



September 7, 2007

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

RE: WT Docket 07-114

Dear Ms. Dortch:

This is to inform the Commission that the undersigned representing APCO, and Patrick Halley representing NENA, spoke today via telephone with Chief Derek Poarch of the Public Safety & Homeland Security Bureau to follow up on a joint meeting that APCO and NENA held on September 6 with Chairman Kevin Martin. As set forth in a prior *ex parte* notice, APCO and NENA had indicated to Chairman Martin that the deadline for PSAP-level compliance with the wireless E9-1-1 rules should be no more than five years from the date of the order, and that there must be meaningful interim benchmarks. During today's telephone conference, we informed Chief Poarch that APCO and NENA had further considered these issues, and believe that the following could provide the framework for required benchmarks for wireless carriers:

One (1) year following the order: Demonstrate compliance based upon measurements averaged across each Economic Area (EA) in which a carrier operates.

Two (2) years following the order: Status reports on advancements since year one.

Three (3) years following the order:

- (a) Demonstrate compliance based upon measurements averaged across each Metropolitan Statistical Area (MSA) and Rural Service Area (RSA) in which a carrier operates;
- (b) Demonstrate PSAP-level compliance within at least 75% of the PSAPs the carrier serves; and
- (c) Demonstrate accuracy across all PSAPs within at least 50% of the relevant accuracy standard (*e.g.*, if the relevant standard is within 50 meters 67% of the time, the three-year benchmark would be accuracy across all PSAPs of at least 75 meters 67% of the time).

Four (4) years following the order: Status reports on advancements since year three.

Five (5) years following the order: Full compliance as measured at PSAP service area.

Only PSAPs capable of receiving and using wireless location accuracy data at the “Phase II” standard in the Rules would be included in this benchmarking and reporting. For PSAPs becoming Phase II-capable during the 5-year transition to full compliance, the Commission could determine how much advance notice should be given carriers of the PSAP’s new capability.

We also suggested to Chief Poarch that it may be appropriate for the Commission to permit carriers to propose within a specified time of the order (e.g., 60 days) alternative benchmarks specific to their network configurations. The Commission could then determine on a case-by-case basis whether the proposed alternative achieves the same basic goals as the established benchmarks, including full compliance within 5 years and steady improvement in accuracy across all PSAPs served by the carrier.

Please contact the undersigned should the Commission require any additional information.

Respectfully submitted,

/s/

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cc: Derek Poarch
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