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August 20, 2008

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

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

Dear Ms. Dortch:

On August 19, 2008, Thomas J. Sugrue and the undersigned of T-Mobile USA, Inc. (“T-Mobile”) spoke briefly by telephone with Angela Giancarlo, Commissioner Robert McDowell’s Chief of Staff and Senior Legal Advisor, to respond to Ms. Giancarlo’s inquiries regarding the above-referenced Petition for Clarification (“Petition”) and a recent ex parte letter filed by the Association of Public-Safety Communications Officials-International (“APCO”) and the National Emergency Number Association (“NENA”). In addition, on August 20, 2008, John Nakahata of Harris, Wiltshire & Grannis, counsel to T-Mobile, responded to questions about these same issues via a telephone call with Bruce Gottlieb, Legal Advisor to Commissioner Copps. T-Mobile explained that while it agrees with APCO and NENA that “the Commission should encourage innovative approaches for providing 9-1-1 routing and location information for all wireless VoIP calls,”¹ it does not believe that the accelerated rulemaking implementing the NET 911 Improvement Act is the appropriate vehicle for such an inquiry.

As T-Mobile pointed out in its August 15, 2008 ex parte presentation in this docket, the “Unlimited Hotspot Calling” (formerly Hotspot @Home) service offering, which is the subject of the Petition, 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. Because T-Mobile was already a CMRS provider with a mature E911 solution when it began to develop this Hotspot Calling technology, it

¹ Letter from Robert M. Guss, APCO, and Brian Fontes, NENA, to Marlene Dortch, Secretary, FCC, WC Docket Nos. 04-36 & 05-196 (August 19, 2008) (“APCO/NENA Ex Parte”).

decided to route all of its 911 calls from UMA-enabled mobile phones over its proven CMRS E911 network wherever possible. Today, 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.

Although the T-Mobile representatives stated that the APCO/NENA Ex Parte is not entirely clear on this point, it appears that the scenario at issue in the question Chairman Martin posed to the organizations² would be applicable only in the rarest of circumstances in T-Mobile's Hotspot Calling routing. Specifically, 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. 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. Without this failsafe, these calls for emergency assistance could not have been placed.

T-Mobile further explained that when Congress passed the NET 911 Improvement Act, it specifically cautioned that “the Commission should take into account technical feasibility as it implements the provisions of [the NET 911 Improvement Act], particularly for nascent technologies such as mobile VoIP service.”³ Congress further directed the E-911 Implementation Coordination Office at NHTSA to “identify location technology for nomadic devices,” and to “analyze efforts to provide automatic location for enhanced 9-1-1 services and provide recommendations on regulatory or legislative changes that are necessary to achieve automatic location for enhanced 9-1-1 services.”⁴ Even assuming that a dual mode service such as T-Mobile's is, at least in part, interconnected VoIP rather than CMRS, T-Mobile noted that it is premature to review these issues related to dual-mode service prior to the completion of the E-911 Implementation Coordination Office's statutorily-mandated report, which is intended to provide information directly bearing on technical feasibility.

² *Id.*

³ H. Rept. 110-442 at 14.

⁴ 47 U.S.C. 942(d)(2)(D), (J).

In accordance with the Commission's rules, a copy of this letter is being filed electronically in the above-referenced dockets.

Sincerely,

/s/

Sara Leibman
Director, Federal Regulatory Affairs

cc: Angela Giancarlo
Bruce Gottlieb
Amy Bender
Aaron Goldberger
Scott Bergmann
Renee Crittendon
Wayne Leighton
Greg Orlando
Brian Fontes
Robert Gurss