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August 15, 2008

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

Re: *Petition of T-Mobile USA, Inc. for Clarification, WC Docket Nos. 04-36 & 05-196 (filed July 29, 2005).*

Dear Ms. Dortch:

On August 14, 2008, John Pottle, Tim Dunn, Sara Leibman, Jim Nixon and the undersigned of T-Mobile USA, Inc. (“T-Mobile”) spoke with Dana Shaffer, Chief of the Wireline Competition Bureau, to discuss the above-referenced Petition for Clarification.

T-Mobile filed its Petition for Clarification in 2005 in WC Docket Nos. 04-36 & 05-196 shortly after the FCC issued its *VoIP E911 Order*. Utilizing unlicensed mobile access (‘UMA’) technology, T-Mobile has since successfully deployed its “Unlimited Hotspot Calling” (formerly Hotspot @Home) service offering, which allows customers using dual-mode GSM/Wi-Fi phones to add an optional added capability to make calls over Wi-Fi in addition to commercial mobile radio service (“CMRS”) spectrum, transferring seamlessly without interruption from one access technology to the other. T-Mobile’s Hotspot Calling offering is the culmination of years of development, and T-Mobile expects that it will continue to offer its customers new and innovative configurations and features as technology and demand develop.

When T-Mobile first began to develop dual mode GSM/Wi-Fi technology five years ago, it was already a CMRS provider with a mature E911 solution. Accordingly, T-Mobile decided to route all of its 911 calls from UMA-enabled mobile phones over its proven CMRS E911 network wherever possible, and thereby ensure that all customers received the benefit of this proven E911 solution. Similarly, when a customer was outside its GSM service footprint, T-Mobile decided to route 911 calls from UMA-enabled phones over the CMRS 911 network provided by any other GSM carrier with coverage in that area, as is the case for any 911 calls placed from a GSM-only handset when T-Mobile service is not available. Thus, although its dual-mode GSM/Wi-Fi phones ordinarily prefer to place calls over a Wi-Fi network when within range of an access point, for 911 calls, the dual-mode phones place 911 calls over GSM whenever there is a GSM signal.

By relying on the CMRS network to route and deliver 911 calls, T-Mobile ensures that users in all GSM-covered areas will be directly connected to an appropriate selective router when they call 911. Moreover, these 911 calls are routed to the PSAP with the appropriate autolocation information (*i.e.*, either Phase I or Phase II depending on the capability of the PSAP) in the same fashion as 911 calls from all of T-Mobile's other mobile devices. This means that T-Mobile's dual-mode customers always have at least the same level of 911 service as they would have had if they had selected T-Mobile's GSM-only service. The overwhelming majority of 911 calls from dual-mode handsets are routed over GSM: in the month of July 2008, for example, T-Mobile handled 86,640 911 calls from its dual-mode Hotspot Calling service handsets, and routed 86,521, or 99.9%, of those calls using the CMRS network.

T-Mobile recognized, however, that in a small minority of cases, consumers would be able to use its Wi-Fi-based service to complete 911 calls where the user would otherwise not be able to do so, *i.e.*, when the dual-mode handset received no GSM signal from any carrier. That has proved to be a very small minority of cases – in July 2008, only approximately 119 calls -- or 0.1% of the 86,640 911 calls placed from dual-mode handsets -- were routed over the Wi-Fi network. For these 911 calls, *which the user otherwise would not have been able to place*, T-Mobile uses a combination of user-supplied location information and other information available to T-Mobile in its network, including T-Mobile-branded HotSpot location addresses, the last GSM cell site on which the user's handset was detected, and IP addresses, to route these calls in the most accurate manner possible.

As a last resort, if the user's location is outside of T-Mobile's service area – or if all methods of determining location somehow fail – and the call cannot be placed over any GSM network, T-Mobile routes the 911 call to a call center, which then assists with the completion of the call. This occurs extremely rarely. In July 2008, of all 911 calls placed from dual-mode GSM/Wi-Fi handsets, only approximately 0.009% (8 calls) were routed to the call center for completion.¹ Without this failsafe, these calls for emergency assistance could not have been placed.

Both prior to and after launching its Unlimited HotSpot Calling option, T-Mobile briefed and solicited comment from leading public safety organizations as well as regional PSAP groups as to its plans for providing 911 service for calls from dual-mode handsets. T-Mobile gained additional insights and made improvements to its approach based on the diverse but generally supportive feedback received from these entities. T-Mobile also discussed its approach with various 911 center personnel across the country, including with respect to issues such as how best to identify Wi-Fi-based 911 calls to PSAPs. T-Mobile is continuing its outreach to PSAPs today.

¹ Of the 111 Wi-Fi-based 911 calls routed directly to the PSAP over T-Mobile's connections to the selective routers in July 2008, none were routed based on T-Mobile-branded HotSpot location, 45 were routed based on user-provided location, 40 were routed based on last known cell site, and 26 were routed using IP location.

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The NET 911 Improvement Act (the “Act”) confirms that T-Mobile’s 911 solution for Hotspot Calling is appropriate and should not be disturbed. The purpose of the Act is “to ensure that consumers using . . . VoIP service can access enhanced 911 (E-911) services *by giving VoIP providers access to the emergency services infrastructure.*”² Under the Act, this access is modeled on the access provided to CMRS providers.³ It would turn the Act on its head to force providers like T-Mobile, which already have proven access to 911 infrastructure as CMRS providers, to rely instead on the newly-created infrastructure access mandated by the Act for interconnected VoIP providers. T-Mobile urges the Commission not to take any actions in implementing the new law that could limit its ability to provide the most effective and efficient 911 routing for customers that take advantage of its Hotspot Calling service.

Sincerely,

/s/

Kathleen O’Brien Ham
*Vice President, Federal Regulatory
T-Mobile USA, Inc.*

Cc: Dana R. Shaffer

² 911 Modernization and Public Safety Act of 2007, H.R. Rep. No. 110-442, at 5 (2007) (emphasis added) (“House Report”).

³ See 47 U.S.C. § 615a-1(b) (providing that “[a]n IP-enabled voice service provider that seeks capabilities to provide 9-1-1 and enhanced 9-1-1 service . . . shall, for the exclusive purpose of complying with such obligations, have a right of access to such capabilities, including interconnection, to provide 9-1-1 and enhanced 9-1-1 service on the same rates, terms, and conditions that are provided to a provider of commercial mobile service”).