

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

In re )  
 )  
Wireless E911 Location Accuracy ) PS Docket No. 07-114  
Requirements )  
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**COMMENTS OF AT&T INC.**

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## TABLE OF CONTENTS

	<b>Page</b>
I. INTRODUCTION AND EXECUTIVE SUMMARY.....	1
II. THE JOINT PROPOSAL OFFERS A SOUND FRAMEWORK FOR PHASE II LOCATION ACCURACY REQUIREMENTS FOR CARRIERS USING NETWORK-BASED SOLUTIONS.....	3
III. VARIATIONS FROM THE JOINT PROPOSAL REASONABLY MAY BE ACCOMMODATED THROUGH THE COMMISSION’S WAIVER PROCESS .....	6
IV. NEW TECHNOLOGIES SHOULD BE VETTED THROUGH THE ETAG PROCESS RATHER THAN IMPOSED BY REGULATION .....	12
V. CONCLUSION.....	14

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**I. INTRODUCTION AND EXECUTIVE SUMMARY**

AT&T Inc., on behalf of itself and its affiliates (“AT&T”), hereby submits reply comments<sup>1</sup> in response to the Federal Communications Commission’s (“FCC” or “Commission”) November 6, 2009 Public Notice seeking to refresh the record on proposals to improve wireless E911 Phase II location accuracy.<sup>2</sup> The APCO, NENA, AT&T E911 location accuracy proposal (“Joint Proposal”)<sup>3</sup> offers a sound framework for Phase II location accuracy requirements for carriers using network-based solutions. The heart of the Joint Proposal is aggressive location accuracy requirements and benchmarks for county-level measurement. The development of a public safety/carrier consensus on a county-level measurement is a major location accuracy breakthrough the Commission should seize upon to address the longstanding

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<sup>1</sup> Unless otherwise noted, comments cited below were filed on November 20, 2009 in PS Docket No. 07-114.

<sup>2</sup> *Public Safety and Homeland Security Bureau Seeks to Refresh the Record Regarding Service Rules for Wireless Enhanced 911 Phase II Location Accuracy and Reliability*, Public Notice, PS Docket No. 07-114, DA 09-2397 (Nov. 6, 2009).

<sup>3</sup> Letter from Brian Fontes, NENA, Robert M. Gurss, APCO, and Robert W. Quinn, Jr., AT&T, to Hon. Kevin Martin, Chairman, FCC, PS Docket No. 07-114 (Aug. 25, 2008) (“Joint Proposal Letter”).

objective of improving location accuracy. The Joint Proposal establishes aggressive timeframes for increasing location accuracy requirements coupled with clear standards for measuring compliance. AT&T respectfully recommends the Joint Proposal's adoption.

AT&T fully appreciates that the Joint Proposal's aggressive benchmarks will be very difficult for any network-based carrier to meet (including AT&T). Thus, it is not surprising that some network-based carriers have objected to elements of the Joint Proposal. While we believe that their concerns arise in part from a misunderstanding of some elements of the proposal, we believe that these concerns may be addressed through the Commission's waiver process, if necessary. In any event, commenters asserting that the Joint Proposal establishes an implicit requirement for network-wide A-GPS handset deployment within five years are in error. The Joint Proposal is not a technology mandate, and provides for blended accuracy measurements in acknowledgement that network-based and hybrid network/A-GPS solutions will co-exist in the marketplace for some time. Any method a carrier uses to improve location accuracy would be welcome. Other commenters' objections are based on market- or carrier-specific concerns. Such concerns may readily be addressed through the Commission's waiver process while preserving the underlying framework of the consensus-based Joint Proposal.

As recommended by the Hatfield Report, the Joint Proposal also provides for an E911 Technical Advisory Group ("ETAG") composed of the relevant stakeholders – including public safety, CMRS carriers and technology providers – to ensure continuing improvement in E911 location accuracy and measurement. The ETAG is an appropriate forum for evaluation and testing of new technologies designed to improve location accuracy. Should any of these technologies prove technically viable and economically feasible, the competitive pressures of the wireless market provide every incentive for carriers to adopt them. The ETAG would also

provide an appropriate forum for continuing discussion of advancements in E911 capability and for paving the way for next generation 911.

