

**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	)	
	)	
911 Requirements for IP-Enabled Service Providers	)	WC Docket No. 05-196
	)	

To: The Commission

**REPLY COMMENTS OF SOUTHERNLINC WIRELESS**

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Dated: September 18, 2007

## **EXECUTIVE SUMMARY**

As an initial matter, SouthernLINC Wireless is concerned that the Commission's recent decision to impose a five-year compliance deadline and interim benchmarks for achieving compliance with the newly adopted PSAP-level accuracy requirement – despite having designated this very question for the current phase of this proceeding – raises significant legal and public policy concerns, including the Commission's compliance with the Administrative Procedure Act.

SouthernLINC Wireless believes that it is inappropriate to adopt any specific compliance deadlines or benchmarks until all stakeholders – including the Commission, public safety, carriers, and technology manufacturers and vendors – have a better understanding of the technology solutions needed to achieve the location accuracy standards at the PSAP level in every PSAP and under all conditions. Because the record is unequivocally clear that this cannot be achieved with existing location technologies, it is equally clear that new location solutions will need to be developed and implemented in order to achieve the Commission's stated goal. SouthernLINC Wireless therefore joins the vast majority of participants in this proceeding in again urging the Commission to establish an "E911 working group" that would allow all stakeholders to work together on the improvement of E911 location accuracy.

SouthernLINC Wireless also urges the Commission to establish staggered compliance timeframes for small and mid-size Tier II and Tier III carriers in recognition of the constraints such carriers face in the acquisition and deployment of location technologies and equipment – an approach that has already been proven sound and successful during the initial stages of E911 Phase II deployment. Although it has already

adopted interim benchmarks and a final deadline for meeting the location accuracy requirements at the PSAP level, the Commission should now adjust these benchmarks and deadlines to accommodate the needs and circumstances of Tier II and Tier III carriers. In addition, to the extent new wireless E911 requirements are adopted in the future, the Commission should continue to employ staggered compliance dates for Tier II and Tier III carriers.

As the Commission – as well as any advisory group that may be established – considers ways in which E911 location accuracy can be improved now or in the future, it must bear in mind the impact any new or revised standards or requirements could have on smaller regional and rural carriers, as well as on the deployment of E911 Phase II services in general. SouthernLINC Wireless is especially concerned that any rush to adopt new accuracy standards or timeframes could result in requirements so onerous that smaller carriers may be compelled to discontinue providing service in some areas altogether rather than risk penalties for noncompliance. If this occurs, many Americans, particularly in rural areas, could find themselves with *decreased* access to emergency services as a result. SouthernLINC Wireless is also concerned that the implementation of new requirements will divert and drain vital resources that would be better spent on bringing Phase II service to the hundreds of PSAPs – serving millions of Americans – that still lack this capability.

Finally, many of the issues raised in Section III.B. of the *NPRM* involve complex technical, as well as economic, issues that require further study involving all stakeholders – even if on an expedited basis – before any further mandates or requirements can be considered.

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Southern Communications Services, Inc. d/b/a SouthernLINC Wireless

("SouthernLINC Wireless") hereby submits its reply comments in the above-captioned proceeding regarding E911 location accuracy requirements for providers of commercial mobile radio services ("CMRS").<sup>1</sup> Although these reply comments are directed towards the issues and proposals set forth in Section III.B. of the bifurcated *NPRM* in this docket, SouthernLINC Wireless hereby reiterates and incorporates by reference its positions as set forth in its reply comments filed July 11, 2007, regarding Section III.A. of the *NPRM*.

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<sup>1</sup> / *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*, PS Docket No. 07-114; CC Docket No. 94-102; WC Docket No. 05-196, Notice of Proposed Rulemaking, FCC 07-108 (rel. June 1, 2007) ("*NPRM*").

## I. IMPOSITION OF A COMPLIANCE DEADLINE AND INTERIM BENCHMARKS

Aside from questions raised regarding the attainability of the recently adopted PSAP-level accuracy requirement, SouthernLINC Wireless is concerned that the Commission's recent decision to impose a five-year compliance deadline and interim benchmarks for achieving compliance with this requirement<sup>2</sup> raises significant legal and public policy concerns, including the Commission's compliance with the Administrative Procedure Act ("APA").

