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May 17, 2010

VIA ELECTRONIC FILING

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

Re: Wireless E-911 Location Accuracy Requirements, PS Docket No. 07-114; Notice of Ex Parte Presentation

Dear Ms. Dortch:

On May 14, 2010, Holly Henderson of SouthernLINC Wireless (via telephone) and David Rines of McDermott Will & Emery LLP met with Jeff Cohen, Thomas J. Beers, Patrick Donovan, Erika Olsen (via telephone), David Siehl, Tim May, Brian Butler, and Eric Ehrenreich of the Public Safety and Homeland Security Bureau regarding the above-referenced proceeding. In this meeting, we discussed the “Joint Proposal” prepared by APCO, NENA, and Verizon Wireless for new E-911 location accuracy requirements for wireless carriers utilizing handset-based solutions.

As in its previous filings in this docket, SouthernLINC Wireless again expressed its concern that there has still been no information whatsoever – including any technical data or studies, any cost-benefit analyses, or any factual, data-based evidence of any kind – submitted into the record of this proceeding or otherwise made publicly available that the Joint Proposal is either technically or economically feasible, particularly for smaller regional and rural carriers who do not have the vast resources enjoyed by the nationwide carriers.¹

SouthernLINC Wireless explained that the Joint Proposal for carriers currently utilizing handset-based solutions would impose significant and disproportionate burdens on regional and rural carriers by compelling these carriers to undertake costly and resource-intensive county-by-county testing to verify whether they satisfy the Commission’s location accuracy requirements in

¹ / See, e.g., Reply Comments of SouthernLINC Wireless, PS Docket No. 07-114 (filed Dec. 4, 2009) at 2 – 4. As SouthernLINC Wireless has previously noted, the lack of record evidence supporting the Joint Proposal raises significant legal and public policy concerns implicating both the Administrative Procedure Act and the Regulatory Flexibility Act. *Id.*

each and every county where Phase II service has been deployed. SouthernLINC Wireless further explained that, to the extent such testing should show that a carrier does not meet the location accuracy requirements in a given county, there is no known technology or solution available that would enable the carrier to improve the performance of currently-deployed A-GPS solutions.

SouthernLINC Wireless stated that if the Bureau is inclined to adopt the Verizon Wireless E-911 location accuracy proposal, the proposal should be modified to provide staggered benchmarks for Tier II and Tier III carriers² and the Commission should further adopt a reasonable waiver process and reasonable waiver standards for regional and rural carriers. Some of the factors that SouthernLINC Wireless urged be taken into consideration as part of any waiver process include:

- Whether the carrier has deployed the latest technology and is operating its network as intended/designed;
- Whether the carrier is facing impediments to obtaining and/or deploying needed technology, including, but not limited to, unavailability, high cost, unforeseeable technical issues, system or network compatibility issues, problems or delays with third party vendors or suppliers, zoning or permitting delays, etc.;
- The extent to which the number of counties in the carrier's service area where location accuracy is negatively affected by terrain or heavy forestation exceeds 15 percent of the counties covered by the carrier;
- Whether the carrier is experiencing customer resistance to upgrading or exchanging CPE (such as handsets); and
- Whether full compliance by any applicable deadlines would impose a financial burden or hardship on the carrier, considering such factors as (i) the overall cost or expense of compliance; (ii) the extent to which the carrier is able to spread its costs over its customer base in an economically feasible manner; (iii) the extent to which the carrier is actually able to receive cost recovery or reimbursement from the relevant state government(s) for the cost of deploying Phase II service to PSAPs; and (iv) the carrier's access to the necessary capital.³

SouthernLINC Wireless and Bureau representatives also discussed the question of notifying customers about any limitations in the availability of E-911 Phase II service. SouthernLINC Wireless expressed concerns about possible customer notification requirements, particularly to

² / See Reply Comments of SouthernLINC Wireless, PS Docket No. 07-114 (filed Oct. 14, 2008) at 13.

³ / See *Id.* at 14 – 17.

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the extent that such notifications could create greater consumer confusion regarding the availability of E-911 Phase II location service, which can vary greatly from county to county (and even within a county) depending on a variety of factors such as terrain, foliage, or PSAP deployment of the necessary Phase II capabilities.

In accordance with the Commission's Rules, one copy of this *ex parte* notice is being filed electronically for inclusion in the record of this proceeding.

Very truly yours,

/s/ David D. Rines

David D. Rines

Counsel to SouthernLINC Wireless

cc: Jeff Cohen
Thomas J. Beers
Patrick Donovan
Erika Olsen
David Siehl
Tim May
Brian Butler
Eric Ehrenreich