

**Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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In The Matter Of)	
)	
Wireless E911 Accuracy Requirements)	PS Docket No. 07-114
)	
Revision of FCC's Rules to Ensure)	CC Docket No. 94-102
Compatibility with Enhanced 911 Emergency)	
Calling Systems)	
)	
Association of Public-Safety Communications)	
Officials-International, Inc. Request)	
Declaratory Ruling)	
)	
911 Requirements for IP-Enabled Service)	WC Docket No. 05-196
Providers)	
_____)	

COMMENTS OF QUALCOMM INCORPORATED

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COMMENTS OF QUALCOMM INCORPORATED

QUALCOMM Incorporated ("QUALCOMM"), pursuant to the Commission's Notice of Proposed Rule Making ("NPRM") in the above-captioned proceedings, FCC 07-108, released June 1, 2007, hereby submits its comments on Section III.B of the NPRM.

I. The Commission Has No Basis to Set a Date to Begin Enforcing a PSAP-by-PSAP Requirement

There is no date by which a PSAP-by-PSAP requirement can be met, and thus, the Commission has no basis to set a date on which to begin enforcement of a PSAP-by-PSAP requirement. In Section III.A of the NPRM, the FCC tentatively concluded that it should change Section 20.18 (h) to require that carriers must meet the Phase II E911 accuracy requirements at the PSAP service level, a tentative conclusion that QUALCOMM opposed because such a requirement cannot be met by the carriers. See NPRM at para. 5; QUALCOMM Comments on Section III.A (filed July 5, 2007). In Section III.B of the NPRM, the Commission sought

comment on how long it should defer enforcement of a new PSAP-by-PSAP accuracy requirement. However, in its Comments on Section III.A, QUALCOMM explained that today and for the foreseeable future, technology will not enable the carriers to meet the Phase II E911 accuracy rules on a PSAP-by-PSAP basis.

Once again, QUALCOMM urges the Commission not to set an arbitrary date on which it will begin enforcing a requirement that cannot be met, and instead, as quickly as possible, to convene all affected stakeholders—carriers, public safety organizations, vendors, and others—in a consensual process, under tight time frames, to develop measurable, achievable metrics, with deadlines that can be reached, to improve E911 accuracy as much as possible, as broadly as possible, and as quickly as possible.

QUALCOMM would like to reiterate that as it explained in its Comments on Section III.A, QUALCOMM is, and has been for many years, deeply committed to the highest degree of E911 accuracy and developing the technology to enable wireless callers to be located as quickly and accurately as possible when they call 911. QUALCOMM is the pioneer of the Assisted GPS (“AGPS”) wireless position location technology. AGPS is the world’s most accurate wireless position location solution. Assisted GPS, as it has been implemented by many U.S. wireless carriers and OEMs, produces highly accurate results that are consistent with the Commission’s E911 mandate, as it has existed and been interpreted for many years, when the results are gathered by considering calls made across the range of environments, including dense urban, urban, suburban, and rural, in accordance with the distribution of emergency calls across these areas typically experienced by the carriers. Moreover, QUALCOMM is, and has been for many years, aggressively engaged on a continuous basis in developing enhancements and improvements to AGPS to improve its accuracy and availability to the greatest extent possible.

QUALCOMM has a deep commitment to enabling the most accurate, robust, and precise wireless E911 technology to assist our nation's police, fire, first aid, and other emergency rescue and first responder personnel to carry out their important duties in protecting the public. QUALCOMM intends to continue working with its carrier partners, its infrastructure and handset vendor partners, and the public safety community to improve and enhance E911 accuracy as much and as soon as possible.