## **II. THE JOINT PROPOSAL OFFERS A SOUND FRAMEWORK FOR PHASE II LOCATION ACCURACY REQUIREMENTS FOR CARRIERS USING NETWORK-BASED SOLUTIONS.**

The record reflects widespread support for the key elements of the Joint Proposal.

Developed on a consensus basis with public safety, the Joint Proposal represents an aggressive schedule for improving location accuracy and measurement while affording sufficient flexibility to accommodate the differing network configurations, technology choices and deployment strategies of individual carriers. In light of this flexibility, AT&T submits that the Joint Proposal provides an appropriate framework for a location accuracy requirement of general applicability to carriers using network-based solutions.<sup>4</sup>

Commenters widely embrace the measurement of location accuracy at the county-level. NENA “continues to support the county-level compliance approach” adopted in the Joint Proposal.<sup>5</sup> The Pennsylvania chapter of APCO also “supports the consensus position among APCO and other public safety organizations,” and specifically indicates its support for county-level accuracy requirements.<sup>6</sup> Further, Verizon Wireless and Sprint support a country-level measurement.<sup>7</sup> Sprint reiterates its commitment to achieving county-level accuracy benchmarks

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<sup>4</sup> The Joint Proposal would introduce county-level location accuracy standards and compliance benchmarks, while recognizing that network-based providers will be unable to meet the new proposed county-level accuracy standards in all areas relying solely upon current network-based technology solutions.

<sup>5</sup> Comments of NENA at 1 (“NENA Comments”).

<sup>6</sup> Comments of Pennsylvania Chapter, APCO at 1 (“Pennsylvania APCO Comments”).

<sup>7</sup> See Letter from Brian Fontes, CEO, NENA, Robert Gruss, Director, APCO, and John T. Scott, III, Vice President and Deputy General Counsel, Verizon Wireless, to Kevin Martin,

and “recognizes the important public safety objectives that will be achieved.”<sup>8</sup> And the engineering firm L. Robert Kimball and Associates also expresses its “agreement that Wireless Accuracy Testing should be performed at a County level.”<sup>9</sup>

Without challenging the county as an appropriate geographic level of measurement, T-Mobile et al. oppose the Joint Proposal’s staged accuracy benchmarks on the grounds that they implicitly require network-wide A-GPS handset deployment within five years.<sup>10</sup> The Joint Proposal contains no such requirement. T-Mobile et al. wrongly assume that only a carrier with 95% A-GPS penetration could satisfy the Joint Proposal’s five year benchmark – to meet a county-level requirement of 67% of calls located within 100 meters.<sup>11</sup> But this reading of the Joint Proposal ignores the option for a carrier to use a network-based accuracy measurement, a blended measurement<sup>12</sup> (blending between a network-based solution and a handset-based A-GPS), or a handset-based A-GPS only measurement to meet the accuracy requirement. By “blending” accuracy measurements applicable to network-based and A-GPS solutions, a carrier

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Chairman, FCC, at 1 (filed Aug. 20, 2008) (proposing rules that “would measure wireless 9-1-1 location accuracy at the county level”); Comments of Sprint-Nextel Corporation at 5 (“Sprint Comments”).

<sup>8</sup> Sprint Comments at 5.

<sup>9</sup> Comments of L. Robert Kimball and Associates at 1.

<sup>10</sup> Comments of T-Mobile USA, Inc., Rural Cellular Association, and the Rural Telecommunications Group, Inc. at 17 (“T-Mobile et. al”) (The Joint Proposal “implicitly requires that a carrier reach 95% A-GPS handset penetration within 5 years.”).

<sup>11</sup> See Joint Proposal Letter at 2.

