

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Wireless E911 Location Accuracy Requirements)	PS Docket No. 07-114
)	
)	CC Docket No. 94-102
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)	WC Docket No. 05-196
)	

REPLY COMMENTS OF CTIA – THE WIRELESS ASSOCIATION®

CTIA – The Wireless Association® (“CTIA”)¹ hereby submits reply comments in response to Section III.B of the Notice of Proposed Rulemaking (“NPRM”) in the above-captioned proceeding.² Section III.B of the NPRM seeks comment on several tentative conclusions and proposals relating to E911 location accuracy standards and testing. Throughout this entire proceeding, CTIA consistently has supported the

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 reply comments respond to Section III.B of the NPRM.

Commission's efforts to improve E911 location accuracy among Commercial Mobile Radio Service ("CMRS") providers. Nevertheless, CTIA is concerned that the FCC may prematurely adopt technical standards before a full and adequate record is established. Mandating unachievable location accuracy requirements as discussed below will chill the deployment of new technologies that can improve current capabilities, yet fall short of the proposed requirements. At this point, the Commission's tentative conclusions and proposals in Section III.B have no support in the record – even after initial comments were filed on August 20, 2007. In consideration of this lack of support and the technical complexity inherent in the proposals contained in Section III.B, CTIA, like many other commenters, once again urges the Commission to defer reaching any final conclusions until the Commission convenes an E911 working group to vet concerns and present solutions to the Commission within realistic timeframes.

I. THE EVIDENCE IN THE RECORD PROVIDES NO BASIS FOR THE FCC TO ADOPT THE TECHNICAL CONCLUSIONS TENTATIVELY DRAWN IN PART III.B OF THE NPRM.

Many commenters agree that the Commission has no basis or record to adopt the technical conclusions set forth in Section III.B of the NPRM.³ In fact, compliance with many of the NPRM's technical conclusions may not be possible for wireless service

³ See, e.g., T-Mobile USA, Inc. Comments on Section III.B of the Wireless E911 Location Accuracy NPRM, PS Docket No. 07-114, at 14-16 (Aug. 20, 2007) (noting that uncritically accepting claims by vendors for technologies that cannot deliver the promised results in real world environments "would simply lead the Commission, public safety and the industry on a wild goose chase as vendors compete in making exaggerated performance claims in an attempt to convince the Commission to push the adoption of their purported solutions"); Comments of AT&T Inc, PS Docket No. 07-114, at 4 (Aug. 20, 2007) (noting that "it would be patently unfair to base new E911 accuracy rules on untested claims of manufacturers and vendors" and the best approach for developing a comprehensive and informed response to the NPRM's questions is through the establishment of the E911 Technical Advisory Group); Sprint Nextel Comments, PS Docket 07-114, at 1-3 (Aug. 20, 2007) (stating that "many of the issues and ideas raised in Section III.B are nascent, highly-technical considerations that demand careful study followed by real-world, consensus-driven recommendations. Using lessons learned from the past, the Commission should not rely on vendor promises until the technologies underlying these promises can be subjected to real world evaluation").

providers. As discussed in more detail in the next section, CTIA therefore believes that a technical E911 working group would be best positioned to address and provide technical recommendations about improving wireless E911 service.

Single Location Accuracy Standard. Many of the Commission’s proposals in Section III.B find no support in the record, and there is no indication that they are achievable using existing technology or technology that will become available in the near-term. For example, a single location accuracy standard may not be achievable. In its comments, T-Mobile stated that “unifying the CMRS accuracy requirements by requiring the network-based providers to meet handset-based standards would be grossly inequitable, ignoring the substantial benefits of network-based technologies.”⁴ Sprint Nextel also raised concerns that “an inflexible, ‘one-size-fits-all’ standard could have a chilling effect on the introduction of newer, faster, cheaper, and better mobile voice technologies.”⁵ To combat these concerns and avoid potential problems, the Commission should defer this issue to the technical E911 working group proposed in the section below.

Compliance Testing. CTIA also believes that issues relating to location accuracy compliance testing would be best addressed through the E911 forum proposed below. Additionally, CTIA agrees with other commenters that the accuracy testing recommendations contained in the Network Reliability Interoperability Council Focus Group 1A Final Report, as well as those from the more technically detailed Emergency Services Interconnection Forum, provide a good starting point for crafting final testing

⁴ Comments of T-Mobile USA, Inc., PS Docket No. 07-114, at 16 (Aug. 20, 2007).

⁵ Sprint Nextel Comments, PS Docket 07-114, at 8 (Aug. 20, 2007).

recommendations for the Commission.⁶ These recommendations will expedite the E911 forum's ability to finalize accuracy testing recommendations for the Commission because the standards contained in these reports were developed after a thorough review and vetting process that included input from many E911 stakeholders, including Public Safety entities, vendors, and wireless service providers.

