



The Voice of Rural & Regional Carriers

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June 30, 2010

Via ECFS

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

Re: PS Docket No. 07-114

Dear Ms. Dortch:

On June 29, 2010, Steven K. Berry, President and CEO of RCA; Tim Donovan, Director of Legislative Affairs for RCA; Todd Lantor with Lukas, Nace, Gutierrez & Sachs, on behalf of RCA; David Rines with Fish & Richardson, on behalf of SouthernLINC Wireless; and the undersigned met with Jeff Cohen, Thomas Beers, Patrick Donovan, David Siehl, Tim May, Brian Butler, Eric Ehrenreich, Aaron Garza, and Allegra Keeny of the Public Safety and Homeland Security Bureau (Bureau) regarding the above-referenced proceeding to discuss E911 location accuracy requirements and related issues.

At the meeting, RCA encouraged the Bureau to establish a flexible waiver process for the significant number of carriers that cannot comply with any E911 location accuracy benchmarks adopted by the Commission and to recognize in any Order the Commission's willingness to consider a variety of mitigating factors when analyzing and acting upon waiver requests of the Commission's E911 location accuracy rules. RCA provided some examples of the types of factors that the FCC should consider as part of any waiver process, including:

- Whether the carrier has deployed the latest technology and is operating its network as it was designed to operate;
- Whether the carrier is facing impediments to obtaining and/or deploying needed technology, including, but not limited to:
 - next-generation, advanced handsets that will allow RCA members to achieve location accuracy requirements;
 - reductions in the amount of universal service support received by a carrier;;
 - unforeseeable technical issues;
 - system or network compatibility issues;
 - problems or delays with third party vendors or suppliers; or
 - 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% of the counties covered by the carrier;

- Whether the carrier is experiencing customer resistance to upgrading customer premise equipment (CPE) and the impact this resistance is having on the carrier's compliance with E911 location accuracy rules;
- The pro-active actions taken by carriers to encourage customer adoption; and
- Whether full compliance of applicable deadlines would impose an unreasonable financial burden on the carrier, including, but not limited to:
 - the overall cost or expense of compliance,
 - the extent to which the carrier is able to spread its costs over its customer base in an economically feasible manner,
 - the extent to which the carrier is actually able to receive cost recovery or reimbursement from the relevant state government for the cost of deploying Phase II service to PSAPs, or
 - a carrier's access to the necessary capital.

The above list of factors is not an exhaustive list. Rather, the above list merely provides the Commission with examples of the types of factors that it should consider when reviewing E911 location accuracy waiver requests. RCA fully supports a waiver process that provides carriers with the flexibility to technologically and cost-efficiently comply with the FCC's E911 location accuracy rules in a timely fashion for the benefit of public safety, consumers and carriers. To encourage industry and Commission collaboration, RCA encouraged the Bureau to include specific guidance on the types of factors it will consider when a carrier cannot comply with new E911 location accuracy benchmarks.

RCA also expressed its support for T-Mobile's recent recommendation, described in an *ex parte* notice filed with the FCC on June 16, 2010, that the Commission should exclude any county that has fewer than three cell sites when using network-only measurements or blending network and A-GPS measurements. RCA agrees that this exclusion is necessary because of the inability to triangulate without three cell sites present within a county and urged the Bureau to adopt this exclusion.

RCA and the Bureau also discussed the possibility of imposing on carriers a reporting requirement associated with meeting E911 location accuracy benchmarks. If the FCC finds a reporting requirement necessary, the FCC should impose this type of requirement no more than on an annual basis. Reporting requirements are administratively and financially burdensome on small and regional carriers. Further, quarterly or semi-annual reports reflect only incremental changes. Wholesale progress and developments in complying with the FCC's E911 location accuracy benchmarks are better reflected in an annual report.

In addition to a possible reporting requirement, RCA discussed the possibility that the Bureau might impose a disclosure requirement regarding a carrier's E911 location accuracy limitations. RCA expressed concerns about imposing specific disclosure requirements on carriers because a disclosure could create customer confusion regarding the availability of E911 Phase I or Phase II location service. However, if the Commission finds that a disclosure requirement is necessary, RCA encouraged the Commission to adopt a flexible disclosure mechanism which would allow carriers to individually determine the appropriate means of disclosure to its customers.

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

Sincerely,

/s/

Rebecca Murphy Thompson
General Counsel

cc: Jeff Cohen
Thomas Beers
Patrick Donovan
David Siehl
Tim May
Brian Butler
Eric Ehrenreich
Aaron Garza
Allegra Keeny
Thomas Sugrue
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John Nakahata
David Rines
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