

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of)	
)	
Wireless E911 Location Accuracy Requirements)	PS Docket No. 07-114
)	
E911 Requirements for IP-Enabled Service Providers)	WC Docket No. 05-196
)	
)	

To: The Commission

REPLY COMMENTS OF SOUTHERNLINC WIRELESS

Southern Communications Services, Inc. d/b/a SouthernLINC Wireless (“SouthernLINC Wireless”) hereby submits its reply comments in response to the Commission’s *Further Notice of Proposed Rulemaking (FNPRM)* in the above-captioned proceeding requesting comment on proposals to improve wireless location accuracy.¹

SouthernLINC Wireless and other carriers currently provide the most accurate location information possible with the technology and 9-1-1 infrastructure available today. While the Commission’s efforts to encourage further improvements in wireless location accuracy must certainly be commended, SouthernLINC Wireless agrees with CTIA and other commenters that the adoption of any new mandatory standards and obligations regarding wireless location

¹ / *Wireless E911 Location Accuracy Requirements, E911 Requirements for IP-Enabled Service Providers*, PS Docket No. 07-114, WC Docket No. 05-196, Further Notice of Proposed Rulemaking and Notice of Inquiry, FCC 10-177 (rel. Sept. 28, 2010) (“*FNPRM*” and “*NOI*”).

accuracy at this time would be premature.² As CTIA noted, less than six months ago the Commission adopted new E-911 location accuracy standards that have only recently gone into effect and which will require time for implementation.³

SouthernLINC Wireless is especially concerned that the Commission's tentative conclusion to adopt a mandatory schedule for accuracy testing will impose a significant burden on wireless carriers in general – and on regional and rural Tier III carriers in particular – as well as place an enormous strain on the resources of the PSAPs themselves. SouthernLINC Wireless therefore urges the Commission to decline to adopt a mandatory testing schedule at this time and to instead consider a more flexible alternative approach that will enable the Commission to achieve its goal of maintaining and improving wireless location accuracy while avoiding the imposition of costs and burdens on carriers and PSAPs that could ultimately delay further improvements in location accuracy.

I. A MANDATORY SCHEDULE FOR ACCURACY TESTING WILL IMPOSE SIGNIFICANT AND UNNECESSARY BURDENS ON CARRIERS AND PSAPS

In the *FNPRM*, the Commission tentatively concluded that it should establish a mandatory schedule for accuracy testing and requested comment on a recommended schedule for mandatory testing.⁴ The Commission noted that APCO had previously suggested that testing be required every two years.⁵

² / Comments of CTIA at 2 – 4; *See also* Comments of AT&T at 2 – 4; Comments of Sprint Nextel at 1 – 2; Comments of T-Mobile at 4 – 6; Comments of Motorola at 2; Comments of ATIS at 3 – 4.

³ / Comments of CTIA at 3; *See also* Comments of T-Mobile at 4 – 6.

⁴ / *FNPRM* at ¶ 21.

⁵ / *Id.*

In its comments, NENA stated that it supports periodic accuracy testing, but it also pointed out that “compliance testing is an expensive and burdensome process for carriers.”⁶ NENA therefore recommended that the Commission adopt “a reasonable baseline interval” of five years.⁷ NENA considers five years to be a “natural period” for compliance testing, taking into consideration “trends in network capabilities and deployment schedules and the commercial needs of carriers.”⁸ Rather than repeating its earlier suggestion of a two-year testing interval, APCO instead stated that testing must be repeated “within a reasonable period of time,” but it did not suggest any specific time period.⁹ Technology vendor TruePosition also supported a periodic testing requirement, and while it did not recommend a particular interval, TruePosition asserted that “[s]ome major carriers have purposely employed a two-year cycle of validation testing.”¹⁰

AT&T stated, however, that the Commission should not impose a mandatory testing schedule.¹¹ As AT&T pointed out, the Commission decided in its recent *Second Report and Order* that “ongoing accuracy shall be monitored based on the trending of uncertainty data and additional testing shall not be required.”¹² The Alliance for Telecommunications Industry Solutions (ATIS) likewise noted that the Commission addressed this issue in the *Second Report and Order* and “is permitting the carriers to monitor trends in uncertainty estimates in compliant

⁶ / Comments of NENA at 9.

⁷ / *Id.*

⁸ / *Id.* at 10.

⁹ / Comments of APCO at 4.

¹⁰ / Comments of TruePosition at 22 – 23.

¹¹ / Comments of AT&T at 10.

