

November 4, 2009

EX PARTE

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

Re: *Wireless E911 Location Accuracy Requirements*, PS Docket No. 07-114

Dear Ms. Dortch:

On November 4, 2009, Kathleen Ham, Jim Nixon, Ryan Jensen, all of T-Mobile USA, Inc. ("T-Mobile") and I, met with David Furth, Brian Butler, Jeff Cohen, Patrick Donovan, Eric Ehrenreich, Aaron Garza and David Siehl of the Public Safety and Homeland Security Bureau regarding the above-referenced proceeding. T-Mobile stated that it takes its E911 obligations seriously, and has been a strong participant in various industry and other efforts to address E911 location accuracy issues within the limits of available technologies, including the NRIC VII work that was endorsed by some, but not all, public safety representatives that participated in that process.

Today, the vast majority of T-Mobile's subscribers are in counties that meet the Commission's network-based accuracy standards when measured on a county level. The remaining subscribers are in areas for which it is not possible substantially to improve accuracy using the existing network-based TDOA technology. These areas include areas in which handsets are not within the range of at least three cell sites (thus making triangulation impossible), in which cell sites are arranged in a pattern that does not result in high accuracy determinations (such as a "string of pearls" deployment along a highway), or in which multipath or other issues impede the ability to provide highly accurate location estimates. In some of these "hard to estimate" areas, T-Mobile is not actually selling service to local customers, but only has network in place along a highway corridor – a result encouraged by the "home market exception" to the Commission's roaming rules. Because each carrier's mix of these "hard-to-estimate" areas is different, the Commission cannot reasonably and non-arbitrarily simply pick a percentage threshold of counties in which county-level accuracy must be achieved, without reference to these other factors.

To address these situations, and to strengthen its accuracy estimates overall, T-Mobile is transitioning to using A-GPS technology for its location estimates. T-Mobile is doing this by implementing A-GPS in all of its 3G handsets now being sold. As T-Mobile's number of 3G

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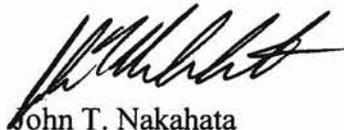
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subscribers increases – which is critical to T-Mobile’s overall business – T-Mobile’s customer base will naturally transition to A-GPS, thereby addressing location accuracy issues for the small percentage of subscribers that are in “hard-to-estimate” areas. This is the strategy that underlies the AT&T proposal, although the benchmark timelines in that proposal reflected AT&T’s 3G deployment, which had a multiyear head start on T-Mobile, and other, smaller carriers.

T-Mobile urged that rather than set fixed timelines for A-GPS handset penetration, with which a carrier’s ability to comply will depend on when the carrier started providing 3G service, consumer demand for those handsets, and whether the Commission or carriers reduce carrier control over the equipment used on their networks, the Commission should simply require that all 3G handsets manufactured in or imported into the United States be A-GPS capable after a date certain. This will be easier to enforce, more effective, and less porous.

Overall, T-Mobile urged the Commission to review any potential rules in the light of engineering and other technical realities, as well as conduct a meaningful cost-benefit analysis of various proposals. Rules that reflect a balanced assessment of the myriad trade-offs -- for public safety, the wireless industry, and the public – will be more legally supportable and technically and economically achievable for all stakeholders. T-Mobile is ready to assist the Commission as it conducts such an examination.

Sincerely,



John T. Nakahata
Counsel to T-Mobile USA, Inc.