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

In the Matters 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**

INITIAL COMMENTS OF THE TEXAS 9-1-1 ALLIANCE

Michael J. Tomsu
Vinson & Elkins L.L.P.
State Bar No. 20125875
2801 Via Fortuna, Suite 100
Austin, Texas 78746
512-542-8527
512-236-3211 (fax)
mtomsu@velaw.com

ATTORNEY FOR THE TEXAS 9-1-1 ALLIANCE

On the comments:
Richard A. Muscat
Bexar Metro 9-1-1 Network District

July 5, 2007

The Texas 9-1-1 Alliance[1] submits these initial comments to the Federal Communications Commission ("Commission" or "FCC") first round of comments on Section III.A. of the Notice of Proposed Rulemaking ("NPRM") in the above-referenced dockets released on June 1, 2007, which seeks comment on the FCC's tentative conclusion to adopt the Association of Public-Safety Communications Officials International, Inc. ("APCO") proposal defining Section 20.18(h) location accuracy testing at an appropriate geographic PSAP responsibility area, and, if so adopted, whether to defer enforcement of Section 20.18(h) as so defined.

I.

Summary of Initial Comments

The FCC's tentative conclusion to adopt the APCO proposal defining Section 20.18(h) location accuracy testing on an appropriate geographic PSAP responsibility area is reasonable. As recognized in the APCO proposal, the most reasonable geographic PSAP area for location accuracy testing may vary by local regions and local geography circumstances. The appropriate geographic PSAP responsibility testing area should ideally be worked out to the extent possible between the wireless carriers and the 9-1-1

[1] The Texas 9-1-1 Alliance is an interlocal cooperation act entity composed of the Texas Health and Safety Code Chapter 772 Emergency Communication Districts with E9-1-1 service public safety responsibility for approximately 50% of the population of Texas. The Texas 9-1-1 Alliance members joining in these comments are: Abilene/Taylor County 9-1-1 District, Austin County Emergency Communications District, Bexar Metro 9-1-1 Network District, Brazos County Emergency Communication District, Calhoun County 9-1-1 Emergency Communication District, Cameron County Emergency Communications District, 9-1-1 Network of East Texas, Denco Area 9-1-1 District, Emergency Communications District of Ector County, Galveston County Emergency Communication District, Greater Harris County 9-1-1 Emergency Network, Henderson County 9-1-1 Communication District, Howard County 9-1-1 Communication District, Kerr Emergency 9-1-1 Network, Lubbock Emergency Communication District, McLennan County 9-1-1 Emergency Assistance District, Midland Emergency Communications District, Montgomery County Emergency Communication District, Potter-Randall County Emergency Communications District, Smith County 9-1-1 Communications District, Tarrant County 9-1-1 District, Texas Eastern 9-1-1 Network, and Wichita-Wilbarger 9-1-1 District. These districts were created pursuant to Texas Health and Safety Code Chapter 772.

authorities in a cooperative manner, similar to the cooperation demonstrated during APCO Project Locate. Notwithstanding testing, the state of technology, and other issues, the ultimate goal and standard must be for the wireless industry and public safety to work together cooperatively to maximize as reasonably as possible the location accuracy of each and every 9-1-1 emergency call from each and every geographic area given the public interest inherent in reaching callers in emergency situations. The potential operational, technical, and/or cost impacts, especially on 9-1-1 authorities and PSAPs, should be carefully considered and mitigated where appropriate.

Deferring immediate enforcement of Section 20.18(h) location accuracy testing simply based on the NPRM clarification adopting the APCO proposal is reasonable at the present time. It could be counterproductive to initiate enforcement simply based on the Section 20.18(h) location accuracy clarification given the present circumstances, the significantly critical second part of the NPRM, and the efforts being initiated by APCO and the National Emergency Number Association (NENA) on these critical public safety issues.

II.

It is reasonable at the present time to adopt the APCO Section 20.18(h) location accuracy testing proposal by appropriate geographic PSAP responsibility area.

APCO filed a Request for Declaratory Ruling on October 4, 2004, seeking clarification regarding the geographic area over which a wireless carrier must provide the levels of accuracy specified under Section 20.18(h).[2] As APCO explained in its original filing:

---

[2] NPRM at ¶ 4.