This proceeding has produced a record consisting of overwhelming – and uncontroverted – evidence that it is technologically impossible for carriers to meet the existing accuracy requirements in every PSAP they serve with the technology available today.<sup>3</sup> The record also makes clear that, although there are various technologies that may help to improve location accuracy in general, few (if any) of these technologies have been tested under real-world conditions, and none of them have demonstrated that they are capable of meeting the existing accuracy requirements at the PSAP level under all

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<sup>2</sup> / See FCC News Release, "FCC Clarifies Geographic Area Over Which Wireless Carriers Must Meet Enhanced 911 Location Accuracy Requirements," PS Docket No. 07-114; CC Docket No. 94-102 (rel. Sept. 11, 2007).

<sup>3</sup> / See Comments of Intrado, Inc. filed Aug. 20, 2007, at 5 ("Intrado knows of no single technology that can achieve the Commission's stated intent in the NPRM."); Comments of Polaris Wireless filed Aug. 20, 2007, at 9 ("As noted in Polaris' prior comments, currently deployed E911 Phase II location technologies cannot practically meet the Commission's goal of compliance at the PSAP level in some cases."); See also Comments of AT&T filed Aug. 20, 2007, at 8 – 9; Comments of Sprint Nextel filed Aug. 20, 2007, at 4; Comments of the National Telecommunications Cooperative Association ("NTCA") filed Aug. 20, 2007, at 2; Comments of the Telecommunications Industry Association filed Aug. 20, 2007, at 2 – 4; Comments of Motorola filed Aug. 20, 2007, at 2 – 3; Comments of Nokia Inc. and Nokia Siemens Networks ("Nokia") filed Aug. 20, 2007, at 4 – 5; Comments of Qualcomm filed Aug. 20, 2007, at 2 – 3; Comments of Andrew Corp. filed Aug. 20, 2007, at 4.

conditions, either now or in the future.<sup>4</sup> Moreover, in adopting its Order a full week before the close of the formal comment period on issues directly related to its decision, the Commission has acted before it has even finished compiling – let alone considering – the facts and record necessary to determining whether its mandate is even feasible.<sup>5</sup> As the Rural Cellular Association and Verizon Wireless have pointed out, “[a] decision grounded solely in aspirational goals that are ‘no more than a policy judgment’ cannot be sustained in the absence of record support.”<sup>6</sup>

The Commission took the highly unusual step of bifurcating this proceeding, requiring comments and reply comments on the proposals set forth in Section III.A. of the *NPRM* to be filed on an expedited basis.<sup>7</sup> These proposals consisted of: (1) the Commission’s tentative conclusion to require compliance with Section 20.18(h) of the Commission’s Rules at the PSAP level; and (2) whether to defer enforcement of Section 20.18(h) as so defined.<sup>8</sup> Period.

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<sup>4</sup> / See note 3 *supra*; See also Comments of Motorola filed Aug. 20, 2007, at 3 and 7 – 12; Comments of Nokia filed Aug. 20, 2007, 2 – 3; Comments of AT&T filed Aug. 20, 2007, Attachment (Patrick W. Spradling, et al., *E911 Caller Location of Indoor Cellular and VoIP Devices*, Univ. of Colo. Interdisciplinary Telecommunication Program (2007)); Comments of Qualcomm filed Aug. 20, 2007, at 2 – 4; *Ex Parte* Presentation of T-Mobile filed Sept. 6, 2007, at 2 – 4.

<sup>5</sup> / See Written *Ex Parte* Presentation of the Rural Cellular Association and Verizon Wireless, PS Docket No. 07-114; CC Docket No. 94-102; WC Docket No. 05-196 (filed Aug. 31, 2007) (“RCA/Verizon Joint *Ex Parte* Filing”) at 8 (citing *U.S. Telecom Ass’n v. FCC*, 227 F.3d 450, 461 (D.C. Cir. 2000) and *Burlington Truck Lines, Inc. v. United States*, 371 U.S. 156, 168 (1962)).

<sup>6</sup> / RCA/Verizon Joint *Ex Parte* Filing at 3 – 4 (citing *San Antonio, Tex. Acting By and Through Its City Public Service Bd. v. United States*, 631 F.2d 831, 851-852 (D.C. Cir. 1980) and *WorldCom v. FCC*, 238 F.3d 449, 461-462 (D.C. Cir. 2001) (“... the Commission may not evade review of its decision-making merely by asserting that the thresholds were ‘policy determinations’”)).

