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September 16, 2010

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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 14 and 15, 2010, Lolita Forbes, Verizon Wireless, Adam Krinsky, Wilkinson Barker Knauer, LLP, and the undersigned met with John Giusti, Chief of Staff & Legal Advisor, Office of Commissioner Michael Copps; Adam Krinsky had conversations or left messages with Angela Giancarlo, Chief of Staff & Senior Legal Advisor, Office of Commissioner Robert McDowell, Louis Peraertz, Acting Legal Advisor, Office of Commissioner Mignon Clyburn, and Jeff Cohen and Patrick Donovan, Public Safety & Homeland Security Bureau; and the undersigned spoke with Charles Mathias, Legal Advisor, Office of Commissioner Meredith Attwell Baker and left a message for Rick Kaplan, Office of Chairman Julius Genachowski.

First, Verizon Wireless stated that it remains committed to meeting county-level Phase II accuracy benchmarks as the Commission imposed on the company in the 2008 *Alltel Order*.¹ The company also expressed support for generally applicable E-911 rules consistent with technical feasibility and competitive neutrality. One example noted involves the different treatment of network-based and handset-based carriers with respect to the exclusion of up to 15 percent of counties.

Second, to the extent the Commission contemplates a standard applicable to requests for waivers of location accuracy requirements, sound policymaking dictates that relief be available to

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).

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all carriers, regardless of size or technology choice.² One proposal in the record pursues a waiver process for carriers with fewer than 10 million subscribers, and suggests a number of engineering and topographical factors that could warrant relief, including unforeseeable technical issues and problems or delays with vendors.³ These factors and others could, of course, affect any carrier regardless of size. Whether a carrier uses handset- or network-based Phase II technologies and regardless of size, each carrier should be afforded the same opportunity for waiver relief.

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

Sincerely,



cc: Rick Kaplan
Jennifer Flynn
John Giusti
Angela Giancarlo
Louis Peraertz
Charles Mathias
David Furth
Jeff Cohen
Patrick Donovan

² Cf. *Revision of the Commission's Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, Fourth Memorandum Opinion and Order, 15 FCC Rcd 17442 (2000) (adopting a waiver standard applicable to all handset-based and network-based carriers irrespective of size).

³ See Rural Cellular Ass'n *Ex Parte* Presentation in PS Docket No. 07-114, filed August 27, 2010, at 2.