> We recognize the potential difficulties of requiring that accuracy be measured within the service area of each of the estimated 6,000 PSAPs throughout the country, at least at the present time. We believe that a reasoned, balanced interpretation of the Commission's rules would be to require 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. For example, there are many metropolitan and regional authorities that provide varying degrees of coordinated, and in same cases consolidated, PSAP operations to specific geographic areas. Those regions would provide natural geographic boundaries for purposes of accuracy measurement.[3]

APCO later supplemented its original filing, stating:

> Since filing its Request, APCO has had an opportunity to examine this issue in further detail, and now proposes that Metropolitan Statistical Areas (MSAs) and Rural Statistical Areas (RSAs) may provide appropriate boundaries. State-wide compliance testing (as suggested by NRIC VII) is not acceptable, as many states encompass huge areas with greatly divergent geography and population density. [footnote from original omitted] MSAs and RSAs are widely accepted and frequently used geographic areas that the FCC has often turned to in its regulations. Moreover, there will usually be relatively uniform population density within a[sic] MSA or RSA (unlike a state, in which population could be wildly divergent). Thus, the average accuracy over an MSA or RSA is likely to be in the same general range as the accuracy at any specific location (or PSAP) within the MSA or RSA.[4]

The APCO filings fairly reflect some of the complexities of these issues and propose reasonable and alternative approaches. Moreover, as the FCC explained in the NPRM:

> By averaging accuracy over a vast service area, a carrier can assert that it satisfies the requirements of Section 20.18(h) even when it is not meeting our accuracy requirements in substantial segments of its service area. This practice, as APCO correctly notes, "could leave significant portions of the country with virtually useless levels of E9-1-1 accuracy, essentially nullifying Phase II [E911 requirements] in those areas."[5]

---

[3] APCO Request for Declaratory Ruling at p. 5.

[4] APCO Supplement to Request for Declaratory Ruling at pp. 3-4.

[5] NRRM at ¶ 5.

The APCO filings and the FCC's own tentative assessment of the situation in the NPRM support the conclusion in the NPRM to adopt the APCO proposal for Section 20.18(h) location accuracy testing. As recognized in the APCO proposal, however, the most reasonable geographic PSAP area for Section 20.18(h) location accuracy testing (e.g., 9-1-1 governmental authority, MSA/RSA) may vary by local regions and local geography. Whether a county has one PSAP or chooses to have twenty PSAPs, the same geographic area still needs to be tested appropriately notwithstanding the number of PSAPs in the county. This is why the PSAP geographic area of responsibility as determined with the appropriate 9-1-1 authority may make more sense than either a strictly statewide or a single-PSAP approach in some cases. Otherwise, just as the statewide approach creates averaging issues, a strict single-PSAP approach could arguably mean reduced statistical accuracy for areas that have fewer or consolidated PSAPs.

The PSAP geographic area of responsibility testing area should ideally be worked out to the extent possible between the wireless carriers and the appropriate 9-1-1 authorities. This is similar to the cooperative approach demonstrated by APCO Project Locate and its recommendations. Section 20.18(h) could define PSAP geographic area of responsibility in a reasonable manner for areas where there are not clear 9-1-1 authority boundaries. Geography and boundaries also need to be considered appropriately in determining the PSAP area of responsibility test areas, and costs and time issues for wireless carriers, 9-1-1 authorities, and PSAPs need to be considered in addition to the 9-1-1 authorities and/or PSAPs own quality control testing efforts.[6]

---

[6] See, for example, APCO Project Locate Effective Practices 380714, 380717, and 380783, which provide as follows:

The ultimate policy goal and standard must be for the wireless industry and public safety to maximize as reasonably possible the location accuracy of each and every 9-1-1 emergency call from each and every geographic area in order to reach callers in emergency situations.[7] This will require work and effort by both the wireless industry and public safety. The potential operational, technical, and/or cost impacts, especially on 9-1-1 authorities and PSAPs, should be carefully considered and mitigated where appropriate.