<sup>7</sup> / See *NPRM* at ¶ 7.

<sup>8</sup> / See *NPRM* at ¶¶ 6, 8.

The Commission stated that comments and reply comments on the proposals set forth in Section III.B. of the *NPRM* were to be filed in a separate, subsequent cycle – *i.e.*, the cycle in which the instant reply comments are being submitted.<sup>9</sup> The first set of proposals set forth in Section III.B. are as follows:

Accordingly, as an initial matter in this Section III.B., and assuming ... we require carriers to achieve compliance at the PSAP level yet also determine to defer enforcement, we seek comment on how long we should defer enforcement. *Specifically, what reasonable amount of time should we permit carriers to achieve compliance at the PSAP level? What specific tasks will be necessary for carriers to come into compliance with current accuracy requirements on a PSAP-level basis? Should the amount of time vary based on certain factors? What factors should be considered? Should benchmarks be established?*<sup>10</sup>

The Commission ruled on these proposals one full week before the due date established in the *NPRM* for filing reply comments on these very same proposals. With the comment period still open at the time the Order was adopted, the Commission cannot credibly claim to have based its decision on a full consideration of the record or that it has considered all aspects of the problem.<sup>11</sup>

Rather, the Commission adopted a deadline for compliance, along with interim benchmarks, that was developed and proposed by APCO and NENA at quite literally the last minute. This proposal was not even introduced by APCO and NENA until the final day of the “Sunshine” period for making presentations to the Commission and was not available for public review or consideration until just before the Order was adopted. The only parties afforded any opportunity whatsoever to review or comment on the

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<sup>9</sup> / *NPRM* at ¶ 7.

<sup>10</sup> / *NPRM* at ¶ 8 (emphasis added).

<sup>11</sup> / *Motor Vehicles Mfrs. Ass’n v. State Farm Mut. Auto Ins. Co.*, 463 U.S. 29, 43 (1983) (holding that an agency’s decision can be found to be arbitrary and capricious if the agency “entirely failed to consider an important aspect of the problem”).

APCO/NENA proposal prior to its adoption by the Commission were those whose opinions were directly solicited by members of the Commissioners' staffs.<sup>12</sup>

As Commissioner Adelstein so aptly stated, "Offering no opportunity for deliberation or participation by so many stakeholders does not befit an expert agency."<sup>13</sup> Neither does it comport with the clear requirements of the Administrative Procedure Act.

Ultimately, the Commission cannot show that there is any "rational connection between the facts found and the choice made" to mandate PSAP-level compliance within the timeframe chosen.<sup>14</sup> Any decision based on such an insubstantial and incomplete record would be arbitrary and capricious and would thus fail to satisfy the fundamental requirements of the APA.<sup>15</sup>

## **II. TIMEFRAME FOR ENFORCEMENT OF PSAP-LEVEL COMPLIANCE**

Although the Commission has preemptively ruled on the issues set forth in the first paragraph of Section III.B. of the *NPRM*, SouthernLINC Wireless nevertheless presents its reply comments on these issues in accordance with the timeline established by the *NPRM* and the due process envisioned – and demanded – by the Administrative Procedure Act. SouthernLINC Wireless urges the Commission to take these comments

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<sup>12</sup> / See Notices of *Ex Parte* Presentations by T-Mobile (filed Sept. 7, 2007), CTIA (filed Sept. 10, 2007), and Verizon Wireless (filed Sept. 11, 2007) in PS Docket No. 07-114, CC Docket No. 94-102, WC Docket No. 05-196.

<sup>13</sup> / Separate Statement of Commissioner Jonathan S. Adelstein, PS Docket No. 07-114, CC Docket No. 92-104, WC Docket No. 05-196 (rel. Sept. 11, 2007).

<sup>14</sup> / *Motor Vehicles Mfrs. Ass'n*, 463 U.S. at 43 (citing *Burlington Truck Lines, Inc.*, 371 U.S. at 168).