Provision of Accuracy Data. CTIA urges the Commission not to adopt its tentative conclusion that “carriers should automatically provide accuracy data to PSAPs.”⁷ CTIA believes that this tentative conclusion does not adequately detail the type of data that carriers would have to share with PSAPs, nor does its “one size fits all” approach recognize the different needs of individual PSAPs. Moreover, CTIA believes that sufficient evidence does not exist in the record to support the adoption of this tentative conclusion. CTIA believes that two other options would better serve the data-sharing goal that the Commission seeks to address with this tentative conclusion. First, and as noted in its initial comments, CTIA believes that the issue of data-sharing between carriers and PSAPs would be best addressed through cooperative negotiations between the parties.⁸ Specifically, carriers and PSAPs should be permitted to negotiate a reasonable approach to obtaining data that is satisfactory for both parties. As CTIA explained in its comments, CTIA and its members are not seeking to escape providing location accuracy data to PSAPs through this proposal. Rather, CTIA believes that the

⁶ See Comments of AT&T Inc, PS Docket No. 07-114, at 10-11 (Aug. 20, 2007); Sprint Nextel Comments, PS Docket 07-114, at 13-14 (Aug. 20, 2007); T-Mobile USA, Inc. Comments on Section III.B of the Wireless E911 Location Accuracy NPRM, PS Docket No. 07-114, at 20-23 (Aug. 20, 2007).

⁷ See E911 NPRM at ¶ 16.

⁸ See Comments of CTIA—The Wireless Association, PS Docket No. 07-114, at 6-7 (Aug. 20, 2007).

Commission's rules will be most effective if carriers and PSAPs can work together to determine which information will best meet the needs of individual PSAPs.

Alternatively, CTIA and other commenters proposed allowing PSAPs to request location accuracy data from carriers.⁹ CTIA believes that this targeted approach to data sharing would meet the needs of PSAPs without imposing an unnecessary mandate that would needlessly burden providers.

911 Calls Placed When Roaming. The provision of location data for roamers is best resolved through an E911 technical forum.¹⁰ More precise location data would require the creation of a uniform E911 technology, something no single carrier can implement.¹¹ As Motorola points out, "given the wide variety of location solutions that have been deployed, [seamless E911 roaming] cannot be achieved in the near term for carriers deploying disparate technologies for a variety of reasons."¹² CTIA therefore urges the Commission to recognize that a resolution must be based on careful consideration of a complete record, which has yet to be developed.

Interconnected VoIP Services. Any solution for nascent interconnected VoIP services must be given more consideration and examined by a technical E911 working

⁹ See Sprint Nextel Comments, PS Docket 07-114, at 16-17 (Aug. 20, 2007); T-Mobile USA, Inc. Comments on Section III.B of the Wireless E911 Location Accuracy NPRM, PS Docket No. 07-114, at 4, 22 (Aug. 20, 2007).

¹⁰ Comments of AT&T Inc, PS Docket No. 07-114, at 12 (Aug. 20, 2007) (stating that the E911 Technical Advisory Group "should evaluate whether it is technically and economically feasible, however, to provide location data for roamers that complies with any new accuracy requirements. The new rules may force the deployment of new technologies that are incapable of serving roamers"); Sprint Nextel Comments, PS Docket 07-114, at 17-18 (Aug. 20, 2007).

¹¹ Sprint Nextel Comments, PS Docket 07-114, at 18 (Aug. 20, 2007). See also Comments of MetroPCS Communications, Inc., PS Docket No. 07-114, at 13 (Aug. 20, 2007) (stating that "it is not realistic to expect carriers to adopt a single, uniform technology at this late date").

¹² Comments of Motorola, Inc., PS Docket No. 07-114, at 13 (Aug. 20, 2007).

group. Wireless VoIP has just begun to develop. Moreover, PSAPs have not fully prepared for location data as provided by wireless VoIP providers. As such, PSAPs may also face unintended consequences should the Commission require E911 location data from wireless VoIP providers. Accordingly, placing burdensome requirements on wireless VoIP could hamper the development and growth of this new service and could have unforeseen detrimental effects on consumers and wireless VoIP providers alike.¹³ Specifically, Verizon notes that if the Commission were to adopt the wireless requirements for VoIP providers, it could result in a significant delay in the availability of any capability to automatically detect a caller's location.¹⁴ CTIA strongly recommends that the Commission follow the suggestion of many commenters and defer any decision until the industry can come together and create a full record for the Commission.¹⁵

II. COMMENTERS UNIFORMLY SUPPORT THE ESTABLISHMENT OF A JOINT INDUSTRY-PUBLIC SAFETY WORKING GROUP.

CTIA and an overwhelming number of other commenters in this proceeding have urged the Commission to: (1) create a technical forum modeled after the WARN Act's Commercial Mobile Services Alert Advisory Committee ("CMSAAC"); (2) charge it with investigating technical E911 solutions; and (3) provide reports on its findings by

¹³ See Comments of Nokia Inc., PS Docket No. 07-114, at 6 (Aug. 20, 2007); Comments of Qwest Communications International Inc., PS Docket No. 07-114 (Aug. 20, 2007).