¹² / *Id.*, citing *Wireless E911 Location Accuracy Requirements*, PS Docket No. 07-114, Second Report and Order, FCC 10-176 (rel. Sept. 23, 2010) at ¶ 41.

counties to ensure continued proper operation of the location technology in those areas.”¹³ ATIS recommends that before the Commission establishes a mandatory testing schedule, it “should evaluate the extent to which the uncertainty trending promulgated in the *Second Report and Order*, as supplemented by ATIS-0500010, is working properly.”¹⁴ T-Mobile echoed the ATIS recommendation, asserting that “[a]t a minimum, the Commission is obligated by the Paperwork Reduction Act to evaluate the *Second Report and Order* mechanisms before imposing additional information collection requirements.”¹⁵

SouthernLINC Wireless is concerned that a mandatory testing schedule – particularly at intervals as short as two years – will place an enormous strain on wireless carriers in general and on regional and rural Tier III carriers in particular, draining and diverting vital resources from these carriers’ operations, including their ability to deploy broadband and other advanced wireless services and technologies, which in themselves may provide opportunities for improved location accuracy. Conducting accuracy testing in every county or PSAP area a carrier serves is a costly and time-consuming process, and requiring such testing to be repeated at regular intervals would result in a significant burden that some carriers simply cannot afford. Moreover, a requirement to conduct testing as often as every two years would effectively put most carriers on a continuous and unending testing cycle.

A mandatory testing schedule would also divert vital resources from these carriers’ efforts to roll out Phase II services to counties and jurisdictions that are not already Phase II-

¹³ / Comments of ATIS at 7 – 8.

¹⁴ / *Id.* at 8.

¹⁵ / Comments of T-Mobile at 23.

capable.¹⁶ The deployment of E-911 Phase II service to a requesting PSAP is anything but “routine” – rather, it is a complex and time-consuming process that demands substantial effort and resources on the part of both the carrier and the PSAP. These efforts already place a significant strain on Tier III carriers who, despite their more limited resources, are expected by the Commission to meet the same performance standards and obligations as the largest nationwide carriers with respect to PSAP deployment and implementation. The additional demand of having to conduct periodic testing in each county or PSAP as often as every two years could strain these carriers’ resources beyond what they can bear.

In addition, most, if not all, Tier III carriers – and likely many larger carriers as well – lack the internal resources to conduct system-wide periodic testing at the county or PSAP level themselves and would thus be compelled to turn to outside vendors to carry out the required tests. However, in addition to the significant costs involved in engaging an outside vendor to conduct testing, the number of qualified vendors is limited, and demand for their services will be high. It is the experience of SouthernLINC Wireless that in such situations, this limited number of qualified outside vendors will (understandably) focus almost entirely on the larger carriers, making it much more difficult – if not impossible – for most Tier III carriers to retain someone capable of conducting the required testing in the first place, regardless of cost.¹⁷

¹⁶ / SouthernLINC Wireless has a strong record of timely provisioning PSAP requests for Phase II service. Nevertheless, a number of jurisdictions in SouthernLINC Wireless’ Georgia and Mississippi service areas are still not capable of receiving Phase II location data. See SouthernLINC Wireless E911 Coverage Map at <http://www.southernlinc.com/privacy/wireless-accessibility/e911.aspx>.

¹⁷ / The Commission has previously acknowledged that Tier II and Tier III carriers “have much less ability than the nationwide CMRS carriers to obtain the specific vendor commitments necessary” to carry out their E-911 obligations and are often pushed to the end of the supply line by vendors. *Revision of the Commission’s Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Phase II Compliance Deadlines for Non-Nationwide CMRS Carriers*, CC Docket No. 94-102, Order to Stay, 17 FCC Rcd 14841, 14844 (2002).

Furthermore, a mandatory periodic testing requirement will place an enormous strain on the resources of the PSAPs themselves, many of which are already overstretched financially and operationally. Because the Commission's recently-adopted rules require location accuracy to be measured at either the county or PSAP level, periodic testing would necessarily require the participation of PSAP personnel at every PSAP to handle live wireless 911 test calls and verify the location information being delivered to the PSAP. In an earlier stage of this proceeding, commenters estimated that the number of test calls required for testing in each county or PSAP area would be at least 250 for each carrier, but those numbers could be substantially higher in some cases in order to achieve statistical validity.¹⁸ When the number of test calls required by each carrier is multiplied by the number of wireless carriers in a PSAP's service area, the resulting burden on PSAPs during just one testing cycle becomes clear. If the Commission were to adopt a mandatory testing schedule, this burden would be imposed on PSAPs on a repeated and ongoing basis.