<sup>12</sup> *Id.* (“Accuracy data from both a network-based solution and a handset-based solution may be blended to meet the network-based standard. Such blending shall be based on weighting accuracy data in the ratio of A-GPS handsets to non-A-GPS handsets in the carrier’s subscriber base. The weighting ratio shall be applied to the accuracy data from each solution and measured against the network-based standards.”).

may achieve compliance with the five year benchmark despite a diffusion of non-A-GPS handsets among its subscriber base.<sup>13</sup> This is so because the Joint Proposal contemplates the presence of non-A-GPS handsets in the marketplace for some time. Accordingly, the Joint Proposal does not mandate A-GPS or any other technology. Any method a carrier uses to improve location accuracy would be welcome.

Commenters overwhelmingly support the Joint Proposal's recommendation for an industry-led E911 Technical Advisory Group ("ETAG") that will, within one year, make recommendations regarding potential improvements in location accuracy and measurement. Commenters recognize the value of a coordinated process in which representatives from all sectors of the industry – including public safety, carriers, and technology vendors – work cooperatively and expeditiously to enhance location accuracy to the extent feasible and to improve the manner in which location accuracy is measured.<sup>14</sup> The ETAG discussed in AT&T's October 2008 comments on the Joint Proposal is designed to meet precisely those ends.<sup>15</sup>

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<sup>13</sup> See *id.* at 2 ("Example of Blended Reporting at 60% Penetration of A-GPS Devices in the Network").

<sup>14</sup> Comments of AT&T, Inc. at 2 ("AT&T Comments"); Comments of CTIA—The Wireless Association at 4 ("CTIA Comments") ("CTIA reiterates its support for the creation of a consensus-based forum charged with developing technical solutions for E911 and producing timely reports to the Commission. This forum should include all affected stakeholders such as members of the public safety and disabilities communities, large and small wireless providers using varying air interface technologies, and wireless equipment manufacturers."); Comments of S5 Wireless Inc. at 4 ("S5 Comments") ("S5 is supportive of the creation of an ETAG to evaluate future technologies and serve as a vehicle for sharing best practices among carriers and vendors..."); see also Letter from Brian Fontes, CEO, NENA, Robert Gruss, Director, APCO, and John T. Scott, III, Vice President and Deputy General Counsel, Verizon Wireless, to Kevin Martin, Chairman, FCC, at 2 (filed Aug. 20, 2008) ("Verizon Wireless, APCO, and NENA agree to convene, within 180 days of the Commission's order, an industry group to evaluate methodologies for assessing wireless 9-1-1 location accuracy for calls originating indoors and report back to the Commission within one year.").

<sup>15</sup> Comments of AT&T Inc., PS Docket No. 07-114, at 4-5 (filed Oct. 6, 2009).

Moreover, as discussed in Section IV, *infra*, the ETAG would also evaluate the feasibility and capabilities of emerging technologies intended to improve E911 location accuracy while leaving decisions regarding technology choice to individual carriers subject to market forces.

In addition, the record supports the Joint Proposal's recommendation that CMRS carriers provide confidence and uncertainty ("C/U") data to PSAPs, enabling PSAPs to assess the uncertainty based on a fixed confidence value common across all carriers. As AT&T's October 2008 comments on the Joint Proposal explain, C/U data will enable PSAPs to understand the likely accuracy of the location estimate provided with a wireless call, so that first responders can target their response efforts accordingly.<sup>16</sup> Sprint notes that "transmission of confidence and uncertainty data is more useful to 911 responders than additional location accuracy testing because, as APCO and NENA have observed, such per-call data would 'greatly improve the ability of PSAPs to utilize accuracy data and manage their 9-1-1 calls'."<sup>17</sup> Adoption of regulations requiring that a fixed common confidence and uncertainty data be passed to PSAPs that are capable of receiving this data and upon request from the PSAP would remove an element of uncertainty from the process of locating distressed callers, promoting public safety and advancing the public interest.

