



401 9th Street, NW
Suite 550
Washington, DC 20004
202-654-5900

June 16, 2010

Ex Parte

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

Re: PS Docket No. 07-114 ***CORRECTED VERSION***

Dear Ms. Dortch:

On June 15, 2010, Tom Sugrue, Kathleen Ham, Jim Nixon, Amy Wolverton and Ryan Jensen of T-Mobile USA, Inc. (“T-Mobile”) and John Nakahata of Wiltshire & Grannis, LLP, on behalf of T-Mobile, met with David Furth, Jeff Cohen, Erika Olson, Brian Butler, Patrick Donovan, Eric Ehrenreich, Tim May, and David Siehl to discuss the above referenced proceeding. The T-Mobile participants stated that T-Mobile is committed to delivering accurate E911 location estimates for its subscribers. The vast majority of T-Mobile’s subscribers are located in areas in which T-Mobile can today provide location estimates that meet the FCC’s location accuracy standards, even when measured on a county level.

For T-Mobile, the greatest challenge with respect to location accuracy has been in rural areas where sites are sparsely deployed and/or located along traffic corridors, which T-Mobile is addressing through its ongoing transition to A-GPS technology. In these areas in which only a small minority of T-Mobile’s subscribers are located, T-Mobile is already obtaining the best performance possible out of its network-based technology using T-Mobile’s existing cell sites. Thus, to further improve location accuracy, T-Mobile is implementing A-GPS technology. By the end of 2011, T-Mobile will have enabled A-GPS location technology throughout not only its 3G network (which is already 100% A-GPS capable) but also its legacy 2G network. As such, as T-Mobile’s subscribers swap their non-A-GPS handsets for A-GPS capable handsets, they will gain the benefits of improved location accuracy in these rural areas.

In August 2008, AT&T, APCO, and NENA submitted a proposal (“AT&T Proposal”) for E911 location accuracy rules for network-based providers that would transition from network-based technologies to A-GPS over an eight year period running from the effective date of the Order. T-Mobile no longer objects to the AT&T Proposal’s ultimate county-level standards to be achieved by the fourth benchmark, eight years after the effective date of the order. T-Mobile now believes

that it can meet the AT&T Proposal's standard of 300M for 90% of calls in 85% of counties, by the end of the 8th year after the effective date of the rules (Benchmark 4), *provided* that this standard applies only to accuracy measurements of outdoor calls. T-Mobile understands that this was the assumption underlying AT&T's proposal, and it is consistent with the Verizon/Sprint Proposal. As in the AT&T Proposal, compliance could be achieved using network-only data, blended reporting, or A-GPS only data – subject to meeting the threshold of 95% nationwide A-GPS handset penetration or offering subscribers in the county who do not have an A-GPS device an A-GPS handset at no cost.

With respect to the AT&T Proposal's three intermediate benchmarks, while they remain technically infeasible as submitted, T-Mobile believes that with the following relatively minor modifications, the AT&T Proposal for those three intermediate benchmarks could be rendered technically feasible for T-Mobile, subject to the ability of T-Mobile to seek a waiver from the FCC should the transition to A-GPS encounter difficulties that cannot reasonably be foreseen and accommodated in advance:¹

- When using network-based measurements as a component of the county-level compliance calculation (*i.e.*, if the carrier is using network-only measurements or blending network and A-GPS measurements), exclude that county if it has fewer than 3 cell sites. This change is required because triangulation mathematically cannot occur using just one or two measurement points. Also, because there is no apparent engineering basis for the percentage of counties in which compliance is required at each benchmark, including counties with fewer than 3 cell sites would be arbitrary and capricious during the period when terrestrial measurements are used.²
- Permit a carrier to use “blending” as well as “network-only” measurements at the first benchmark. The AT&T Proposal permits blending at other intermediate benchmarks but not the first one. However, there is no reason to differentiate the compliance mechanisms among the three intermediate benchmarks, and carriers who have begun A-GPS deployment by the first benchmark should be allowed to include the accuracy performance achieved with A-GPS. Moreover, since the time AT&T made its initial proposal, carriers, including T-Mobile, have sold A-GPS handsets and deployed A-GPS capability in their networks. T-Mobile's 3G networks already support A-GPS location estimates, and by the end of 2011, T-Mobile anticipates that the same will be true throughout its 2G networks.
- Allow a carrier the option to comply with the Year 5 (third) benchmark using only handset-based measurements so long as it has achieved at least 85% (rather than 95%) A-GPS handset penetration among its subscribers. This is more consistent with a phased transition to 95% A-GPS handset penetration over the entire 8-year period. Otherwise, the AT&T Proposal will, in practice, require a carrier to meet 95% A-GPS handset

¹ Smaller carriers serving fewer counties and with a different mix of hard-to-serve and easier-to-serve counties could still find these rules technically infeasible, even as modified as T-Mobile suggests below.

² T-Mobile estimates that only 1.5% of its covered POPs nationwide are in counties with only one or two cell sites. The AT&T Proposal already excludes counties in which a carrier has no cell sites.

Ms. Marlene H. Dortch
June 16, 2010
Page 3

penetration by the end of Year 5, which is an unreasonably short timeframe and renders the final fourth benchmark transition largely superfluous.

With these modifications – T-Mobile could commit to meeting each of the intermediate benchmarks and the ultimate benchmark consistent with the requirements and timelines in the AT&T/APCO/NENA proposal.

T-Mobile also noted that for purposes of computing a carrier's A-GPS capable handset penetration, so-called "gray market" handsets, i.e., those not approved by the carrier for use in the United States, or otherwise not sold by the carrier or its authorized dealers or distributors in the United States, should be excluded from both the number of A-GPS capable handsets and the base of total handsets. Because of the international interoperability of many handsets, some subscribers may acquire handsets in other countries and import and use them in the United States – a situation that is more likely to occur with respect to global GSM handsets than with respect to CDMA handsets. The only potential control a carrier would have over the use of such "gray market" handsets would be to block calls from those handsets, which would be inconsistent with other provisions of the Commission's 911 rules (as well as other Commission policies).

T-Mobile also supports the provision and use of confidence and uncertainty data as proposed by AT&T and public safety.

Sincerely,



Thomas J. Sugrue
Vice President, Government Affairs

cc: David Furth
Jeff Cohen
Erika Olson
Brian Butler
Patrick Donovan
Eric Ehrenreich
Tim May
David Siehl