Before the
Federal Communications Commission
Washington, DC 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

REPLY COMMENTS

AT&T Inc., on behalf of AT&T Mobility LLC and its wholly-owned and controlled wireless affiliates (collectively "AT&T"), hereby replies to comments submitted in response to the Federal Communications Commission's ("FCC" or "Commission") *Notice of Proposed Rulemaking* in the above-captioned docket.[1]

The record demonstrates overwhelming support for improving the accuracy of the information provided to public safety answering points ("PSAPs") regarding the location of wireless E911 callers.[2] There also is broad agreement among public safety entities that Phase II

[1] *Wireless E911 Location Accuracy Requirements*, PS Docket No. 07-114, *Notice of Proposed Rulemaking*, FCC 07-108 (rel. Jun. 1, 2007) ("*NPRM*").

[2] *See, e.g.*, Comments of AT&T Inc., PS Docket No. 07-114 at 1-3 (filed July 5, 2007); Comments of the Association of Public-Safety Communications Officials-International, Inc. ("APCO"), PS Docket No. 07-114 at 1-4 (filed July 5, 2007); Comments of Cincinnati Bell Wireless LLC ("CBW"), PS Docket No. 07-114 at 3 (filed July 5, 2007); Comments of CTIA —
(continued on next page)

accuracy should not be measured on a nationwide basis and that a smaller geographic area should be used.

There is disagreement within the public safety community, however, regarding whether PSAP boundaries are the appropriate measurement area. Several of those entities oppose PSAP-level standards. For example, the State of Washington Enhanced 911 Program observed:

> To now decide that PSAP level accuracy reporting should be the standard with the potential for additional rounds of rulings dealing with how non-compliance enforcement will be levied will have no benefit to the caller or to the PSAP who is charged with dispatching assistance.
>
> . . .
>
> The single intent [of the Phase II rules] was to have information for every 911 call that was useful to permit dispatch of resources. Tremendous efforts were undertaken by both carriers and PSAPs to achieve this goal with considerable success. . . . PSAP level testing to determine compliance with Phase II accuracy standards will not achieve the original goal or even forward it. . . .
>
> . . .
>
> PSAP level Phase II compliance reporting . . . is more likely to end up being detrimental to the original goals of providing information on each 911 call that will enhance the ability to dispatch assistance by focusing resources toward compliance testing of an engineering goal that has never been relevant to actual need.[3]

The Wireless Association,® PS Docket No. 07-114 at 1-4 (filed July 5, 2007); Comments of the National Emergency Number Association ("NENA"), PS Docket No. 07-114 at 1 (filed July 5, 2007); Comments of Polaris Wireless, Inc., PS Docket No. 07-114 at 1 (filed July 5, 2007); Comments of QUALCOMM Incorporated, PS Docket No. 07-114 at 1-4 (filed July 5, 2007); Comments of Rural Cellular Association ("RCA"), PS Docket No. 07-114 at 2 (filed July 3, 2007); Comments of Sprint Nextel Corporation, PS Docket No. 07-114 at 1 (filed July 5, 2007); Comments of SunCom Wireless, Inc., PS Docket No. 07-114 at 2 (filed July 5, 2007); Comments of T-Mobile USA, Inc., PS Docket No. 07-114 at 1 (filed July 5, 2007); Comments of United States Cellular Corporation ("USCC"), PS Docket No. 07-114 at 1 (filed July 5, 2007); Comments of the Voice on the Net Coalition, PS Docket No. 07-114 at 3 (filed July 5, 2007).

[3] Comments of the State of Washington Enhanced 911 Program, PS Docket No. 07-114 at 5-6 (filed July 5, 2007).

Similarly, Johnson County Emergency Communications recognized that "requiring separate accuracy testing within each of more than 6,000 PSAP service areas in the nation is probably prohibitive."[4] The National Association of State 9-1-1 Administrators and the State of Montana also noted that a PSAP-level accuracy requirement would adversely impact state efforts to facilitate E911 roll-out.[5]

The record, moreover, demonstrates that it is not yet technically or economically feasible to satisfy Section 20.18(h) at the PSAP-level.[6] No party identified a technology that was currently capable of satisfying the proposed requirement.[7] Rather, they confirmed that existing

---

[4] Comments of Johnson County KS Emergency Communications, PS Docket No. 07-114 at 2 (filed July 7, 2007). APCO itself recognized the difficulties associated with measuring accuracy at a PSAP level and, therefore, suggested that MSAs/RSAs may be more appropriate. *See* APCO Request for Declaratory Ruling, CC Docket No. 94-102 at 5 (filed Oct. 6, 2004); APCO Supplement to Request for Declaratory Ruling, CC Docket No. 94-102 at 3 (Feb. 4, 2005).

[5] *Ex Parte* Comments of the National Association of State 9-1-1 Administrators, CC Docket No. 94-102 at 1-2 (filed May 23, 2007) ("NASNA Comments"); Comments of the State of Montana, PS Docket No. 07-114 at 1 (filed Jun. 29, 2007).

[6] *See* AT&T Comments at 6-13; CBW Comments at 3-4; Polaris Comments at 3, 6; QUALCOMM Comments at 4-7; RCA Comments at 4-7; SunCom Comments at 2; Sprint Nextel Comments at 8-12; T-Mobile Comments at 2, 4-10; USCC Comments at 2-5; Verizon Comments at 14-22. Even public safety entities recognized that it was not currently possible to satisfy the existing Phase II requirements in all environments. *See* NENA Comments at 1-2; NASNA Comments at 1-2.

