

Tamara Preiss
Vice President
Federal Regulatory Affairs



September 14, 2010

1300 I Street, NW, Suite 400 West
Washington, DC 20005

Phone 202 515-2540
Fax 202 336-7922
tamara.preiss@verizon.com

Ex Parte

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

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

Dear Ms. Dortch:

On September 13, 2010, Lolita Forbes, Verizon Wireless, Adam Krinsky, Wilkinson Barker Knauer, LLP, and the undersigned met separately with the following Commission personnel regarding the upcoming consideration of county-level enhanced 911 (“E-911”) Phase II accuracy benchmarks: Angela Giancarlo, Chief of Staff & Senior Legal Advisor, Office of Commissioner Robert McDowell; Louis Peraertz, Acting Legal Advisor, Office of Commissioner Mignon Clyburn; and Charles Mathias, Legal Advisor, Office of Commissioner Meredith Attwell Baker.

Verizon Wireless remains committed to meeting county-level Phase II accuracy benchmarks as the Commission imposed on the company in the 2008 *Alltel Order*,¹ but submits that certain limited proposals raised in the record reflect sound modifications that should be included in any generally applicable rules.² These proposals relate to topographical and network engineering issues that affect E-911 Phase II location accuracy irrespective of carrier size or air interface protocol, and their adoption will appropriately address technical feasibility and competitive neutrality matters consistent with the Commission’s statutory obligations and stated policy objectives.

¹ See *Applications of Cellco Partnership d/b/a Verizon Wireless and Atlantis Holdings, LLC*, Memorandum Opinion and Order and Declaratory Ruling, 23 FCC Rcd 17444, 17533 ¶ 201 (2008) (“*Alltel Order*”). Sprint Nextel is subject to these same conditions. See *Sprint Nextel Corp. and Clearwire Corp., Applications for Consent to Transfer Control of Licenses, Leases, and Authorizations*, Memorandum Opinion and Order, 23 FCC Rcd 17570, 17614 ¶ 112 (2008).

² See T-Mobile *Ex Parte* Presentation in PS Docket No. 07-114, filed June 16, 2010 (“T-Mobile *Ex Parte*”); Rural Cellular Ass’n *Ex Parte* Presentation in PS Docket No. 07-114, filed June 30, 2010 (“RCA *Ex Parte*”).

For example, consistent with recent proposals in the docket, Verizon Wireless supports an industry-wide rule that permits any carrier employing a handset-based solution (including Verizon Wireless) to exclude up to 15 percent of counties for any reason, not solely because of “heavy forestation.”³ This approach would ensure uniformity among CDMA carriers and bring Verizon Wireless and other CDMA carriers into closer parity with the AT&T/APCO/NENA Proposal in Year 8 for carriers transitioning to A-GPS, which would establish an accuracy benchmark in 85 percent of counties. Another proposed modification seeks the availability of waiver relief for all carriers with fewer than 10 million subscribers, and suggests a number of factors that could warrant relief such as unforeseeable technical issues, problems or delays with vendors, zoning or permitting delays, and “terrain or heavy forestation.”⁴ These factors could, of course, affect any carrier regardless of size. To the extent any carriers face such circumstances, whether they use handset- or network-based Phase II technologies, they should be afforded the same opportunity for waiver relief.

Finally, as Verizon Wireless stated in its Reply Comments last December, “as AGPS-capable handsets become increasingly prevalent across all wireless carriers’ subscribers, disparate regulatory standards become unnecessary.”⁵ Verizon Wireless urges the Commission to take meaningful steps toward a unified E-911 location accuracy approach in its forthcoming Notice of Proposed Rulemaking.

Please contact the undersigned at (202) 515-2540 if there are questions concerning this filing.

Sincerely,



³ Under the current requirements applicable to Verizon Wireless, the company may exclude *up to* 15 percent of counties in its calculations – but only due to heavy forestation. *Alltel Order*, 23 FCC Rcd at 17533 ¶¶ 200-201. Verizon Wireless’s experience in the past two years has demonstrated that there are topographical factors beyond heavy forestation that similarly affect the RF environment (e.g., urban canyons and topographical conditions that affect satellite line-of-sight). RCA has similarly urged the Commission to account for circumstances “where the location accuracy is negatively affected by *terrain or heavy forestation*” in more than 15 percent of the counties served. *See RCA Ex Parte* at 2 (emphasis added).

⁴ *See Rural Cellular Ass’n Ex Parte* Presentation in PS Docket No. 07-114, filed August 27, 2010, at 2.

⁵ Verizon Wireless Reply Comments in PS Docket No. 07-114, filed Dec. 4, 2009, at 8.