### **III. VARIATIONS FROM THE JOINT PROPOSAL REASONABLY MAY BE ACCOMMODATED THROUGH THE COMMISSION'S WAIVER PROCESS.**

The Commission's waiver process will enable the Commission to preserve the framework of the consensus-based Joint Proposal while also addressing the market-specific and carrier-specific technical and financial concerns raised by certain commenters. These types of individual concerns are not unusual where rules of general applicability are being considered.

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<sup>16</sup> *Id.* at 5-7.

<sup>17</sup> Sprint Comments at 6.

But the Commission does not shy away from adopting rules of general applicability simply because individual – and potentially valid – concerns have been identified. The Commission’s waiver process provides a mechanism to exempt entities from compliance if they encounter technical or financial limitations. As explained by the D.C. Circuit, the waiver process allows the Commission to “maintain the fundamentals of principled regulation without [the] sacrifice of administrative flexibility and feasibility.”<sup>18</sup> Here, the variations from the Joint Proposal contemplated by certain commenters reasonably may be accommodated through the waiver process.

Sections 1.3 and 1.925 of the Commission’s rules outline the waiver process. The Commission may grant a waiver pursuant to Section 1.925 if a petitioner establishes that “the underlying purpose of the rule would not be served or would be frustrated by application to the instant case, and that grant of the waiver would be in the public interest.”<sup>19</sup> Section 1.925 also permits a waiver to be granted if “unique or unusual factual circumstances” exist causing the application of the rule to be “inequitable, unduly burdensome, or contrary to the public interest, or the applicant has no reasonable alternative.”<sup>20</sup> Alternatively, under Section 1.3 of the Commission’s regulations, the Commission has authority to waive its rules “for good cause shown.”<sup>21</sup> Pursuant to Section 1.3, a waiver may be granted if “special circumstances warrant a deviation from the general rule and such deviation will serve the public interest” better than

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<sup>18</sup> *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969), aff’d by *WAIT Radio v. FCC*, 459 F.2d 1203 (D.C. Cir. 1972).

<sup>19</sup> 47 C.F.R. § 1.925(b)(3)(i).

<sup>20</sup> 47 C.F.R. § 1.925(b)(3)(ii).

<sup>21</sup> 47 C.F.R. § 1.3; *see also WAIT Radio*, 418 F.2d at 1159.

adherence to the general rule.<sup>22</sup> In deciding whether to grant specific waiver requests, the Commission must “take into account considerations of hardship, equity, or more effective implementation of overall policy” in its broader quest for regulation in the “public interest.”<sup>23</sup>

Notably, the waiver process is well-established in the E911 context. Given the importance of emergency communications, the Commission repeatedly has adopted aggressive E911 accuracy requirements and timetables.<sup>24</sup> In doing so, the Commission has recognized the value of waivers where wireless carriers – and particularly smaller carriers – face extraordinary technical or financial hurdles in satisfying the aggressive E911 requirements.<sup>25</sup>

To this end, the Commission has provided specific guidance on the factual showings needed to support a waiver request. The Commission has “emphasized that carriers must provide clear evidence supporting the grounds they rely upon in seeking relief.”<sup>26</sup> For example,

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<sup>22</sup> *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

<sup>23</sup> *WAIT Radio*, 418 F.2d at 1157.

<sup>24</sup> *See Revision of the Commission’s Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Phase II Compliance Deadlines for Non-Nationwide Carriers*, Order to Stay, 17 FCC Rcd 14841, ¶ 5 (2002) (“During the course of the E911 proceeding, the Commission recognized that the E911 deployment schedule was aggressive in light of the need for further technological advancement, but necessary and justified given the critical safety-of-life nature of E911 services.”).

<sup>25</sup> *See id.*, ¶ 6 (“The Commission also recognized, however, that requests for waiver may be justified based on specific showings.”); *Revision of the Commission’s Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, Fourth Memorandum Opinion and Order, 15 FCC Rcd 17442, ¶ 43 (2000) (“In the case of E911, we have recognized that there could be instances where technology-related issues or exceptional circumstances may mean that deployment of Phase II may not be possible” for some entities by the general deadline.).

