

LUKAS, NACE, GUTIERREZ & SACHS, LLP

8300 GREENSBORO DRIVE, SUITE 1200
MCLEAN, VIRGINIA 22102
703 584 8678 • 703 584 8696 FAX

WWW.FCCLAW.COM

RUSSELL D. LUKAS
DAVID L. NACE
THOMAS GUTIERREZ*
ELIZABETH R. SACHS*
DAVID A. LAFURIA
PAMELA L. GIST
TODD SLAMOWITZ*
TODD B. LANTOR*
STEVEN M. CHERNOFF*
KATHERINE PATSAS NEVITT*

CONSULTING ENGINEERS
ALI KUZEHKANANI
LEILA REZANAVAZ
—
OF COUNSEL
GEORGE L. LYON, JR.
LEONARD S. KOLSKY*
JOHN CIMKO*
J. K. HAGE III*
JOHN J. MCAVOY*
HON. GERALD S. MCGOWAN*
TAMARA DAVIS BROWN*

*NOT ADMITTED IN VA

May 4, 2010

VIA ELECTRONIC FILING

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

Re: Ex Parte Notification, PS Docket No. 07-114

Dear Ms. Dortch:

On May 3, 2010, Steven K. Berry, President and Chief Executive Officer of the Rural Cellular Association (RCA) and the undersigned, met with Jeff Cohen, Thomas J. Beers, Patrick Donovan, David Siehl, Tim May, Aaron Garza and Erika Olsen of the Public Safety and Homeland Security Bureau (Bureau), to discuss the E911 location accuracy proposals currently being considered by the Commission.

During the meeting, RCA representatives described how the association, after consultation with its members and in partnership with T-Mobile USA, Inc. (T-Mobile) and the Rural Telecommunications Group, Inc. (RTG), came to the conclusion that a requirement that all 3G handsets manufactured in or imported into the United States be A-GPS capable after a date certain, as described in the joint comments and reply comments filed by RCA, T-Mobile and RTG,¹ would be a better regulatory solution to achieve the Commission's E911 location accuracy goals than the two benchmark proposals submitted by AT&T and Verizon Wireless (the "Big 2") jointly with the Association of Public Communications Officials, International (APCO) and the National Emergency Number Association (NENA).

¹ See Comments of T-Mobile USA, Inc., Rural Cellular Association and the Rural Telecommunications Group, Inc., PS Docket No. 07-114 (filed Nov. 20, 2009); see also Reply Comments of T-Mobile USA, Inc., Rural Cellular Association and the Rural Telecommunications Group, Inc., PS Docket No. 07-114 (filed Dec. 4, 2009).

RCA officials explained that if the Bureau is inclined to adopt the AT&T and Verizon Wireless E911 location accuracy benchmark proposals, then the proposals should be modified for all non-“Big 2,” consistent with the revised benchmarks submitted jointly by RCA and T-Mobile in October 2008 and well-supported by data.²²

RCA representatives explained that rural and regional carriers do not have access to the same advanced handsets that will facilitate AT&T’s and Verizon Wireless’ ability to comply with the benchmarks each company has proposed. In addition, RCA representatives explained that many of its member carriers will not get access to next-generation infrastructure equipment for years after it is made available to AT&T and Verizon Wireless, further impeding the ability of these rural and regional carriers to comply with the benchmarks proposed by the nation’s two largest wireless carriers.

RCA representatives expressed concern about adopting any proposals that cannot be met by the majority of wireless carriers and that will require this same majority of carriers to file waiver requests in order to attempt to avoid enforcement action. RCA representatives explained that such an expansive waiver process did not appear to be good public policy. To highlight their concerns, RCA representatives discussed previous first-hand experiences with the Commission’s E911 waiver process and the problems experienced.

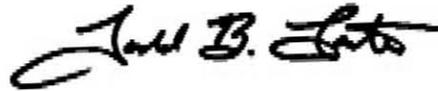
RCA representatives stated that if the Commission is going to encourage carriers to file waivers that cannot comply with any E911 location accuracy compliance benchmarks, then the Commission should anticipate receiving and granting waivers from Tier I, Tier II and Tier III carriers and should be prepared to grant all reasonable waiver requests. RCA and Commission discussed the types of factors that the Commission would give favorable consideration to in considering a waiver request. RCA representatives recommended that such factors be included as part of any future rulemaking.

RCA and Commission representatives also discussed the possibility of requiring or encouraging carriers to notify customers about the limitations of their E911 service. RCA representatives expressed their concerns about any such notification requirements, particularly the potential costs and competitive harms associated with any required notification. RCA representatives noted that if carriers are required or encouraged to notify customers about the limitations of the E911 service, carriers should be given significant flexibility in deciding how best to notify subscribers of these limitations.

²² See Comments of T-Mobile USA, Inc. and the Rural Cellular Association on the 911 Location Accuracy Remand, PS Docket No. 07-114 (filed Oct. 6, 2008); see also Reply Comments of the Rural Cellular Association on the 911 Location Accuracy Remand, PS Docket No. 07-114 (filed Oct. 14, 2008).

Pursuant to Section 1.1206 of the Commission's Rules, this *ex parte* notification is being filed electronically with your office.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Todd B. Lantor". The signature is fluid and cursive, with the first name "Todd" being the most prominent.

Todd B. Lantor

Counsel to the Rural Cellular Association

cc: Jeff Cohen (via e-mail)
Thomas J. Beers (via e-mail)
Patrick Donovan (via e-mail)
David Siehl (via e-mail)
Tim May (via e-mail)
Aaron Garza (via e-mail)
Erika Olsen (via e-mail)