Before the
Federal Communications Commission
Washington, D.C. 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	)	
	)	WC Docket No. 05-196
911 Requirements for IP-Enabled Service Providers	)	

COMMENTS OF CTIA – THE WIRELESS ASSOCIATION®

CTIA – The Wireless Association® ("CTIA")[1] hereby submits its comments in response to the Notice of Proposed Rulemaking ("NPRM") in the above-captioned proceeding.[2] The NPRM seeks comment on the Commission's tentative conclusions and proposals related to a new E911 location accuracy standard. CTIA supports the FCC's efforts to improve E911 location accuracy for Commercial Mobile Radio Service ("CMRS") providers. Nonetheless, because E911 location accuracy is complicated by

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[1] CTIA – The Wireless Association® is the international organization of the wireless communications industry for both wireless carriers and manufacturers. Membership in the organization covers Commercial Mobile Radio Service ("CMRS") providers and manufacturers, including cellular, broadband PCS, ESMR, and AWS, as well as providers and manufacturers of wireless data services and products.

[2] *See Wireless E911 Location Accuracy Requirements; Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems; Association of Public-Safety Communications Officials-International, Inc. Request for Declaratory Ruling; 911 Requirements for IP-Enabled Service Providers*, Notice of Proposed Rulemaking, 22 FCC Rcd 10609 (rel. June 1, 2007) ("E911 NPRM"). These Comments respond to Section III.B of the NPRM.

technical and timing impediments, CTIA strongly recommends that the Commission defer reaching any final conclusions on the timeframe for implementation of new E911 rules until the Commission convenes an E911 working group to vet concerns and issues and present solutions to the Commission within appropriate, achievable timeframes. CTIA suggests that this E911 working group resemble the Commercial Mobile Service Alert Advisory Committee ("CMSAAC"), established under Section 603 of the Warning, Alert and Response Network Act ("WARN Act"). CTIA believes that this type of inter-industry forum represents a prudent means of addressing location accuracy issues and solutions.

I. CTIA Supports Commission Efforts to Improve E911 Location Accuracy.

CTIA and its members recognize the importance of E911 location accuracy solutions and the wireless industry has dedicated extensive resources and efforts to deploy this life-saving technology throughout the country. As noted in CTIA's comments to Part III.A of the NPRM, for over a decade, the wireless industry has invested billions of dollars and significant personnel resources to develop and maintain the E911 systems.[3] CTIA's members recognize the importance of location accuracy and have taken great efforts to provide this service to the public.

As such, CTIA supports the FCC's current efforts to improve E911 location accuracy for CMRS systems. Recognizing the importance of a workable solution for public safety, the wireless industry and the public, CTIA urges the Commission to recognize that, prior to setting a timeframe for implementation of new E911 rules, any efforts to improve location technology will require a reasonable amount of time for

[3] *See* Comments of CTIA – The Wireless Association, CC Docket No. 94-102, WC Docket No. 05-196, PS Docket No. 07-114 at 2 (July 5, 2007) ("CTIA Comments").

development of standards, equipment, testing and deployment given the extensive base of existing CMRS customers and location solutions already deployed in the marketplace. In order to establish a technically achievable set of requirements, the Commission should engage a working group using the WARN Act model, which will bring together various industry representatives to collaborate to create workable standards and rules.[4]

II. Creation of an E911 Working Group Has Widespread Support.

In its comments to Part III.A of the NPRM, CTIA suggested that the Commission create a technical forum modeled after the WARN Act's CMSAAC and charged with developing technical solutions and producing reports by certain Commission-set deadlines.[5] As the record in this proceeding shows, support for such a forum comes from commenters involved in all aspects of the delivery of E911 service, including wireless carriers, equipment manufacturers, and public safety.[6] To best serve the public interest, the Commission must develop a sufficient record and body of knowledge upon which it can base new standards and rules.

To develop the requisite record and to find the most effective and appropriate solutions, the forum would include engineers and technical experts from the Commission,

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[4] *See* CTIA Comments at 6-7.

[5] *See id.*

[6] *See* Comments of Motorola, Inc. and Nokia Inc. at 5 (July 11, 2007); Reply Comments of T-Mobile USA, Inc. at 15-16 (July 11, 2007); Reply Comments of SouthernLINC Wireless at 15-17 (July 11, 2007); Reply Comments of Sprint Nextel Corporation at 6 (July 11, 2007); Comments of AT&T Inc. at 3-5 (July 5, 2007); Comments NENA at 5 (July 5, 2007); Comments of Polaris Wireless at 8-9 (July 5, 2007); Comments of Rural Cellular Association (July 5, 2007); Comments of TruePosition at 7 (July 5, 2007); Letter from Thomas A. Coates, Vice President, Corporate Development, Dobson Communications Corporation, David L. Nace, Esq., Counsel, Rural Cellular Association, John T. Scott, III, Vice President and Deputy General Counsel – Regulatory Law, Verizon Wireless, and Thomas J. Sugrue Vice President Government Affairs, T-Mobile USA, Inc. to Marlene H. Dortch, Secretary, Federal Communications Commission, CC Docket No. 94-102 (May 8, 2007).

the public safety community, wireless carriers and local exchange carriers ("LECs"), handset vendors, and infrastructure and location vendors. The WARN Act model serves as an appropriate model for this type of forum because it will allow the Commission to draw upon industry resources by employing working groups to produce reports on a timetable set by the Commission. The forum would be charged with researching and completing a report on ways to optimize the testing and performance of E911 systems. Interested parties will be permitted to vet particular ideas and technologies through this discussion, allowing all affected stakeholders an opportunity to implement solutions that ensure E911 location accuracy and testing is as robust as possible.