<sup>15</sup> / *Id.*; See also RCA/Verizon Joint *Ex Parte* Filing at 8 – 9; Reply Comments of SouthernLINC Wireless filed July 11, 2007, at 11 – 12; Comments of AT&T filed July 5, 2007, at 6 – 13; Comments of Verizon Wireless filed July 5, 2007, at 4 – 14; Comments of T-Mobile filed July 5, 2007, at 10 – 15.

into consideration as it moves forward in its efforts to improve wireless E911 location accuracy.<sup>16</sup>

**A. Consideration of Timeframes in General**

As an initial matter, SouthernLINC Wireless believes that it is inappropriate to adopt any specific compliance deadlines or benchmarks until all stakeholders – including the Commission, public safety, carriers, and technology manufacturers and vendors – have a better understanding of the technology solutions needed to achieve the location accuracy standards at the PSAP level in every PSAP and under all conditions. Because the record is unequivocally clear that this cannot be achieved with existing location technologies,<sup>17</sup> it is equally clear that new location solutions will need to be developed and implemented in order to achieve the Commission’s stated goal.

SouthernLINC Wireless therefore agrees with the Rural Cellular Association that a more reasoned approach would be to first verify the availability of appropriate equipment that will improve accuracy, and then consider “the length of time it will take the industry as a whole to negotiate, purchase, and install this future solution.”<sup>18</sup>

Additional factors that must be taken into consideration as part of this process include the

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<sup>16</sup> / The Commission has explicitly waived the sunshine period prohibition to allow parties to file comments relating to questions raised in Section III.B. of the *NPRM. 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*, PS Docket No. 07-114; CC Docket No. 94-102; WC Docket No. 05-196, Order, DA 07-3957 (rel. Sept. 18, 2007) at ¶ 2. As discussed above, the appropriate timeframe for enforcement of the PSAP-level requirement was one of the specific questions raised in Section III.B. of the *NPRM*.

<sup>17</sup> / See notes 3 and 4, *supra*.

<sup>18</sup> / Comments of RCA filed Aug. 17, 2007, at 4.

impact of topography in various regions,<sup>19</sup> the real-world performance and capabilities of different technologies across all usage environments (e.g., urban, suburban, rural, in-building, etc.),<sup>20</sup> the economic impact on carriers of all sizes of developing and deploying various location accuracy solutions,<sup>21</sup> the costs and burdens on PSAPs resulting from the deployment of new location accuracy technologies,<sup>22</sup> and the need to overcome or address other obstacles such as zoning or other restrictions on the deployment of additional cell sites or the modification of existing sites.<sup>23</sup>

SouthernLINC Wireless believes that the investigation, analysis, and consideration of these issues would be most effectively and efficiently carried out by a group of subject matter experts representing all stakeholders, and thus joins the vast majority of participants in this proceeding in again urging the Commission to establish an “E911 working group” – perhaps modeled after the WARN Act Advisory Committee – that would allow all stakeholders to work together on the improvement of E911 location accuracy.<sup>24</sup> This approach would provide an appropriate and reasonable method for

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<sup>19</sup> / See, e.g., Comments of T-Mobile filed Aug. 20, 2007, at 10; Comments of AT&T filed Aug. 20, 2007, at 9; Comments of Nokia filed Aug. 20, 2007, at 5.

<sup>20</sup> / See Comments of AT&T filed Aug. 20, 2007, at 4 – 5.

<sup>21</sup> / See, e.g., Comments of CTIA filed Aug. 20, 2007, at 5; Comments of NTCA filed Aug. 20, 2007, at 3; Comments of T-Mobile filed Aug. 20, 2007, at 3; Reply Comments of SouthernLINC Wireless filed July 11, 2007, at 3 – 6.

<sup>22</sup> / See, e.g., Comments of the State of Montana filed June 29, 2007; Comments of the 911 Industry Alliance filed Aug. 20, 2007, at 4 – 5.

<sup>23</sup> / See, e.g., Comments of AT&T filed Aug. 20, 2007, at 17; Comments of T-Mobile filed Aug. 20, 2007, at 18 - 19; Comments of MetroPCS filed Aug. 20, 2007, at 8 – 9.

<sup>24</sup> / See Reply Comments of SouthernLINC Wireless filed July 11, 2007, at 15 – 17; See also Letter to Marlene H. Dortch, Secretary, submitted by CTIA (and signed on behalf of numerous regional and rural carriers, carrier organizations, and equipment manufacturers), dated Sept. 6, 2007 (“September 6, 2007 Group Letter”); Comments of AT&T filed July 5, 2007, at 3 – 6; Comments of RCA filed July 5, 2007, at 8 – 10;

identifying and testing new technologies and “providing the Commission with critical evidence regarding the technical and economic feasibility of various wireless E911 requirements.”<sup>25</sup> Such a group must include not only representatives from the major wireless interests, but should also include representatives from smaller regional and rural carriers as well. As discussed below, these carriers – who are often the sole source of wireless E911 service in many parts of the country – have operational needs and circumstances that differ significantly from those of the larger nationwide carriers, and these unique needs and circumstances must be appropriately taken into consideration in the development of any new E911 standards or requirements.