<sup>26</sup> *See Revision of the Commission’s Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems; E911 Phase II Compliance Deadlines for Tier III Carriers*, Order, 20 FCC Rcd 7709, ¶ 10 (2005) (“2005 E911 Order”) (citing *Revision of the Commission’s Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, Order to Stay, 18 FCC Rcd 20987 (2003)).

if a “carrier bases its request for relief on delays that were beyond its control, it must submit specific evidence substantiating the claim, such as documentation of the carrier’s good faith efforts to meet with outside sources whose equipment or services were necessary to meet the Commission’s benchmarks.”<sup>27</sup> If a carrier claims that it is “technically infeasible to meet the Commission’s accuracy standards, it must provide concrete, specific plans to address the accuracy standards and its testing data and other evidence to demonstrate [its] inability to meet the accuracy requirements.”<sup>28</sup> Additionally, the Commission has cautioned carriers from “rely[ing] only on generalized statements about technical infeasibility.”<sup>29</sup> Instead, petitioners must provide “detailed technical data on the particular portions of their network or items of equipment that prevent them from complying with E911 requirements.”<sup>30</sup> The Commission also has clarified that “[w]hen carriers rely on a claim of financial hardship as grounds for a waiver, they must provide sufficient and specific factual information.”<sup>31</sup> For example, a carrier’s justification for a waiver on extraordinary financial hardship grounds “may be strengthened by documentation demonstrating that it has used its best efforts to obtain financing for the required upgrades available from federal, state, or local funding sources.”<sup>32</sup>

Here, commenters identify several hypothetical situations in which a waiver might be appropriate because of technical or financial infeasibility (or a combination of the two). T-

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<sup>27</sup> *Id.*

<sup>28</sup> *Id.* (internal quotations omitted).

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

<sup>32</sup> *Id.*

Mobile et al. and GCI, for example, assert that “in contrast to AT&T, some carriers may have their service area predominantly comprised of counties that are impossible to triangulate within the FCC’s accuracy standards using their existing networks and network-based technology.”<sup>33</sup> Specifically, T-Mobile et al. assert that in “some rural and isolated counties that have only one or two cell sites, there simply will not be enough measurements to perform a triangulation” and it is technically and financially infeasible “for carriers to meet high accuracy requirements in counties with fewer than three cell sites.”<sup>34</sup> T-Mobile et al. also explain that triangulation may become technically infeasible when terrain obstructions (*e.g.*, mountains, urban or rural canyons, forests) block a handset’s signal from reaching three cell sites, when the handset is located along the coverage area boundary, or when a caller is moving along a highway that is served by sites in a linear “string-of-pearls” configuration.<sup>35</sup>

Commenters also identify network upgrade schedules and equipment availability as potential compliance concerns. T-Mobile et al. and GCI assert that compliance may be technically and financially challenging because they lag behind in 3G implementation and because they intend to rely on A-GPS handset E911 solutions,<sup>36</sup> which will not become available

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<sup>33</sup> T-Mobile et al. Comments at 5; *see also* Comments of GCI at 2 (“GCI Comments”) (arguing that the Joint Proposal should not apply in Alaska because “Alaska is organized into 16 boroughs (not counties) that are comprised of vast stretches of sparsely populated areas, difficult terrain, line-of-sight barriers, and public property ownership restrictions”).

<sup>34</sup> T-Mobile et al. Comments at 12.

<sup>35</sup> *Id.* It should be noted that in the Joint Proposal, the parties specifically acknowledge that it is not possible to achieve county-level accuracy in all areas using current network-based location technology.

