

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
)
Comment Sought on Proposals Regarding Service) PS Docket No. 07-114
Rules for Wireless Enhanced 911 Phase II Location)
Accuracy and Reliability)

To: Chief, Public Safety and Homeland Security Bureau

**COMMENTS OF THE
NATIONAL TELECOMMUNICATIONS COOPERATIVE ASSOCIATION**

The National Telecommunications Cooperative Association (NTCA) hereby submits these comments in response to the Federal Communications Commission's September 22, 2008 *Public Notice* in the above captioned matter.¹ NTCA is a national association representing more than 570 rural telecommunications providers. While NTCA's members are all rural incumbent local exchange carriers, most provide their rural communities with a broad array of telecommunications services, including wireless service. NTCA's CMRS providers are all Tier III wireless carriers and small businesses as that term is defined by the Small Business Administration.²

The *Public Notice* seeks comment on various *ex parte* submissions regarding new E911 requirements as proposed by the Association of Public-Safety Communications Officials, International (APCO), the National Emergency Number Association (NENA), Verizon Wireless (Verizon) and AT&T Mobility (AT&T). The proposed requirements would give wireless

¹ Comment Sought on Proposals Regarding Service Rules for Wireless Enhanced 911 Phase II Location Accuracy and Reliability, PS Docket No. 07-114, Public Notice, DA 08-2129 (rel. Sept. 22, 2008). (*Public Notice*).

² The Small Business Administration considers a cellular and other wireless telecommunications business to be "small" if it employs 1,500 or fewer employees.

carriers additional time to meet revised accuracy standards and to meet them at the county, rather than the public safety answering point (PSAP), level. But the new proposals offer no evidence that the standards would be achievable for carriers other than the proposing parties, the two largest nationwide wireless providers.

APCO and NENA have recognized that variations in geography and system deployments will make it difficult for many carriers to meet existing location accuracy requirements.³ In their proposal, APCO, NENA and AT&T state that for network-based providers to meet the proposed county-level accuracy standards they “may be expected to deploy handset-based solutions as an overlay to existing network-based solutions in order to meet the more stringent county-level requirements.”⁴ Many small carriers rely on GSM technology and no handset-based solution currently exists. There is speculation that carriers will be capable of meeting the accuracy requirements by the time benchmark compliance is required, but the Commission should not create legal requirements based on mere speculation that technology will have evolved.⁵

The proposed revisions to the accuracy requirements and additional time for compliance are welcome changes to the current E911 regulatory regime, but it is expected that new standards will impose prohibitive costs on many rural wireless carriers, if compliance is even possible. Instead of accepting proposals of carriers who are relying on yet-to-be developed solutions, the Commission should take time to evaluate the real world performance of available technology in sparsely populated and rural communities. NTCA agrees with the proposed establishment of an E911 technical advisory group, to address not only the “open issues” identified by APCO,

³ APCO/NENA *Ex Parte* letter of July 14, 2008, PS Docket No. 07-114.

⁴ APCO/NENA/AT&T Letter of August 25, 2008

⁵ The Commission has a history in this proceeding of imposing location accuracy standards based on the mistaken belief that technology will have evolved to make compliance possible. This approach forces carriers to file unnecessary and expensive waivers and extension requests or forces the FCC to modify its rules last minute.

NENA and AT&T, but also to develop a technically and economically achievable standard for location accuracy. Any such industry group must be comprised of a wide range of carriers, including small carriers, manufacturers and the public safety community. The final regulation must recognize rural wireless buildout patterns and available technology.

Imposing costly regulation or creating impossible to achieve standards may hamper deployment of service or force small carriers to halt operations. Prohibitively expensive short-term solutions are disastrous to the rural wireless industry and the customers they serve. Inadequate technologies combined with unrealistic timetable at best ensure noncompliance by many small carriers. At worst, it could result in the discontinuance of service in some rural areas as providers turn off cell sites rather than risk fines for noncompliance. While it is NTCA's position that the accuracy requirements should not apply to small, rural wireless carriers until such time as compliance is reasonably achievable, the Commission should, at the very least, establish a waiver process with clear guidelines and procedures. Small and rural wireless carriers must be able to get a waiver based on compliance expense or technology limitations.

CONCLUSION

NTCA is concerned that the revised location accuracy standards set forth in the various *ex parte* filings will continue to impose prohibitive costs on some rural carriers and will not be technologically achievable for others. The Commission should convene an advisory committee to evaluate location technologies and recommend accuracy requirements that reflect the realities of all carriers.

Respectfully submitted,

NATIONAL TELECOMMUNICATIONS
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CERTIFICATE OF SERVICE

I, Adrienne L. Rolls, certify that a copy of the foregoing Initial Comments of the National Telecommunications Cooperative Association in PS Docket No. 07-114, DA 08-2129, was served on this 6th day of October by first-class, United States mail, postage prepaid, or via electronic mail to the following persons:

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