Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	
Wireless E-911 Location Accuracy Requirements	)	PS Docket No. 07-114
	)	
Revision of the Commission's Rules to Ensure Compatibility with E-911 Emergency Calling Systems	)	CC Docket No. 94-102
	)	
Comment Sought on Proposals Regarding Service Rules for Wireless Enhanced 911 Phase II Location Accuracy and Reliability	)	Public Notice DA 08-2129
	)	
911 Requirements for IP Enabled Service Providers	)	WC Docket No. 05-196

COMMENTS OF THE NEW YORK CITY POLICE DEPARTMENT

INTRODUCTION

The New York City Police Department respectfully submits these comments in response to the Commission's Public Notice DA 08-2129 dated September 22, 2008 concerning the rules governing Enhanced 911 (E911) location accuracy and reliability requirements. The New York City Police Department appreciates the Commission affording us this opportunity to express our views regarding this critical and timely issue. The New York City Police Department is the Nation's largest police agency with plenary law enforcement responsibility throughout the five Boroughs of the City of New York. The New York City Police Department operates a PSAP which receives over eleven million E-911 calls annually, and patrols a land area of approximately 303 square miles, including some of the most densely populated geography in the nation.

BACKGROUND

The Police Department of the City of New York has been closely following the ongoing dialogue within the Public Safety Community regarding the proposed changes in testing of wireless carriers' compliance with the location accuracy targets as set forth in Docket PS 07-114. These comments are in response to the Commission's Notice of Proposed Rulemaking regarding whether the existing rules should be modified in light of recent ex-parte filings by APCO, NENA AT&T, Verizon Wireless and others.

The NYPD opposes any change to either the accuracy or compliance requirements or the implementation timetable. The NYPD is deeply concerned by the position taken by APCO International and NENA, who both previously supported the existing accuracy requirements.

We would like to emphasize that we base our view on our own experience and observations in the real world performance of the wireless carriers in New York City. Our intent in this filing is not to raise issues regarding carrier compliance in New York City, but to cite our experience, as it is relevant to the issue of deciding future Phase II location accuracy standards.

It has always been our position that, beyond compliance with the Commission's standards, the NYPD has a need and an obligation to fully understand the quality of the service delivered by the wireless carriers within our jurisdiction. It is imperative that we know the accuracy of the information provided to our dispatchers, who utilize this information to send emergency responders to potentially dangerous incidents.

We firmly believe that the existing rules, regarding location accuracy, compliance and implementation deadlines should be maintained, and that any proposal which

advocates less stringent standards, would be inadequate, particularly in a dense urban environment such as New York City. If location accuracy standards are relaxed, as has been proposed, public safety operations could be compromised.

DISCUSSION

The New York City Police Department empathically urges the Commission to maintain existing position accuracy and compliance regulations and adhere to the annual benchmarks originally established by the Commission. The accuracy of location information is critical to emergency response. Absent a compelling reason to change the existing standards, they should be maintained.

The New York City Police Department also urges the Commission to maintain the existing rules which establish a single location accuracy standard regardless of technology, rather than applying different location accuracy standards dependent on the technology employed by the wireless carrier's network. Recent improvements in location determining technology should enable wireless carriers to meet or exceed existing location accuracy requirements. We are not convinced that the existing standards are impossible to meet or are too onerous. In the event that a particular carrier cannot meet the accuracy standards or timetable in any locality, that entity can petition the Commission for a waiver which would be evaluated on a case by case basis.

Furthermore, the Commission should investigate and continue to monitor recent technological advances in location determining technology including potential "in building" GPS solutions, to determine if a stricter location accuracy standard is warranted at this time. The inclusion of a height (elevation) requirement in any new location accuracy standard would be of particular benefit to the New York City Police Department.

Allowing the wireless industry to at least in part determine the location accuracy standards is contrary to the interests of Public Safety. We need clarification from organizations such as APCO and NENA as to why they would reverse their prior support of the existing standards and endorse a relaxation of the wireless position accuracy standards and implementation schedule

As we have previously stated, it is our belief that in order to assure consistent long term location accuracy and compliance, verification testing should be mandated every two years or whenever a new location accuracy technology is introduced. This testing should be conducted using a single accuracy standard and uniform detailed test procedure. Test locations within the defined coverage area should be chosen at random rather than permitting wireless carriers to choose these test locations. An independent technically competent observer should be present during location accuracy testing and certify that the tests were performed in accordance with the procedures outlined in OET Bulletin 71 or the Commission's rules. The results of these tests should be supplied in a timely manner to the public safety agency responsible for operating the PSAP. Failure to meet the Commission's location accuracy standards should require retesting within six months. Repeated failure should be a violation of the rules and an appropriate penalty, including a monetary forfeiture, should be imposed.

Wireless carriers should be required to provide location data for all users of their network whether the users are roaming onto their network from other networks or are native to the carrier's network. Allowing exceptions to the Phase II wireless location accuracy standard would compromise public safety.

CONCLUSION

The NYPD objects to any change in the location accuracy and compliance requirements. We further maintain that a single location accuracy standard should be established regardless of network architecture or technology.

Testing procedures should be incorporated into the Commission's rules, and we believe conducted bi-annually. Failure should require retesting, within one year. VOIP providers should be held to the same ALI location standards as circuit switched carriers. To apply a lesser standard would compromise public safety standards.

Many of these issues are similar in nature and our conclusions are the same in each case. Implementation of emerging location accuracy technologies should be encouraged and accommodated since they provide diversity within the network and competition in the marketplace, both of which are in the public interest. New technologies must comply with existing public safety standards prior to widespread deployment.

Respectfully Submitted

NEW YORK CITY POLICE DEPARTMENT

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