¹⁴ Comments of Verizon, PS Docket No. 07-114, at 4 (Aug. 20, 2007).

¹⁵ See, e.g., Comments of AT&T Inc, PS Docket No. 07-114, at 19 (Aug. 20, 2007) (stating that "the Commission should not adopt additional wireless or VoIP E911 requirements until a determination has been made that such requirements are technically and economically feasible. Once this determination has been made, rules can be adopted and a reasonable implementation schedule established for the deployment of the technologies or upgrades necessary to satisfy the new requirements."); Sprint Nextel Comments, PS Docket 07-114, at 20 (Aug. 20, 2007); Comments of Nokia Inc., PS Docket No. 07-114, at 6 (Aug. 20, 2007).

certain Commission-set deadlines.¹⁶ Such a forum will be able to generate for the Commission a sufficient record and body of knowledge upon which it can base new E911 accuracy and testing standards and rules. To develop the requisite record and find the most effective solutions, the forum would include engineers and technical experts from the Commission, Public Safety, wireless and LEC representatives, handset vendors, and infrastructure and location vendors.

Together, these entities would vet their concerns and come up with consensus-based solutions. CMRS providers and manufacturers could describe their network operations and present workable technical solutions. Other interested stakeholders and technology developers could introduce new technologies and other ideas to the group, thereby, fostering the creation of the best possible E911 solutions.

Should the Commission ignore this suggestion and adopt technical standards without fully vetting the problems faced by the numerous stakeholders in this proceeding,

¹⁶ See Comments of CTIA—The Wireless Association, PS Docket No. 07-114, at 3-4 (Aug. 20, 2007); Comments of AT&T Inc, PS Docket No. 07-114, at 3-6 (Aug. 20, 2007); Comments of Motorola, Inc., PS Docket No. 07-114, at 4-7 (Aug. 20, 2007); Comments of Nokia Inc., PS Docket No. 07-114, at 2-3 (Aug. 20, 2007); Comments of Qualcomm Incorporated, PS Docket No. 07-114, at 2 (Aug. 20, 2007); Comments of Rural Cellular Association, PS Docket No. 07-114, at 8 (Aug. 17, 2007); Sprint Nextel Comments, PS Docket 07-114, at 3 (Aug. 20, 2007); T-Mobile USA, Inc. Comments on Section III.B of the Wireless E911 Location Accuracy NPRM, PS Docket No. 07-114, at 7-8 (Aug. 20, 2007). Similarly, commenters responding to Section III.A of the NPRM broadly supported the creation of a working group. 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); Comments of Motorola, Inc. and Nokia Inc., PS Docket No. 07-114, at 5 (July 11, 2007); Reply Comments of T-Mobile USA, Inc., PS Docket No. 07-114, at 15-16 (July 11, 2007); Reply Comments of SouthernLINC Wireless, PS Docket No. 07-114, at 15-17 (July 11, 2007); Reply Comments of Sprint Nextel Corporation, PS Docket No. 07-114, at 6 (July 11, 2007); Comments of AT&T Inc., PS Docket No. 07-114, at 3-5 (July 5, 2007); Comments of NENA, PS Docket No. 07-114, at 5 (July 5, 2007); Comments of Polaris Wireless, PS Docket No. 07-114, at 8-9 (July 5, 2007); Comments of Rural Cellular Association, PS Docket No. 07-114 (July 5, 2007); Comments of TruePosition, PS Docket No. 07-114, 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 technical standards the Commission develops may have detrimental consequences that seriously degrade E911 access and performance. Accordingly, CTIA urges the Commission to defer reaching any final conclusions on these technical standards until the Commission convenes an E911 working group to rapidly provide recommendations.

III. CONCLUSION

CTIA supports the Commission's efforts to improve location accuracy. Nevertheless, CTIA is concerned that the FCC may prematurely adopt technical standards as discussed above before a full and adequate record is established. Accordingly, CTIA urges the Commission to utilize an E911 working group that would allow the Commission and the wireless industry to work together on how to best accomplish our shared goal of improving location accuracy.

Respectfully Submitted,

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