SouthernLINC Wireless submits that such an approach will far better address the public interest in improved location accuracy than would a Commission mandate premised on unproven and/or non-existent technologies and adopted in contravention of the clear standards established under the Administrative Procedure Act. Accordingly, SouthernLINC Wireless urges the Commission to establish an expert working group as soon as possible in order to address the issues involved in achieving the goals set forth in the Commission’s September 11, 2007 Order, as well as to address any future proposals for improving wireless E911 location accuracy, including, but not limited to, those set forth in the rest of Section III.B. of the *NPRM*.

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Comments of Qualcomm filed July 5, 2007, at 7 – 8; Comments of NENA filed July 5, 2007, at 5.

<sup>25</sup> / See Reply Comments of SouthernLINC Wireless filed July 11, 2007, at 15 (quoting Comments of AT&T filed July 5, 2007, at 6).

**B. Adoption of Staggered Compliance Schedules for Tier II and Tier III Carriers**

SouthernLINC Wireless agrees with the Rural Cellular Association and the National Telecommunications Cooperative Association (“NTCA”) that the Commission should establish staggered compliance timeframes for small and mid-size Tier II and Tier III carriers in recognition of the constraints such carriers face in the acquisition and deployment of location technologies and equipment.<sup>26</sup> This approach has already been proven sound and successful during the initial stages of E911 Phase II deployment.<sup>27</sup>

As the Commission recognized in its 2002 *Non-Nationwide Carriers Order*, Tier II and Tier III carriers “have much less ability than the nationwide CMRS carriers to obtain the specific vendor commitments necessary” to deploy E911 solutions.<sup>28</sup> Tier III carriers in particular are “pushed to the end of the supply line by vendors because small businesses cannot make the high-volume purchases necessary to gain high-priority status.”<sup>29</sup> Thus, small and mid-size carriers are generally unable to begin deploying new technologies or equipment until well after the nationwide carriers, and any delays in the deployment schedules of the nationwide carriers necessarily create downstream delays for Tier II and Tier III carriers that are beyond the smaller carriers’ control. In the *Non-Nationwide Carriers Order*, the FCC concluded that “[b]y permitting each set of wireless

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<sup>26</sup> / Comments of RCA filed Aug. 17, 2007, at 4 – 5; Comments of NTCA filed Aug. 20, 2007, at 2 – 3; *See also* Reply Comments of SouthernLINC Wireless filed July 11, 2007, at 14.

<sup>27</sup> / *See, e.g., Revision of the Commission’s Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Phase II Compliance Deadlines for Non-Nationwide CMRS Carriers*, CC Docket No. 94-102, Order to Stay, 17 FCC Rcd 14841 (2002) (“*Non-Nationwide Carriers Order*”).

<sup>28</sup> / *Non-Nationwide Carriers Order*, 17 FCC Rcd at 14844.

<sup>29</sup> / Comments of RCA filed Aug. 17, 2007, at 4 – 5.

carriers to begin Phase II rollout at different times, the Commission may help to alleviate carriers' deployment problems attributable to third party vendors."<sup>30</sup> This conclusion remains just as valid today as it was in 2002.

Although it has already adopted interim benchmarks and a final deadline for meeting the location accuracy standards in every PSAP area a carrier serves, the Commission should in this phase of the proceeding adjust these benchmarks and deadlines to accommodate the needs and circumstances of small and mid-size Tier II and Tier III carriers. In addition, to the extent any new wireless E911 requirements or standards should be adopted that would require the development and deployment of new technologies, equipment, and/or infrastructure, the Commission should continue to employ staggered compliance dates for Tier II and Tier III carriers.

### **III. THE IMPACT OF NEW LOCATION ACCURACY STANDARDS ON SMALLER REGIONAL AND RURAL CARRIERS**

In considering ways in which wireless E911 location accuracy can be improved now or in the future, the Commission – as well as any technical advisory group the Commission may establish – must bear in mind the impact any new or revised location accuracy standards and requirements could have on smaller regional and rural carriers, as well as on the deployment of E911 Phase II services in general.