The APCO proposal for Section 20.18(h) location accuracy testing and the FCC tentative conclusion in the NPRM present a reasonable next step on a path towards achieving the ultimate goal and standard needed going forward into the future. The following second part of this NPRM will be critical in establishing new location accuracy requirements for the future and protecting the safety of the public.

III.

It is also reasonable at the present time to defer any immediate enforcement of Section 20.18(h) location accuracy testing based on the NPRM clarification.

Adopting the tentative conclusion of the NPRM for PSAP area of responsibility testing still leaves the wireless carriers, technology providers, and the respective 9-1-1 authorities with issues to discuss, resolve, and document. In addition, as recognized in

---

380714 Each WSP and the AHJ over the PSAP(s) within any service area should define and develop in writing the process to resolve issues related to deployment and all related testing efforts (See Also Appendix C).

380722 The AHJ should be aware of any cost recovery parameters, restrictions, and requirements in their state.

380783 The AHJ and the WSP should discuss specific testing methods and expectations for each location technology (i.e., testing in moving vehicles, indoor testing, rural vs. urban, etc.).

[7] This ultimately includes Section 20.18(h) location accuracy testing that promotes call routing based on caller location as opposed to routing based on a cell site and cell sector. As demonstrated in the APCO Project Locate Report, the call initially routing to the appropriate PSAP should be considered as part of the location accuracy issue as well and is an issue on which to seek future improvements. See, APCO Project Locate Report at pp. 16-19, percentage of calls reaching the non target PSAP.

the NPRM, "many carriers are not generally measuring and testing location accuracy at the PSAP level, and there is some disagreement over the intended meaning of Section 20.18(h)."[8] Furthermore, Section III.B of the NPRM also presents extremely significant and critical public safety E9-1-1 issues for location accuracy and public safety going forward into the future. As the Commission explained in the NPRM:

> We have established the comment periods in this manner because the required geographic area over which compliance with the location accuracy requirements of Section 20.18(h) will be measured is of primary importance to our resolution of the issues that follow in Section III.B. Accordingly, the record developed in response to the proposals in Section III.A will serve to inform subsequent comments submitted in response to the issues raised in Section III.B.[9]

Given the circumstances and the two-step approach of the NPRM, any immediate FCC enforcement efforts simply based on the NPRM 20.18(h) clarification appear to go against the approach of the NPRM and its tentative conclusions. Perhaps more importantly, it may also be contrary to the goal of having the wireless industry and public safety reaching consensus, or at least attempting in good faith to reach consensus, and addressing needed improvements and working cooperatively on the extremely significant public safety location accuracy E9-1-1 issues going forward in Section III.B of the NPRM. As APCO explained in the conclusion of the Project Locate Report:

> On behalf of every caller in crises, it is incumbent upon all public safety and wireless community stakeholders, supported by appropriate regulatory and legislative action, to continue the collaborative effort to maximize the usefulness and consistency of wireless location data provided to the PSAP.[10]

---

[8] NRRM at ¶ 6

[9] NPRM at ¶ 7.

[10] APCO Project Locate Report at p. 27.

Deferring immediate enforcement of Section 20.18(h) location accuracy testing simply based on the NPRM clarification is reasonable at the present time. To the extent reasonably possible, building a cooperative consensus on location accuracy enhancements between the wireless industry and public safety would be beneficial. In this regard, the Texas 9-1-1 Alliance looks forward to participating in the recently announced joint APCO and NENA sponsored summit on the future of 9-1-1 location technology as discussed in the second part of the NPRM.

IV.

Conclusion

The Texas 9-1-1 Alliance appreciates the opportunity to comment on these issues, and respectfully urges Commission action consistent with these initial comments.

Respectfully submitted,

Michael J. Tomsu
Vinson & Elkins L.L.P.
State Bar No. 20125875
2801 Via Fortuna, Suite 100
Austin, Texas 78746
512-542-8527
512-236-3211 (fax)
mtomsu@velaw.com

On behalf of the Texas 9-1-1 Alliance

On the comments:
Richard A. Muscat
Bexar Metro 9-1-1 Network District

July 5, 2007