<sup>36</sup> It is worth noting that T-Mobile et al. foresee – and AT&T agrees – that gray market phones will frustrate compliance with location accuracy compliance: “[T]o the extent that the market trends toward supplying devices through sources other than carriers, carriers will not be able to control the mix of devices being used on their networks. Already, gray market devices could make it difficult for a carrier to reach an A-GPS handset deployment requirement of 95%,

to consumers until these carriers transition to 3G services and begin offering 3G handsets.<sup>37</sup>

Similarly, T-Mobile et al. assert that not all carriers are similarly equipped with respect to their ability to change out 2G devices for 3G A-GPS devices among their embedded subscriber bases.<sup>38</sup>

Although AT&T does not necessarily agree with all of what is asserted in these general claims, these are classic examples of circumstances that might justify a market-specific waiver. As in past E911 waiver proceedings, if a carrier encounters technical or financial limitations that prevent its compliance with the Joint Proposal in a particular market, the carrier should provide “clear evidence supporting the grounds they rely upon in seeking relief.”<sup>39</sup> If a carrier claims that it is technically infeasible to meet the Commission’s accuracy standards, it must provide “detailed technical data on the particular portions of their network or items of equipment that

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if those devices are included.” T-Mobile et al. Comments at 8. This problem would only increase under new internet regulation currently under consideration. *In the Matter of Preserving the Open Internet; Broadband Industry Practices*, Notice of Proposed Rulemaking, GN Docket No. 09-191, WC Docket No. 07-52, FCC 09-93, ¶¶ 163-169 (2009) (proposing an “any device” rule).

<sup>37</sup> See GCI Comments at 4 (“AT&T launched its 3G services in as early as 2004 in some markets, and having done so ahead of the rest of the GSM carriers, it was able immediately to begin to shift subscribers to A-GPS-capable handsets. This is not where any other carrier finds itself.”); T-Mobile et al. Comments at 2 (“Because few GSM 2G A-GPS handsets are readily available in the marketplace today (and then only for a small number of high-end handsets), carriers can make the transition to A-GPS only as part of their implementation of 3G services.”).

<sup>38</sup> T-Mobile et al. assert that AT&T will have an easier time with handset change out because of its low churn and high net adds of subscribers. See T-Mobile et al. Comments at n. 6 (“Unfortunately, the overall base of wireless subscribers is not growing nearly as rapidly as it was a few years ago. Moreover, most of the ‘net add’ growth that is taking place is concentrated among the nation’s two largest providers – Verizon Wireless and AT&T.”). AT&T strongly disagrees. AT&T’s low churn rate and very large subscriber base pose a significant challenge to the diffusion of new handsets, while high churn rates actually facilitate change out of handsets.

<sup>39</sup> 2005 E911 Order, ¶ 10.

prevent them from complying with E911 requirements.”<sup>40</sup> Likewise, if a carrier relies on a claim of financial hardship it “must provide sufficient and specific factual information.”<sup>41</sup>

The public safety interest in effective E911 service demands the aggressive – but flexible – standards contained in the Joint Proposal. Given this aggressiveness, AT&T anticipates that the FCC may deem it necessary for network-based carriers to use the waiver process in certain circumstances. Ultimately, AT&T’s proposal offers the only vehicle to “maintain the fundamentals of principled regulation without [the] sacrifice of administrative flexibility and feasibility.”<sup>42</sup>

#### **IV. NEW TECHNOLOGIES SHOULD BE VETTED THROUGH THE ETAG PROCESS RATHER THAN IMPOSED BY REGULATION.**

The comments reflect overwhelming support for an ETAG, as recommended by the Joint Proposal.<sup>43</sup> The Commission has successfully leveraged such working groups in the past to drive policy forward, particularly in the public safety area, where the Commission’s objectives are clear but the technical path forward requires further research and development before implementation is possible. The ETAG would provide an appropriate forum for evaluation and testing of new technologies designed to improve location accuracy. Moreover, it would provide an appropriate forum for continuing discussion of advancements in E911 capability and paving the way for next generation 911.

Where the technical means to satisfy the Commission’s policy objectives require further development, the Commission previously has relied on stakeholder working groups to chart the

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<sup>40</sup> *Id.*

<sup>41</sup> *Id.*

<sup>42</sup> *WAIT Radio*, 418 F.2d at 1159.