The benefits of a consensus-based working group process are significant: public safety entities will be allowed a venue for expressing the requirements they have to provide 911 service to the public; CMRS providers and manufacturers will be able to describe their network operations and present workable technical solutions that address the needs of public safety in an achievable fashion; and, other interested stakeholders and technology developers will be permitted to introduce new technologies or ideas to this group, fostering the creation of the best E911 solutions possible within the limits of current technology and the laws of physics.

III. The Commission Should Not Set the Timeframe for Any New E911 Rules Prior To The Completion of the E911 Working Group.

The Commission should take into consideration the WARN Act Forum as it evaluates the overall E911 location accuracy framework.[7] Such a framework should be

[7] *See* Comments of Texas 9-1-1 Alliance at 3, 6-7 (July 5, 2007); Comments of Intrado Inc. at 3 (July 5, 2007); Comments of Motorola, Inc. and Nokia Inc. at 11 (July 5, 2007); Comments of AT&T Inc. at 6-7 (July 5, 2007); Comments of Corr Wireless Communications, LLC at 6-7 (July 5, 2007); Comments of QUALCOMM Incorporated at 4 (July 5, 2007); Comments of Rural Cellular Association at 8 (July 5,

based on input from the E911 working group and would address requirements for location accuracy standards, for example, whether to set a single location accuracy standard for all technologies or specialized requirements for each technology, compliance timeframes and compliance testing. Only after all these matters are resolved should the Commission establish any new technical requirements.

In adopting an E911 location accuracy standard, the Commission must ensure that its rules improve E911 access for the public. If the Commission adopts technical standards without fully vetting problems related to new standards, timeframes and testing, such technical requirements may have unintended consequences that could degrade E911 access. Small and rural carriers have stated that they could be forced to discontinue service instead of complying with the new rules – potentially leaving millions of rural Americans at risk during an emergency.[8] This result is clearly contrary to the FCC's objective of "ensur[ing] that wireless E911 service meets the needs of public safety and the American people."[9] To avoid this result, the Commission should defer creating any schedule for setting technical standards until the industry has had a chance to work together to resolve these issues through the E911 working group.

2007); Comments of SunCom Wireless, Inc. at 7 (July 5, 2007); Comments of T-Mobile USA, Inc. at 5 (July 5, 2007); Comments of Verizon Wireless at 27 (July 5, 2007).

[8] Reply Comments of Rural Cellular Association at 3 ("if new location accuracy rules are adopted without the benefit of a Forum's recommendations, RCA members would be harmed by their inability to comply and by the direct effects that such non-compliance would have on their ability to finance new construction and deploy wireless broadband services to rural areas"). *See also* Reply Comments of SouthernLINC Wireless at 4-5 (July 11, 2007); Comments of Rural Cellular Association at 6 (July 5, 2007).

[9] *See* E911 NPRM at ¶ 1.

IV. The Commission Should Consider Permitting Mutual Negotiations Instead of Mandating Provision of Location Accuracy Data to PSAPs.

In the NPRM, the Commission tentatively concluded that "carriers should automatically provide accuracy data to PSAPs."[10] Initially, CTIA believes that the Commission has not adequately provided details on what sort of data the Commission has concluded should be shared between carriers and PSAPs. For example, is the data to be shared network testing data that carriers gather as they implement location technology in their networks? Or, is the data referenced by the Commission confidence data associated with each location fix provided with a 911 call (*i.e.*, how certain is the location for a particular caller)? CTIA asserts that, given the vagueness of the NPRM question, the issue of data sharing between carriers and PSAPs is one that could be better addressed through cooperative negotiations between the parties.

More specifically, carriers and PSAPs should be permitted to negotiate a reasonable approach to obtaining data that is satisfactory for both parties. With this suggestion, CTIA and its members are not seeking to escape providing location accuracy data to PSAPs. Rather, CTIA believes that the Commission's rules will be most effective if carriers and PSAPs can work together to determine which information will best meet the needs of the individual PSAP. Allowing mutual negotiations between carriers and PSAPs will achieve this result.

