

**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

**REPLY COMMENTS OF THE BLOOSTON RURAL CARRIERS**

The law firm of Blooston Mordkofsky Dickens Duffy & Prendergast, LLP, on behalf of its rural telephone clients listed in Attachment A (the “Blooston Rural Carriers”), hereby submits reply comments to refresh the Commission’s record in the above-captioned proceeding regarding location accuracy standards for wireless Enhanced 9-1-1 (“E911”) calls.<sup>1</sup> The Blooston Rural Carriers participated in the initial comment cycle in this proceeding<sup>2</sup>, and now feel it is important to ensure that limited technical advancements that are feasible for nationwide carriers not result in an unreasonable E911 mandate for small, rural carriers.

As an initial matter, the Blooston Rural Carriers note their universal support for the goal of providing Public Safety Answering Points (“PSAPs”) with accurate E-911 location information that can realistically and economically be supplied. However, as the joint comments of T-Mobile USA, Inc. (“T-Mobile”) Rural Cellular Association (“RCA”) and the Rural Telecommunications Group, Inc. (“RTG”) have noted, “improving accuracy in the minority of areas where county-level accuracy is not achieved

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<sup>1</sup> Public Notice DA 09-2397 (*rel.* November 6, 2009).

<sup>2</sup> Comments of Blooston Rural Carriers, PS Docket No. 07-114, filed on October 6, 2008.

today requires a workable, technically feasible path that will be a net benefit both to public safety and to the public interest as a whole.”<sup>3</sup>

In the year since the FCC last solicited comments on these issues, there have been no significant developments to make it technically and economically feasible for small CMRS carriers to meet county-level E911 accuracy levels such as those proposed by Verizon Wireless and AT&T. Instead, it has become increasingly evident that rural service providers who elected to deploy network-based Automatic Location Information (“ALI”) technology for E911 service (especially rural GSM carriers) will need to transition to A-GPS technology if they are going to improve their location accuracy performance in remote areas.

Because establishing a fixed set of deadlines for A-GPS penetration will be problematic for many rural service providers, whether such deadlines are stated outright or are implicit in a set of county-level benchmarks that can only be met through increased A-GPS handset penetration, T-Mobile, RCA and RTG have come up with an innovative solution that the Blooston Rural Carriers support because it would help move network-based carriers toward development of handset-based technology in a “rapid but realistic timeframe.”<sup>4</sup> Rather than focus on handset penetration benchmarks that may be impossible for many Tier II and Tier III CMRS carriers to meet, the T-Mobile and rural carrier proposal would instead require that all 3G handsets manufactured in or imported into the United States include A-GPS capability after a date certain. As these carriers

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<sup>3</sup> Comments of T-Mobile USA, Inc, Rural Cellular Association and the Rural Telecommunications Group, Inc., PS Docket No. 07-114 (filed November 20, 2009) (“*T-Mobile and Rural Carrier Comments*”) at p. 1.

<sup>4</sup> *T-Mobile and Rural Carrier Comments* at p. 3.

explain, the A-GPS handset requirement could be accompanied by a directive that carriers (after an appropriate transition period) enable their entire network to be capable of processing and providing GPS location data from A-GPS-capable handsets to PSAPs.<sup>5</sup> This is significant because A-GPS handsets will be capable of providing location data for 911 calls throughout a carrier's network – *even in areas where a carrier has not yet deployed 3G services*. Due to significant variation in population density, demographics, terrain features and economic conditions throughout the country, as well as in the size of Tier III carriers and their subscriber counts, it is unrealistic to think that all network operators will be in a position to begin their 3G deployments on a uniform time frame. Requiring all 3G handsets to have A-GPS capability after a date certain is mindful of these realities and therefore provides a better result for both public safety and consumers.

It would be contrary to the public interest for the FCC to adopt new E911 location accuracy standards that impose disproportionate and unreasonable costs on the carriers who have accepted the challenges of serving sparsely populated rural areas. Many of these companies are small businesses and many are subsidiary/affiliates of commercial rural telephone companies or rural telephone cooperatives. Due to their relatively small subscriber counts and the need for rational business decisions to focus their limited resources on meeting customer demand for voice and basic data services over the widest geographic area, rather than providing more advanced services to a more limited area, many of these carriers have not yet upgraded their 2G digital wireless networks to 3G. The Commission must recognize that the ability to make any wireless 911 call is necessarily dependent on the availability of basic wireless service first and foremost.

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<sup>5</sup> *Id.* at pp. 3-4.

Rural carriers must be allowed to focus their limited resources on extending their networks to unserved and underserved areas rather than forcing them to pay the cost of replacing customer handsets (which many customers may not need or want) in order to meet unachievable handset benchmarks.