<sup>43</sup> *See* Section II.

path forward, with good results. As noted in the 2002 Hatfield Report and reflected in the comments, a variety of technical challenges – susceptible to a variety of solutions developed and yet-to-be developed – confront stakeholders tasked with optimizing E911 location capability.<sup>44</sup> For this reason, Hatfield recommended the formation of an expert stakeholder group – like the ETAG – to study the problem and propose solutions.<sup>45</sup> The Commission followed the same approach with respect to a similar problem – developing a Commercial Mobile Alert System. Having stated the objective of providing a Commercial Mobile Alert System to the public, the Commission chartered the Commercial Mobile Service Alert Advisory Committee (“CMSAAC”) to develop and recommend an implementation plan and progress benchmarks. The Commission should adopt a similar approach to future improvements (*e.g.*, indoor location accuracy) in the area of E911 location accuracy and measurement.

The ETAG also would provide an appropriate forum for the evaluation and testing of new technologies and advancements in the area of E911 location accuracy. A number of commenters highlight the benefits of their proprietary technologies and solutions for advancing E911 location accuracy and recommend that the Commission require their adoption.<sup>46</sup> This approach puts the cart before the horse. The Commission appropriately has focused on defining E911 location

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<sup>44</sup> Dale N. Hatfield, A Report on Technical and Operational Issues Impacting The Provision of Wireless Enhanced 911 Services, § 3.2.2 (2002) (noting that “a variety of critical technical and operational choices – including critical decisions relating to network architectures – must be made [in order to advance E911 location capability]” and that these complexities necessitate “an unusually high degree of coordination and cooperation among public and private entities.”).

<sup>45</sup> *Id.* at § 3.2.3 (calling for the establishment of “fora for the efficient exchange of information among stakeholder groups.”).

<sup>46</sup> *See* Comments of Polaris Wireless, Inc. at 2 (promoting Polaris’s “Wireless Location Signatures technology”); S5 Wireless Comments at 2 (promoting “next generation spread spectrum location technology”); Comments of Intrado Inc. at 2 (promoting “deployment of an IP-based 911 transport network”).

accuracy requirements in terms of the capabilities carriers must provide rather than imposing technology mandates. The ETAG will ensure that a forum is available for the proposal, trial and evaluation of new technologies, advancing progress in E911 location accuracy while avoiding the straightjacket of technology mandates. Under the ETAG process, the ultimate decision regarding technology choice will remain with the individual carrier, subject to market forces. Should a new technology show promise as a technically and economically feasible location accuracy solution, carriers will have every incentive to adopt it even in the absence of regulatory compulsion.

Finally, the ETAG would provide an appropriate forum for discussion of longer-term objectives, such as the development and implementation of next generation 911 (“NG-911”). As reflected in the comments on National Broadband Plan Public Notice #8, the transition to IP-based networks presents a variety of opportunities for advancing and improving public safety communications.<sup>47</sup> Among the potential new capabilities are NG-911 services. By bringing together the appropriate stakeholders, the ETAG would facilitate advancement of such long term objectives.

## **V. CONCLUSION**

The Joint Proposal offers a sound framework for Phase II location accuracy requirements for carriers using network-based solutions. Variations from the Joint Proposal recommended by

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<sup>47</sup> See comments filed in response to *Additional Comment Sought on Public Safety, Homeland Security, and Cybersecurity Elements of National Broadband Plan*, NBP Public Notice #8, Public Notice, GN Docket Nos. 09-47, 09-51, and 09-137, PS Docket Nos. 06-229, 07-100, and 07-114, WT Docket No. 06-150, CC Docket No. 94-102, WC Docket No. 05-196, DA 09-2133 (rel. Sept. 28, 2009).

commenters reasonably may be accommodated through the Commission's waiver process.

Accordingly, AT&T respectfully requests that the Commission adopt the Joint Proposal.

Respectfully submitted,

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