Nevertheless, as QUALCOMM explained in a December 23, 2005 ex parte filing and in its Comments on Section III.A of the NPRM, the carriers who have deployed Assisted GPS cannot meet a PSAP-by-PSAP requirement. Imposing a new PSAP-by-PSAP requirement would be inherently arbitrary because of the inconsistency in the boundaries of PSAPs, the extremely small size of some PSAPs (such as those which encompass just one town), and the varied environments in the PSAPs. Any of the nation's over 6,000 PSAPs could be an area of any particular size, ranging from a single town, a county, or an entire state, and an area that is not representative of the environment in which the vast majority of E911 calls are placed and/or one that is especially challenging for a given location technology. There is no date by which a PSAP-by-PSAP requirement would no longer be arbitrary or by which compliance can be assured in light of these wide variations in the size and character of each and every PSAP.

Section III.B of the NPRM refers to hybrid solutions. As QUALCOMM noted in its Comments on Section III.A, for many years now, QUALCOMM has supported numerous complementary location technologies in its product offerings. While these hybrid approaches can be highly beneficial to maximize yield, even employing currently available hybrid solutions will not guarantee that the Phase II accuracy requirements can be met in each and every PSAP not only because of the differences in size among the PSAPs, but also because within PSAPs,

there are some challenging environments in which performance can be below the norm. See QUALCOMM Comments on Section III.A at Page 6.

For all of these reasons, QUALCOMM urges the FCC not to adopt a PSAP-by-PSAP requirement or to set a date on which it will begin enforcing such a requirement, and instead to convene all stakeholders to reach consensus on a timetable for improving E911 accuracy.

II. The Commission Should Not Impose New Compliance Testing Requirements

In the NPRM, the Commission seeks comment on whether to impose new rules to specify testing that the carriers would have to perform to verify compliance with the E911 accuracy rules. NPRM at para. 14. Since the Commission adopted the original E911 mandate, the Commission has never had specific requirements for compliance testing. Rather, recognizing the variations in the areas served by each carrier, the Commission merely has guidelines on testing which are contained in OET Bulletin No. 71, which the Commission released in April 2000. In the NPRM, the Commission asks whether it should now, over seven years later, make OET Bulletin No. 71 mandatory, and also whether it should revise OET Bulletin No. 71 to specify a certain level of indoor versus outdoor testing that each carrier would have to perform on a regular basis (the Commission proposes once every two years).

It would be grossly unfair for the Commission to adopt these new requirements now, years after the carriers deployed their position location solutions. These solutions were not designed to be able to establish compliance based upon testing requirements developed years after the fact. The Commission should not divine testing requirements over a decade after it adopted the E911 mandate. A guideline is a guideline, and it is fundamentally unfair to maintain guidelines for seven years and then convert them into requirements. In the very first paragraph of OET Bulletin No. 71, it states:

The bulletin offers guidelines and suggestions for evaluating compliance. ***However, it is not intended to establish mandatory procedures. Other methods and procedures may be acceptable if based on sound engineering and statistical practice.***

OET Bulletin No. 71 at Page 2.

The Commission should not now pretend that these words were not written or just cross them out and say that the bulletin now contains mandatory requirements. The NPRM provides no basis for the Commission now to convert guidelines and suggestions observed as such for over seven years into requirements, and it would offend basic notions of due process for the Commission to do so.

In particular, the Commission has absolutely no basis now to revise OET Bulletin No. 71 to impose a specified level of indoor testing. This proposal would not simply impose new testing requirements. It would convert the mandate into something that it has never been—an indoor accuracy requirement and an outdoor accuracy requirement. The mandate has always covered 67% and 95% of the calls to 911, period. The proportion of mobile phone calls to 911 placed from indoors varies from PSAP to PSAP, from town to town, from county to county, and from state to state. Accordingly, it would be the height of arbitrary decision making for the Commission to pick a particular level of indoor testing and to simply impose it, now, over a decade after it adopted the original mandate.

QUALCOMM does not dispute for a second that it is vitally important that callers to 911 from both indoor and outdoor locations be located as accurately as possible. Rather than arbitrarily imposing a new indoor testing requirement, which again has no basis whatsoever, the Commission should convene all affected stakeholders to discuss the types of testing that carriers, public safety organizations, and vendors can all agree should be performed to achieve what