For these reasons, the Commission should decline to adopt a mandatory schedule for accuracy testing. If the Commission should determine that periodic testing of location accuracy should be required, SouthernLINC Wireless urges the Commission to defer any action on adopting a schedule at least until (1) after there has been an opportunity to evaluate the effectiveness of the uncertainty trending estimates established in the *Second Report and Order*¹⁹; and (2) after the Commission has received the recommendations of a stakeholder advisory group

¹⁸ / See Comments of Sprint Nextel, PS Docket No. 07-114, filed July 5, 2007, at 13; See also Comments of Verizon Wireless, PS Docket No. 07-114, filed July 5, 2007, at 25 (stating that it conducts "hundreds" of test calls in a test area in order to achieve statistically valid testing).

¹⁹ / See Comments of ATIS at 7 – 8; Comments of AT&T at 10; Comments of T-Mobile at 23.

(such as the one proposed by CTIA and other commenters)²⁰ regarding appropriate testing standards, methodologies, and requirements. Alternatively, SouthernLINC Wireless urges the Commission to consider a flexible approach, discussed below, in which the testing requirement would be triggered by the occurrence of certain events such as significant changes in network technology or architecture, rather than by a rigid timetable.

II. THE COMMISSION SHOULD ADOPT A FLEXIBLE APPROACH TO ACCURACY TESTING

If the Commission should decide to adopt a mandatory testing requirement, SouthernLINC Wireless urges the Commission to refrain from imposing a rigid, mandatory timeframe – such as every two years or every five years – and instead adopt a more flexible approach in which the testing requirement would be triggered by certain events that either may affect a carrier’s location accuracy performance or which indicate that the carrier may not be meeting the Commission’s location accuracy requirements in certain geographic areas.

Specifically, rather than adopting a defined timetable or schedule, the Commission could require a carrier to retest its location accuracy performance in the event of (1) a major change or upgrade in the carrier’s network architecture or infrastructure; (2) a serious persistent system problem or chronic, widespread failure in the carrier’s delivery of accurate location information to PSAPs; or (3) a catastrophic event that causes extensive and far-reaching damage to the carrier’s facilities and infrastructure.

By adopting a flexible approach such as the one described above, the Commission could achieve its goal of maintaining and improving wireless location accuracy performance while avoiding the imposition of significant costs and burdens on both carriers and PSAPs. In the

²⁰ / Comments of CTIA at 4 – 8; *See also* Comments of AT&T at 4 – 5; Comments of Sprint Nextel at 2; Comments of ATIS at 4; Comments of TIA at 10.

absence of these burdens, carriers and PSAPs will be able to focus their efforts and resources on the continued deployment and improvement of E-911 location accuracy technologies, rather than on continuous testing of existing systems.

III. ANY REPORTING OBLIGATIONS SHOULD NOT BE BURDENSOME AND SHOULD ENSURE CONSISTENCY

In addition to requesting comment on a mandatory schedule for accuracy testing, the Commission requested comment on the filing and reporting of testing data.²¹ APCO responded that test results should be shared with relevant PSAPs and presented in a standardized format.²² NENA recommended that test data be provided to both relevant PSAPs and to State 9-1-1 offices, subject to stringent confidentiality provisions.²³

SouthernLINC Wireless believes that any reporting requirements regarding accuracy testing should be kept to a minimum due to the additional burden that reporting requirements impose, especially on smaller regional and rural carriers. In particular, the Commission must bear in mind that any reporting requirement or obligation it may adopt in connection with wireless location accuracy will not stand in isolation, but will be cumulative to the substantial number of reporting requirements and obligations that carriers are already subject to in other areas.²⁴

If the Commission should adopt a requirement to file or report accuracy testing data, SouthernLINC Wireless recommends that the reporting obligation be limited to areas or issues of non-compliance, which would both ease the reporting burden on carriers and ensure that useful

²¹ / *FNPRM* at ¶ 21.

²² / Comments of APCO at 4.

²³ / Comments of NENA at 11.

²⁴ / *See, e.g.*, Comments of Sprint Nextel at 8 (“Carriers already have numerous ongoing reporting requirements associated with regulation b the FCC.”).

and relevant accuracy data is more readily available to the Commission. SouthernLINC Wireless also recommends that testing information only be filed with the Commission, rather than with multiple governmental and non-governmental agencies and organizations, thus ensuring consistency in the information that is reported.

WHEREFORE, THE PREMISES CONSIDERED, SouthernLINC Wireless respectfully requests the Commission to take action in this docket consistent with the views expressed herein.

Respectfully submitted,

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