commission's rules "do not specify the relevant area over which such accuracy is to be measured."[3] According to APCO, a number of wireless carriers have asserted that "accuracy should be averaged over their entire service area, a result that is unacceptable to the public safety community. Under such an approach, a nationwide carrier could use the very high accuracy levels in one portion of the nation to offset extremely low accuracy levels in other substantial areas.

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[1] *Final Report: An Assessment of the Value of Location Data Delivered to PSAPs with Enhanced Wireless 911 Calls*, APCO International, April 2007, p. 8.

[2] Association of Public-Safety Communications Officers-International, Inc., *Request for Declaratory Ruling, In the Matter of Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems,* CC Docket No. 94-102, at 1 (filed Oct. 6, 2004).

[3] *Id.* at 2.

That could leave significant portions of the country with virtually useless levels of E9-1-1 accuracy . . . ."[4]

While APCO would ideally like to see that accuracy be measured within the service area of each PSAP,[5] the organization recognizes "the potential difficulties" with such an approach and instead suggests that the Commission adopt the requirement that "the specified levels of accuracy be provided and measured over a geographic area corresponding to the consolidated service area of PSAPs that choose to be treated together at least for this purpose."[6] In addition, for those PSAPs without pre-existing cooperative arrangements, "[t]he Commission should encourage PSAPs in such areas to join together to create generic service areas for purposes of measuring accuracy . . . ."[7] APCO asserts that until the Commission provides "clear direction . . . regarding the fundamental obligation of carriers to provide accuracy information data to PSAPs," the tangential issues of "[h]ow that information is transferred, its degree of granularity, and its frequency of reporting, are issues that can be resolved through ongoing industry/public safety discussions."[8]

To its credit, the Commission states that Section 20.18(h) needs to be clarified and that "[m]easuring and testing location accuracy over geographic areas larger than PSAP service areas would appear to be directly contrary to the interests of public safety and homeland security."[9] The goal of the Commission's E911 rules "is to provide meaningful automatic location identification information that permits first responders to

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[4] *Id.* at 4.
[5] *Id.* at 5. APCO estimates that, at the present time, there are 6,000 PSAPs nationwide.
[6] *Id.*
[7] *Id.*
[8] *Id.* at 6.
[9] *NPRM* at ¶ 5.

render aid, regardless of the technology or platform used. . . . Although Section 20.18(h) does not expressly state that accuracy must be measured and tested at the PSAP level, we note that the Commission has never suggested that it is appropriate to average accuracy results over an entire state, much less over a multi-state carrier's entire service area."[10] As a result, the Commission has tentatively concluded to require accuracy compliance at the PSAP level – a conclusion with which we agree.

The PSAP service area approach creates quality accuracy data and informs PSAPs of the expected accuracy of location information provided by a carrier's Phase II technology. While this is the ideal approach, we acknowledge the attendant costs such testing may impose on carriers. However, APCO has put forward two solutions that could mitigate such costs. In urban and metropolitan areas, it is possible that multiple PSAPs cover identical or significantly overlapping service areas. In these cases, lower costs may be possible if PSAPs agree to allow carriers to test within the combined and overlapping areas. In rural areas, where PSAPs are more likely to be spread over greater distances, carriers could negotiate with neighboring PSAPs to provide testing over an adopted service area. The FCC should consider giving carriers and PSAPs the option of entering into such agreements that could mitigate carrier cost, but still permit PSAPs to request individual PSAP service area testing if preferred.

[10] *Id.* at ¶ 6.

III. CONCLUSION

Prompt response to an E911 call depends, in part, on obtaining accurate location information. To help ensure this, we agree with the FCC's tentative conclusion to require accuracy compliance at the PSAP service area level, a position advocated by APCO.

Respectfully submitted,

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