[7] Nor did any party submit evidence regarding whether it would be technically feasible to comply with the requirement in the future and, if so, when. TruePosition, one of AT&T's Phase II E911 vendors, even recognized that its technology is only capable of satisfying the 100/300 accuracy requirement "in the majority of situations." TruePosition Comments at 2. The Commission's proposal, however, would require carriers to satisfy at least a 50/150 accuracy requirement for every PSAP. *NPRM* at ¶ 12. TruePosition indicated that such a requirement could not be satisfied even by a hybrid solution in all cases. TruePosition Comments at 5; *accord* QUALCOMM Comments at 6.

technologies have limitations that would make it impossible to satisfy the existing accuracy requirements on a PSAP basis in all environments.[8]

Given the lack of consensus — even within the public safety community — regarding the merits of PSAP-level accuracy and the absence of any data demonstrating that compliance with the existing Phase II rules at a PSAP-level is technically feasible, AT&T continues to believe that an advisory group — comprised of all interested stakeholders — should be created to evaluate these issues and provide recommendations to the Commission. This approach has substantial record support[9] and would provide a mechanism for quickly resolving what is technically feasible and economically reasonable. PSAPs need confidence in the location data they receive with wireless E911 calls. The establishment of an advisory group comprised of

---

[8] The Commission has previously recognized the problems associated with network-based and handset solutions in rural and urban areas respectively, and these problems were highlighted by commenters as a barrier to PSAP-level testing. *See Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, CC Docket No. 94-102, *Third Report and Order*, 14 F.C.C.R. 17388, ¶¶ 23-25 (1999) ("*Third Report*"); AT&T Comments at 6-13; CBW Comments at 3-4; Comments of the King County E911 Program, PS Docket No. 07-114 at 4-7, 9-10 (filed July 5, 2007) (noting that tests demonstrate that no technology currently satisfies the existing requirements on a PSAP basis); Polaris Comments at 6; QUALCOMM Comments at 4-7; RCA Comments at 4-7; SunCom Comments at 2-4; Sprint Nextel Comments at 8-12; T-Mobile Comments at 2, 4-10; USCC Comments at 2-5; Verizon Comments at 14-22. Further, King County noted that handset-based solutions also suffer from "voice blanking." These solutions rely on assisted GPS ("A-GPS") to generate location information, but the vast majority of A-GPS handsets block voice transmissions from PSAPs as location information is generated. This creates problems during the initial location fix and during any subsequent attempts to rebid for updated location data because the voice blanking causes callers to think their E911 call has dropped. *See* King County Comments at 2-3; *see generally* 911 Connected Newsletter at 2 (Minn. Dept. Pub. Safety Summer 2006) *available at* http://www.911.state.mn.us/PDF/06_Summer_911_newsletter.pdf.

[9] *See* AT&T Comments at 3-6; CTIA Comments at 6-7; NENA Comments at 4-5; Polaris Comments at 8-9; QUALCOMM Comments at 7-8; RCA Comments at 8-10; SunCom Comments at 6; *see also* Initial Comments of the Texas 9-1-1 Alliance, PS Docket No. 07-114 at 3-8 (filed July 5, 2007) (noting the need for public safety and the wireless industry to reach consensus).

public safety and all other interested stakeholders and charged with developing real world data from test beds would be an important step in that direction.

Finally, most commenters addressing the issue agreed that a PSAP-level accuracy requirement, if adopted in stage one of this proceeding, should not be enforced immediately.[10] Parties correctly noted that the stay of enforcement approach still would result in wireless carriers being non-compliant with FCC rules, which would potentially (i) trigger disclosures under financial agreements, (ii) impact renewal, and (iii) create civil liability.[11] Thus, if the Commission amends its rules to require PSAP-level accuracy, despite the lack of record support for such a step at this time, it should not merely stay enforcement, but should stay the effective date of its decision until such time as it is technically feasible and economically reasonable for carriers to comply with this requirement.[12]

For the reasons set forth above, as well as those set forth in AT&T's initial comments, the wireless E911 accuracy requirements should be improved based on recommendations generated by a technical advisory group. If, however, new wireless E911 accuracy requirements are

---

[10] AT&T Comments at 13-14; APCO Comments at 4; Corr Wireless Comments at 8-9; King County Comments at 9-10 (noting that carriers will need time to implement new technologies); Motorola/Nokia Comments at 10-11; Sprint Nextel Comments at 3, 15; SunCom Comments at 5-6; Texas 9-1-1 Alliance Comments at 3, 6-8; Comments of Wichita Falls, Texas Police Department, PS Docket No. 07-114 at 2 (filed July 5, 2007) (supporting a limited deferral for as long as 12 months). *But see* Comments of the Orange County 9-1-1 Administration, PS Docket No. 07-114 at 3 (filed July 3, 2007).

[11] *See* Corr Wireless Comments at 8-9; CTIA Comments at 6; RCA Comments at 8.

[12] *See* AT&T Comments at 13-14; Sprint Nextel Comments at 15.

adopted before technical feasibility is established, the effectiveness of the new requirements should be stayed pending the outcome of step two in this proceeding.

Respectfully submitted,

AT&T Inc.

By: /s/ Michael P. Goggin

Michael P. Goggin
Gary L. Phillips
Paul K. Mancini
1120 20th Street, NW
Washington, DC 20036
(202) 457-2055

Its Attorneys

July 11, 2007