As the Commission is aware, SouthernLINC Wireless has been working hard to fully comply with the Commission's E911 requirements and has already devoted substantial time and resources towards making E911 Phase II service available throughout as much of its service area as possible. SouthernLINC Wireless is concerned that any new location accuracy requirements adopted by the Commission could have a

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<sup>30</sup> / *Non-Nationwide Carriers Order*, 17 FCC Rcd at 14846.

significant and disproportionate impact on smaller regional and rural carriers – many of whom are often the sole source of wireless E911 service in many parts of the country.

In particular, SouthernLINC Wireless shares the concerns of other commenters that any rush to adopt new technical requirements or timeframes “may have unintended consequences that could degrade E911 access.”<sup>31</sup> SouthernLINC Wireless agrees with NTCA that “[i]nadequate technologies coupled with unrealistic compliance timeframes would at the least ensure noncompliance by many small carriers,” and, at worst, “could result in the discontinuance of service in some rural areas as providers turn off cell sites rather than risk fines for noncompliance.”<sup>32</sup> As T-Mobile pointed out, “If E911 requirements become so onerous that carriers withdraw from, or decide not to initiate, service in areas where compliance is overly difficult, public safety will be harmed, particularly in rural areas, because the public will no longer be able to place wireless 911 calls (or any other wireless calls) in those areas.”<sup>33</sup> This result would be “clearly contrary to the FCC’s objective of ‘ensur[ing] that wireless E911 service meets the needs of public safety and the American people.’”<sup>34</sup>

As SouthernLINC Wireless explained in its reply comments in the first round of this proceeding, the Commission’s new compliance requirements and deadlines will place an enormous strain on Tier III carriers in particular, draining and diverting vital resources from these carriers’ efforts to roll out Phase II services and achieve full

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<sup>31</sup> / Comments of CTIA filed Aug. 20, 2007, at 5.

<sup>32</sup> / Comments of NTCA filed Aug. 20, 2007, at 3.

<sup>33</sup> / Comments of T-Mobile filed Aug. 20, 2007, at 3.

<sup>34</sup> / Comments of CTIA filed Aug. 20, 2007, at 5 (quoting *NPRM* at ¶ 1).

compliance with the Commission's Phase II requirements.<sup>35</sup> These efforts already place a significant strain on Tier III carriers – who, despite their more limited resources, are expected by the Commission to meet the same performance standards as the largest nationwide carriers with respect to PSAP deployment and implementation – and the additional demands of having to meet new location accuracy standards, including demonstrating compliance at the PSAP level for every PSAP in their service area, could strain these carriers' resources beyond what they can bear.

Carriers have already made enormous investments to purchase and deploy the newest and best location technologies available, and have tested and proven the capabilities of these technologies according to the Commission's current standards. Yet, despite all the good faith best efforts of the industry, public safety, and federal, state, and local governments and agencies, the goal of E911 Phase II deployment has still not been fully achieved. For example, as SouthernLINC Wireless has previously described in this proceeding, of the 302 PSAPs in SouthernLINC Wireless' service territory, approximately 138 of them are still not capable of receiving Phase II service, in large part because they lack the resources necessary to become Phase II-capable.<sup>36</sup> Furthermore, of these PSAPs, approximately 92 are not yet capable of receiving Phase I location data, and some parts of SouthernLINC Wireless' service area do not even have PSAPs or otherwise lack the capability to provide even basic 911 emergency service.

SouthernLINC Wireless again submits that the public interest may best be met by using the resources available to bring E911 Phase I and Phase II capabilities to as many

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<sup>35</sup> / See Reply Comments of SouthernLINC Wireless filed July 11, 2007, at 3 – 6.

<sup>36</sup> / See Reply Comments of SouthernLINC Wireless filed July 11, 2007, at 9 – 10. As its E911 Quarterly Reports to the Commission show, SouthernLINC Wireless has a strong record of timely provisioning PSAP requests for E911 services.

PSAPs – and to as much of the public – as possible, rather than diverting these resources to refine services in areas where wireless users already receive the most accurate location service that existing technology can provide.<sup>37</sup> In other words, rather than expending billions of dollars and uncountable resources and effort for the purpose of “making the rich richer” with respect to location accuracy, consideration should perhaps be given to focusing these resources first on bringing Phase II service to the millions of Americans living and working in areas with little or no location capability whatsoever.

