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ATTORNEYS AT LAW

October 10, 2007

Erratum

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

Re: *In the Matter of Wireless E911 Location Accuracy Requirements*, PS
Docket No. 07-114, WC Docket No. 05-196

Dear Ms. Dortch:

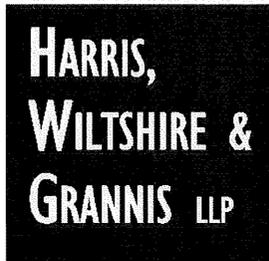
This letter corrects a typographical error in the attached ex parte letter I filed in the above-referenced dockets on September 10, 2007. The date on the first page of that letter incorrectly read, "September 7, 2007." It should have read "September 10, 2007," as the date read on pages 2 and 3, and which was the date on which the letter was sent and filed.

A corrected copy of the ex parte letter is attached. No other changes have been made to the text of the letter.

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Nakahata".

John T. Nakahata
Counsel to T-Mobile USA, Inc.



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September 10, 2007

Ex Parte

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

Re: *In the Matter of Wireless E911 Location Accuracy Requirements*, PS
Docket No. 07-114, WC Docket No. 05-196

Dear Ms. Dortch:

T-Mobile USA Inc. (“T-Mobile”) hereby responds to the ex parte letter filed by APCO and NENA on September 7, 2007 (“APCO/NENA Interim Benchmarks Proposal”). T-Mobile was today asked for its comments with respect to this letter by the offices of Commissioners Copps and McDowell.¹ This letter also summarizes separate conversations John Nakahata, counsel to T-Mobile, had today with Bruce Gottlieb, Legal Adviser to Commissioner Copps, and Angela Giancarlo, Legal Adviser to Commissioner McDowell.

First, as set forth, *inter alia*, in T-Mobile’s letter dated September 6, 2007, Declaration of John F. Pottle and Ryan N. Jensen, filed September 7, 2007, and the ex parte letter of the Rural Cellular Association and Verizon Wireless dated August 31, 2007, the ultimate benchmark proposed by APCO/NENA — E911 accuracy location compliance at the PSAP level within five years — is not technically or otherwise reasonably feasible. Establishing interim benchmarks does not alter this reality or the state of the record on this point.

¹ This letter, and the conversations summarized herein, are therefore exempt from the Sunshine period prohibition pursuant to 47 C.F.R. §1.1204(a)(10)(presentation requested by or made with the advance approval of the Commission or its staff for the clarification or adduction of evidence).

Second, there is no basis for the Commission to conclude that the interim benchmarks themselves are feasible. To the contrary, the initial one-year benchmark of Economic Area (“EA”)-level compliance with Section 20.18(h) of the Commission’s rules, 47 C.F.R. § 20.18(h), is not technically or otherwise reasonably feasible in all EAs, and there is no evidence in the record to the contrary. EAs do not correspond with how T-Mobile’s — or most other carriers’ — networks are designed and engineered, how 911 systems are deployed, or with the geographic areas served by public safety units. One year is not sufficient time to develop or deploy any new technological solution, so feasibility must be evaluated with respect to existing technology. While an EA is larger than a PSAP, T-Mobile has only small coverage area(s) within some EAs, such as along a highway or at the edges of T-Mobile’s networks. In these areas, therefore, EA-level accuracy compliance presents many of the same technical and other feasibility problems as PSAP-level accuracy compliance.

Similarly, the proposed three-year MSA/RSA accuracy compliance requirement is also technically infeasible and otherwise unreasonable.² As with EAs, there is no evidence in the record to demonstrate that MSA/RSA accuracy compliance can be achieved by national carriers. T-Mobile’s network design and engineering do not conform to MSA/RSA boundaries, and such boundaries do not correspond with those of public safety units. The technical issues presented by MSA/RSA accuracy compliance are similar to those presented by EA-level accuracy compliance. Three years is insufficient time to make anything other than incremental changes to existing technology; so even assuming that a viable hybrid solution, for example, could be developed at some point, it certainly will not be ready for – let alone complete – deployment within that period.

² The other three year benchmarks also lack any basis in the record.

Marlene H. Dortch
September 10, 2007
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Finally, the APCO/NENA Interim Benchmarks Proposal illustrates why the Commission should not, and cannot reasonably and lawfully, issue an order on Part III.A before considering the issues in Part III.B. The issue of timetables for compliance and interim benchmarks is precisely the question raised in paragraph 8 of the NPRM, the first paragraph in Part III.B, on which the record has not yet closed.

Sincerely,

/s/

John T. Nakahata
Counsel for T-Mobile USA, Inc.

Cc: Erika Olsen, Acting Legal Advisor to the Chairman
Bruce Gottlieb, Legal Advisor to Commissioner Copps
Wayne Leighton, Acting Legal Advisor to Commissioner Tate
Renee Crittenden, Legal Advisor to Commissioner Adelstein
Angela Giancarlo, Legal Advisor to Commissioner McDowell
Derek Poarch, Chief, Public Safety and Homeland Security Bureau
Tim Petersen, Chief of Staff, Public Safety and Homeland Security Bureau
Jeff Cohen, Senior Legal Counsel, Public Safety and Homeland Security Bureau
Carole Simpson, Associate Chief, Policy Division, Public Safety and Homeland Security Bureau