In the alternative, instead of mandating requirements, the Commission could consider allowing PSAPs to request location accuracy data from carriers. Assuming that the E911 working group adopts a position on what sort of data should be shared between affected parties, this "opt-in" approach will provide a path for PSAPs that desire such

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[10] *See* E911 NPRM at ¶ 16.

data to obtain access to it. Such a targeted approach to data sharing would be much more in the public interest than attempting to mandate automatic sharing of data by all CMRS providers with all PSAPs, which may be unnecessary and potentially burdensome for smaller PSAPs.

V. The Provision of Location Data for Roamers Should Be Addressed by the E911 Working Group.

The Commission also has indicated its concern that a wireless caller whose carrier employs one type of location technology may not be provided Phase II service at all when roaming on the network of another carrier that relies on a different technology, or when there is no roaming agreement between carriers using compatible technologies.[11] The Commission further asks if it should require carriers to ensure delivery of location information to PSAPs for every call handled on their networks, including calls made by customers of another carrier that has deployed a different technology in its own network or with whom the carrier handling the call has no automatic roaming relationship.[12]

In response to these questions, CTIA notes that in providing requirements for E911 location, the Commission has allowed carriers and manufacturers to develop location systems on a technology neutral, competitive basis. This has provided a number of extensive benefits, including the development of location technology in a more expeditious fashion and in a manner that is best suited for each carrier's air interface technology. However, as a result, a number of incompatible location technologies have been developed by each of the CMRS providers (*e.g.*, handset-based vs. network-based) – a result that was not unforeseen by the Commission. When promulgating the

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[11] *See* E911 NPRM at ¶ 17.

[12] *Id.*

requirements for handset-based location technology, the Commission adopted rules to address concerns associated with handsets and roamers lacking automatic location information ("ALI") capability.[13] Moreover, the Commission's recently-adopted 700 MHz service rules recognize the importance of carriers' ability to ensure that devices connecting to their networks are capable of providing ALI to the network and that applications or devices on their networks do not degrade or hinder E911 solutions.[14]

For roaming callers, carriers must, at a minimum, support Phase I ALI. Furthermore, the Commission requires that "carriers employing a handset-based ALI solution also take a 'best practice' approach to providing ALI to callers who do not have ALI-capable handsets where the PSAP is able to receive and use Phase II ALI."[15] This requirement has served the public well and should be continued.

Nevertheless, CTIA recognizes the importance of this issue and recommends that it be a key discussion point at the suggested industry forum. Any concerns should be addressed and resolved through that process. Like many of the other proposals made by the Commission in this NPRM, discussion of this issue should be tabled until the next generation E911 technology path is established.

VI. E911 Requirements for Interconnected Wireless VOIP Are Premature.

In the NPRM, the Commission sought comment on whether and to what extent

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[13] *See Revision of the Commission's Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, Third Report and Order, 14 FCC Rcd 17388 (1999) ("Third Report and Order"). These rules also "assure that wireless customers can acquire ALI-capable handsets that will be interoperable." *Id*. at ¶ 44.

[14] *See* Service Rules for the 698-746, 747-762 and 777-792 MHz Bands; Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Second Report and Order, FCC 07-132, at ¶ 226 (rel. Aug. 10, 2007).

[15] *See* Third Report and Order at 17414, ¶ 56.

providers of interconnected VoIP services should be required to provide ALI, and whether and to what extent they should be subject to the same location accuracy requirements.[16] The FCC also tentatively concluded that to the extent that an interconnected VoIP service may be used in more than one location, providers must employ an automatic location technology that meets the same accuracy standards that apply to CMRS services.[17]

CTIA reminds the Commission that its member companies have only just begun to launch wireless VoIP services. For example, Cincinnati Bell launched its CB Home Run service on June 18 of this year.[18] Given the uncertainty associated with new services, CTIA believes that any mandated requirements applied to such a nascent service are inappropriate and premature. To the extent the Commission embraces the idea of an E911 working group, however, wireless VoIP location services would be best addressed in this forum. Any attempts by the Commission to overlay CMRS location requirements on wireless VoIP services at this early stage of development, without careful scrutiny of potential detrimental effects to consumers and the lifecycle of this new technology, would be inadvisable. CTIA encourages the Commission to defer consideration of any E911 location requirements for wireless VoIP services until a complete record is gathered on the capabilities and timeframes necessary to implement such services.

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[16] *See* E911 NPRM at ¶ 18.

[17] *See id*.

[18] *See* Press Release, CB Home Run Integrates Mobile Phone and Wireless Internet For Improved Indoor Reception (June 18, 2007) *available at* http://www.cinbell.com/aboutus/news/articles/news.asp?page=20070618.asp (last visited Aug. 20, 2007)

VII. Conclusion

CTIA supports the Commission's efforts to improve location accuracy. CTIA urges the Commission to utilize an E911 working group that would allow the Commission, the wireless industry, and the public safety community to work together in a CMSAAC-like process to develop a complete record. CTIA respectfully offers its services to develop and host such a forum. CTIA believes that the technical issues raised in Part III.B of the NPRM, including roaming and E911 VoIP, should not be determined until this process is complete and a full record is developed for E911 technology for CMRS and wireless VoIP systems.

Respectfully Submitted,

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