

**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

To: The Commission

REPLY COMMENTS OF APCO

The Association of Public-Safety Communications Officials-International, Inc. (“APCO”) hereby submits the following brief reply to comments filed in response to Section III.A of the Commission’s *Notice of Proposed Rulemaking*, FCC 07-108 (released June 1, 2007) (“*NPRM*”), in the above-captioned proceedings.¹

As expected, many in the wireless industry are opposed to the Commission’s tentative conclusion that it should adopt PSAP service areas as the relevant area for compliance with Section 20.18(h) of the Commission’s rules.² However, their opposition is misplaced as most of

¹ The *NPRM* established separate comment periods for Section III.A and Section III.B.

² Numerous parties also filed comments supporting the Commission’s tentative conclusion on PSAP-level accuracy. *See also* comments previously filed in Docket 94-102, in support of APCO’s Request for Declaratory Ruling. The *NPRM*, a ¶21, incorporates those comments into the record of PS Docket 07-114.

their concerns are better addressed in the second phase of this proceeding, in response to Section III.B of the *NPRM*.

Several opponents suggest that the Commission is “placing the cart before the horse” by addressing the PSAP compliance area issue separate from the others issues discussed in the *NPRM*.³ However, APCO would argue that the FCC is finally putting the horse back in front of the cart where it belongs. The original E911 rules require wireless carriers to provide location information that meet certain average levels of accuracy. However, without clearly defining the geographic area in which those average measurements are to be taken, the rules leave the door open for a wide variety of interpretations, and a great deal of variation and uncertainty regarding the accuracy of information received at each PSAP.⁴ Now, the Commission is trying to set the rules straight, by clarifying what in hindsight should have been done first when the rules were adopted. Regardless of the actual level of accuracy required, the Commission should have made crystal clear that the required accuracy had to be delivered within each PSAP, as that is the relevant area for purposes of dispatching first responders. Whether PSAPs across the state (or across the nation) are getting accuracy within the Section 20.18(h) levels is of no relevance to a PSAP receiving very poor, useless levels of accuracy.⁵

Once the Commission puts the horse back in front of the cart, by clarifying the PSAP as the relevant compliance area, *then* it can conduct an intelligent examination of Section 20.18, and determine what, if any, changes are needed to reflect public safety requirements, technological capabilities, testing issues, and other relevant factors discussed in Section III.B of

³ *E.g.*, Comments of Sprint Nextel at 3.

⁴ *See* Comments of King County E911 Program.

⁵ Several parties wrongly suggest that PSAP boundaries are ill-defined, making it PSAP-level compliance difficult. In fact, PSAP boundaries are included in constantly updated databases and must be very sharply defined to facilitate 911 call-routing.

the *NPRM*. Not deciding that PSAP accuracy question now will only lead once again to circular policy debates without any common ground.⁶

The second phase of this proceeding is where the Commission can try to address the implementation concerns of those opposed to PSAP-level accuracy. Obviously, many carriers are unable to meet that standard everywhere today, so a reasonable line of inquiry (included in Section III.B) is how to move as far as possible in the direction of full compliance in a fair but expeditious time frame. Perhaps, as the Commission discusses, some adjustments to the core accuracy standards are also needed. Concerns about the cost and scope of testing can also be addressed in response to Section III.B.⁷ But those implementation questions should not stand in the way of making clear that rules based upon average location accuracy are of limited value without an explicit definition of the area in which measurements are to be averaged. The only relevant, functional area is the PSAP, and that should now be clearly defined by the Commission.

⁶ APCO welcomes the support of the National Emergency Number Association (“NENA”) for a PSAP-level accuracy requirement. However, APCO disagrees with NENA’s suggestion in its comments that the FCC’s issue a “tentative opinion” rather than a final order on that issue. The Commission has already adopted a “tentative conclusion” in the *NPRM* and should now take final action to set the proper predicate for the remaining issues in the *NPRM*.

⁷ For example, several parties noted the cost of the Project Locate study, which was a one-time, manual process. Automated, standardized compliance procedures would be far less expensive. There also different types tests that could be used for compliance purposes.

CONCLUSION

Therefore, for the reasons set forth above and in the record of the above-referenced proceedings, the Commission should take action now to clarify that PSAP service areas are the relevant areas for compliance with Section 20.18(h).

Respectfully submitted,

ASSOCIATION OF PUBLIC-SAFETY
COMMUNICATIONS OFFICIALS-
INTERNATIONAL, INC.

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