Because compliance with the Commission's revised wireless E911 location accuracy standards could impose prohibitive costs on many rural wireless carriers (and especially those carriers that have chosen a *network-based* Phase II location technology), and because there is insufficient evidence that the proposed standards can be satisfied using present technology, the Blooston Rural Carriers urge the Commission to adopt the T-Mobile and rural carrier proposal. If the Commission should decide not to go this route, it should refrain from amending its existing E911 rules.

Regardless of what new Phase II location accuracy and reliability rules are eventually adopted, or if the Commission should decide not to amend its rules, the Blooston Rural Carriers urge the Commission to recognize that it may not be technically feasible for carriers to meet the modified location accuracy requirements in every county. This is especially true in very sparsely-populated counties where service may be limited for the time being to isolated cell site deployments, sites on the edges of coverage areas, or a string of transmitters along a highway (*i.e.*, arrangements that do not permit the triangulation needed to achieve the more demanding standards). Therefore, the Commission should also establish a waiver process with clear guidelines and procedures. Another solution would be for the Commission to make any new accuracy and reliability standards voluntary for rural wireless carriers, based on good faith discussions with their affected PSAPs.

Inherent limitations in handset-based and network-based ALI technologies necessitate that the Commission allow carriers that have accepted the significant challenges of serving rural and sparsely populated areas to ensure the availability of voice service first and foremost. As RCA has noted earlier in this proceeding, “[t]he single most important public safety tool offered by wireless carriers in rural America is voice service availability.” For this reason, it would be both counterproductive and contrary to the public interest for the Commission to adopt aggressive location accuracy requirements, or to impose one-size-fits-all reliability standards, that ultimately discourage rural carriers from extending service to the most remote areas.

## **CONCLUSION**

The Blooston Rural Carriers continue to believe that the revised location accuracy standards set forth in the various *ex parte* filings appear likely to impose prohibitive costs on rural wireless carriers and there is insufficient evidence that the standards can be satisfied using present technology. There have been no significant technological changes in the past thirteen months to warrant any other conclusion. There is no sound basis in the record of this proceeding to permit imposition of county-level location accuracy requirements on service providers other than the dominant nationwide carriers. The Commission should instead adopt the T-Mobile and rural carrier proposal that would require all 3G handsets manufactured in or imported into the United States to include A-GPS capability after a date certain. Above all, the Commission should not adopt rules that impose technical standards on small and rural carriers that are not technologically achievable.

Respectfully Submitted,

**BLOOSTON RURAL CARRIERS**



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## Attachment A

### The Blooston Rural Carriers

Advanced Communications Technology, Inc.	Sheridan, WY
All West Communications, Inc.	Kamas, UT
Ayrshire Farmers Mutual Telephone Company	Ayrshire, IA
BEK Communications Cooperative	Steele, ND
Buggs Island Telephone Cooperative	Bracey, VA
Cable & Communications Corporation	Circle, MT
CC Communications	Fallon, NV
Chibardun Telephone Cooperative, Inc.	Dallas, WI
Consolidated Telcom	Dickinson, ND
Copper Valley Wireless	Valdez, AK
Dumont Telephone Company	Dumont, IA
Fenton Cooperative Telephone Co.	Fenton, IA
FMTC Wireless, Inc.	Nora Springs, IA
Kennebec Telephone Company, Inc.	Kennebec, SD
KTC AWS Limited Partnership	Kennebec, SD
Lone Rock Cooperative Telephone Co.	Lone Rock, IA
MAC Wireless, LLC	Cascade, IA
Manti Telephone Company	Manti, UT
Mid-Rivers Telephone Cooperative, Inc.	Circle, MT
Midwest AWS Limited Partnership	Spring Grove, MN
North Dakota Network Company	Minot, ND
Northwest Telephone Cooperative Association	Havelock, IA
Nucla Naturita Telephone Co.	Nucla, CO
Palmer Mutual Telephone Co.	Palmer, IA
Public Service Wireless, Inc.	Reynolds, GA
PVT NetWorks, Inc.	Artesia, NM
River Valley Telecommunications Cooperative	Ruthven, IA
Rockwell Cooperative Telephone Association	Rockwell, IA
Skylink, LC	Havelock, IA
Smithville Telephone Company	Ellettsville, IN
South Slope Cooperative Communications Co.	North Liberty, IA
Titonka-Burt Communications	Titonka, IA
Uintah Basin Electronic Telecommunications d/b/a UBET Wireless	Roosevelt, UT
Wapsi Wireless, LLC	Lost Nation, IA
WUE, Inc.	Pioche, NV