#### **IV. OTHER PROPOSALS REGARDING LOCATION TECHNOLOGIES AND ACCURACY STANDARDS**

##### **A. Compliance and Maintenance Testing**

Several commenters have made various recommendations regarding the appropriate methodology and schedule for carrier testing of location accuracy performance.<sup>38</sup> However, these comments cover a wide range of issues and positions and ultimately raise more questions than they answer. SouthernLINC Wireless therefore agrees with AT&T that these issues should be explored and assessed by the proposed technical advisory group or industry forum before any decisions or recommendations are made regarding testing procedures or methodologies.<sup>39</sup>

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<sup>37</sup> / See Comments of T-Mobile filed July 5, 2007, at 14 (observing that, given the number of PSAPs still lacking Phase II capability, “it is questionable whether resources are better spent with incremental improvements in those areas with Phase II service already, or in enabling these remaining PSAPs to achieve Phase II service.”).

<sup>38</sup> / See, e.g., Comments of Sprint Nextel filed Aug. 20, 2007, at 13 – 15; Comments of MetroPCS filed Aug. 20, 2007, at 10 - 11; Comments of NENA filed Aug. 20, 2007, at 8 – 10; Comments of Intrado filed Aug. 20, 2007, at 11 – 12; See also Comments of Qualcomm filed Aug. 20, 2007, at 4 – 5 (opposing any new testing requirements and urging OET Bulletin No. 71 to be maintained as a guideline).

<sup>39</sup> / Comments of AT&T filed Aug. 20, 2007, at 10.

In addition, rather than mandating certain methods or procedures, the Commission should allow for a range of acceptable test procedures and methodologies in order to provide carriers with sufficient flexibility to utilize those that are most appropriate for their individual systems and service areas. Both the Commission and the technical advisory group/industry forum should also remain open – both now and on an ongoing basis – to the consideration of new proposals for accuracy testing, such as a suggestion by T-Mobile to investigate the feasibility of type-approval of location technologies as an alternative to field testing – an alternative that was initially suggested in OET Bulletin No. 71.<sup>40</sup>

Once a carrier has demonstrated through appropriate testing that it is in compliance with the relevant location accuracy standards and requirements, no further periodic testing should be required except in the event of (1) a major change or upgrade in the carrier's infrastructure; (2) a serious system problem or failure in the carrier's delivery of location information to PSAPs; or (3) a catastrophic event that causes damage to the carrier's facilities and infrastructure. Other than these, SouthernLINC Wireless sees no reason to require carriers to continually perform tests on systems that have already been demonstrated to be in compliance.<sup>41</sup> Requiring ongoing periodic maintenance testing for every PSAP in a carrier's coverage area, even if it is every two years, will impose significant costs and burdens on both carriers and PSAPs and will disproportionately affect smaller Tier III carriers, most (if not all) of whom simply do not

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<sup>40</sup> / Comments of T-Mobile filed Aug. 20, 2007, at 22 – 23 (citing OET Bulletin No. 71 at 5).

<sup>41</sup> / See Comments of Corr Wireless filed Aug. 14, 2007, at 6.

have the resources to engage in a constant and ongoing cycle of PSAP-by-PSAP accuracy testing.<sup>42</sup>

**B. New Technologies and Standards**

SouthernLINC Wireless supports the ongoing consideration of new technologies and location solutions that would improve wireless E911 location accuracy.

SouthernLINC Wireless believes that this should be a task for the technical advisory group proposed and supported by the majority of participants in this proceeding, and further believes that this process, including the adoption of any new standards or requirements, should be carried out in a manner consistent with the issues and considerations discussed above in Sections II and III of these reply comments.

However, as a result of its own experiences during its initial efforts to implement a Phase II solution on its system in 1999-2000, SouthernLINC Wireless cautions against getting carried away by the promises of new technologies and agrees with AT&T, T-Mobile, and the Telecommunications Industry Association (“TIA”) regarding the need for rigorous field testing of any and all location technologies under a variety of challenging, real-world conditions before relying on any of them as the basis for any new accuracy standards or requirements.<sup>43</sup>

As TIA stated, “When it comes to public safety, American consumers deserve thoroughly vetted and tested solutions.”<sup>44</sup>

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<sup>42</sup> / *Id.*

<sup>43</sup> / Comments of AT&T filed Aug. 20, 2007, at 7; Comments of T-Mobile filed Aug. 20, 2007, at 14 – 15; Comments of TIA filed Aug. 20, 2007, at 5.

