

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)
)
Implementation of the)
NET 911 Improvement) **WC Docket No. 08-171**
Act of 2008)

Reply Comments of Cincinnati Bell Wireless LLC

Cincinnati Bell Wireless LLC ("CBW") hereby files its Reply Comments in the above-captioned proceeding.¹ CBW serves approximately 575,000 customers with its wireless network in the states of Ohio, Indiana, and Kentucky. As an add-on to its standard GSM service, CBW offers its Fusion WiFi service which utilizes unlicensed mobile access ("UMA") technology and a dual-mode wireless handset to provide subscribers with better voice reception when in the presence of a WiFi network. The Fusion WiFi dual-mode phone works just like any other mobile phone, except in the presence of WiFi. At that point, the phone seamlessly switches from the CBW mobile network to a WiFi network which uses IP transport to send and receive calls. All subscribers to Fusion Wi-Fi have dual mode handsets and obtain E 911 access through CBW's network-based wireless E 911 capability. Where a GSM network is available, whether CBW's or one of its roaming partners, a 911 call by a CBW Fusion Wi-Fi customer is placed through that network. The system has worked well to provide location-based information for CBW's customers calling 911.

¹ See, Implementation of the NET 911 Improvement Act of 2008, WC Docket No. 08-171, Notice of Proposed Rulemaking, FCC 08-195 (August 25, 2008), summarized in 73 Fed. Reg. 50741 (August 28, 2008) ("NET 911 Act NPRM"), New and Emerging Technologies 911 Improvement Act of 2008, Public Law No. 110-283, ("NET 911 ACT"), amending, inter alia., The Wireless Communications and Public Safety Act of 1999, Public Law No. 106-81 (July 23, 2008) ("Wireless 911 Act").

I. The FCC Should Not Consider New Requirements For "Mobile VoIP Service Providers" and Their Roaming Partners in This Proceeding.

The relevant portion of the NET 911 Act requires the FCC to take certain actions within 90 days of the law's enactment, i.e. by October 21, 2008.² That section requires the FCC to: (1) ensure that VoIP providers can access the same 911 capabilities as those provided to CMRS carriers; (2) take into account in its regulations any technical, network security, or information privacy requirements that are specific to IP-enabled voice services; and (3) provide that the capabilities that it determines are necessary for VoIP providers to offer E 911 service are available at the same rates, terms and conditions that would apply to CMRS providers.³ Thus, the law was focused on achieving equality in the provision of E 911 service for VoIP providers.

Despite those complex responsibilities, which will require a completed rulemaking proceeding within 34 days of today, the FCC has chosen, in the Net 911 Act NPRM, at Paragraph 7, also to open the question of whether CMRS carriers such as CBW, which use IP transport via UMA technology and dual-mode handsets as an addition to their wireless service, should be made subject to the E 911 requirements for VoIP providers set out in Section 9.5 of the FCC's Rules.

As is discussed in the Comments of T-Mobile and Sprint,⁴ this issue cannot be resolved in the next month given its legal,⁵ technical,⁶ and practical complexity. Further, the law does not mandate that it be dealt with by October 21, 2008. Thus, as Commissioner Adelstein noted in his

² Wireless 911 Act, § 6(c).

³ Ibid.

⁴ See Comments of T-Mobile, USA ("T-Mobile") and Sprint Nextel Corporation ("Sprint"), pp. 10-13.

⁵ For example, See Sprint Comments, p. 13 n. 36; T-Mobile Comments, p. 15 n. 11 regarding the continuing uncertainty with respect to the regulatory classification of dual-mode CMRS services.

⁶ See, e.g., T-Mobile Comments, p. 12.

Statement on the 911 Act NPRM:

"while there are a number of E 911 compliance and policy questions raised by dual-mode mobile commercial mobile radio service/VoIP handsets that use Wi-Fi technology, these issues are more appropriately addressed in a separate proceeding ... By attempting to append these issues here we risk[ing] diverting this Notice from the core issues, potentially making it more difficult to reach the 90-day statutory deadline."

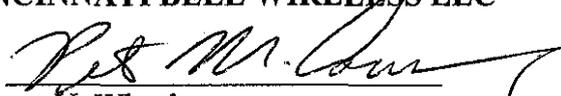
The appropriate course of action would be for the FCC to open a separate proceeding within which to consider whether the NET 911 Act applies to dual-mode CMRS services, and if it determines that it does, whether to adopt new "autolocation" requirements for CMRS carriers and their roaming partners serving dual-mode customers.

Conclusion

For the foregoing reasons and those given in the comments cited, the FCC should consider the issue of applying VoIP E 911 rules to CMRS carriers in a separate proceeding.

Respectfully submitted,

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