

September 19, 2008

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

Re: PS Docket No. 07-114; CC Docket No. 94-102; WC Docket No. 05-196; WT
Docket No. 07-16

Dear Ms. Dortch:

Rural Cellular Association (“RCA”) and T-Mobile USA, Inc. (“T-Mobile”) are writing in response to the July 14, 2008 *ex parte* letter filed by the Association of Public-Safety Communications Officials, International (“APCO”) and the National Emergency Number Association (“NENA”) in these dockets, as well as the *ex parte* letters filed by both Verizon Wireless and AT&T outlining new proposals for county-level E911 accuracy measurements. We applaud these carriers and APCO and NENA for reaching agreements on these new approaches to assessing compliance with wireless E911 accuracy standards and believe that in doing so they have helped move the process forward toward a lawful resolution of the difficult issues in this area. However, significant work remains to be done to evaluate whether these new proposals are a technically feasible means of achieving wireless E911 location accuracy for carriers other than the proposing parties and whether other possible approaches may be preferable. Now that the Court has vacated the *Wireless E911 Location Accuracy Requirements* Report and Order (the “*Order*”) and remanded the matter to the Commission, it is essential that the Commission follow appropriate procedures to perform that evaluation with input from all affected parties.

In particular, the Verizon Wireless and AT&T proposals contain specific proposed tests for calculating county-level compliance, and also specific transitional benchmarks and timetables. These proposed tests and timetables are presumably technically achievable for these two carriers, given their particular network topologies and current and projected handset and network deployments. However, that does not necessarily mean they will be technically feasible or achievable in all respects for other carriers with different network topologies or handset and network deployments.

Resolution of these and other significant remaining issues will require that all affected parties receive an opportunity to participate through further notice and comment as required by the Administrative Procedure Act. No such notice has been provided to date with respect to county-level compliance or with respect to the specific proposals by Verizon Wireless and AT&T, should the Commission seek to extend those proposals beyond just the proposing companies.

In addition, as both public safety and industry commenters proposed before the Commission adopted the *Order*, we urge the Commission to establish a WARN Act-type advisory committee to investigate new location technologies, evaluate their real-world performance, and make recommendations to the Commission. Such a committee would unite public safety agencies, industry, technology providers, the Commission, and other interested parties in a meaningful partnership capable of charting the most effective way forward to improved accuracy and public safety.

Respectfully submitted,

/s/ Russell D. Lukas

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