<sup>44</sup> / Comments of TIA filed Aug. 20, 2007, at 5.

### C. “Hybrid” Solutions and Elevation Information

SouthernLINC Wireless also cautions against treating so-called “hybrid” solutions as a “panacea” to the location accuracy conundrum. As some commenters have pointed out, the respective limitations of network-based and A-GPS solutions are not mutually exclusive, and there are several environments where neither solution is capable of providing the level of location accuracy demanded by the Commission.<sup>45</sup> Moreover, creating a hybrid solution is not as simple as adding A-GPS phones to a network-based system or slapping a network-based solution onto a system that already uses A-GPS. In the case of iDEN, for example, SouthernLINC Wireless initially pursued a network-based solution for its iDEN network, but after expending significant amounts of money and resources and conducting exhaustive testing, SouthernLINC Wireless concluded that this solution could not come close to satisfying the Commission’s location accuracy requirements in the real world. Likewise, Sprint Nextel stated that it has investigated means of supplementing the A-GPS solution on its iDEN network with a network-based AFLT solution, but, at this time, “the iDEN infrastructure does not provide access to the data necessary to replicate the AFLT solution used on the [Sprint Nextel] CDMA system.”<sup>46</sup>

SouthernLINC Wireless also agrees with AT&T, ATIS/ESIF, and T-Mobile that the addition of an elevation measurement to the location information that must be provided to PSAPs is not technically feasible.<sup>47</sup> Network-based technologies, including

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<sup>45</sup> / See, e.g., Comments of Sprint Nextel filed Aug. 20, 2007, at 11 – 12; Comments of Qualcomm filed Aug. 20, 2007, at 3 – 4.

<sup>46</sup> / Comments of Sprint Nextel filed Aug. 20, 2007, at 10 – 11.

<sup>47</sup> / Comments of AT&T filed Aug. 20, 2007, at 9 – 10; Comments of ATIS/ESIF filed Aug. 20, 2007, at 5; Comments of T-Mobile filed Aug. 20, 2007, at 11 – 12.

those still under development, simply are not capable of determining a caller's elevation, and even the most advanced GPS systems have a margin of error so significant (77 meters – or 25 stories – in ideal conditions) that this information would be useless in trying to pinpoint a caller's location.<sup>48</sup> Moreover, as the 911 Industry Alliance pointed out, the addition of elevation information would require a massive overhaul of PSAP systems and software that “will likely absorb considerable [PSAP] resources and involve considerable time, investment, and effort, all of which will detract from other pressing needs.”<sup>49</sup>

#### **D. Roaming**

Finally, the Commission has expressed 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.”<sup>50</sup>

SouthernLINC Wireless believes that a host carrier should provide Phase II service to roamers if it is technically feasible to do so. SouthernLINC Wireless also agrees with MetroPCS that, if the Commission should decide to impose any requirement on carriers regarding the degree of location accuracy provided to roamers, the Commission should also ensure that carriers cannot use such a requirement as an excuse to deny roaming to a requesting carrier on the grounds of technical incompatibility.<sup>51</sup>

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<sup>48</sup> / See Comments of T-Mobile filed Aug. 20, 2007, at 12.

<sup>49</sup> / Comments of the 911 Industry Alliance filed Aug. 20, 2007, at 4.

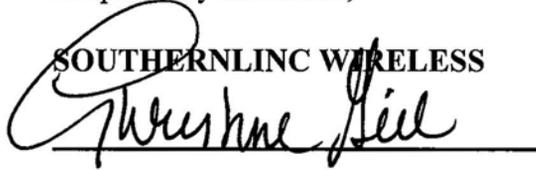
<sup>50</sup> / *NPRM* at ¶ 17.

<sup>51</sup> / Comments of MetroPCS filed Aug. 20, 2007, at 13 – 14.

Otherwise, carriers could effectively abrogate the pro-consumer roaming rules and policies adopted by the Commission in its recent *CMRS Roaming Order*.

**WHEREFORE, THE PREMISES CONSIDERED,** SouthernLINC Wireless respectfully requests the Commission to take action in this docket consistent with the views expressed herein.

Respectfully submitted,

**SOUTHERNLINC WIRELESS**  


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Dated: September 18, 2007