

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

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

**REPLY COMMENTS OF THE
NATIONAL CABLE & TELECOMMUNICATIONS ASSOCIATION**

The National Cable & Telecommunications Association (NCTA)¹ hereby submits its comments in response to the further notice of proposed rulemaking and notice of inquiry issued in the above-captioned proceedings.² We agree with commenters that it is premature to impose additional enhanced 911 (E911) location requirements on voice over Internet protocol (VoIP) services, and to impose 911/E911 requirements on additional wireless services, such as Wi-Fi, at this time.

The ability of consumers to contact safety services in the event of an emergency is of the utmost importance, and to that end the Commission has adopted rules regarding the availability and operation of 911 and E911 emergency calls. Under basic 911 service, providers are required to connect callers to a public safety answering point (PSAP). E911 requires certain additional functionality, such as the provision of call back and location information. The Commission's

¹ NCTA is the principal trade association for the U.S. cable industry, representing cable operators serving more than 90 percent of the nation's cable television households and more than 200 cable program networks. The cable industry is the nation's largest provider of broadband service after investing over \$170 billion since 1996 to build two-way interactive networks with fiber optic technology. Cable companies also provide state-of-the-art competitive voice service to more than 23 million customers.

² *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. 23, 2010) (*E911 Location Accuracy FNPRM and NOI*).

rules recognize that there are technical challenges to implementing these requirements for different forms of communication. Specifically, the Commission’s rules differ for providers of wireless commercial mobile radio service (CMRS) and for VoIP providers. CMRS providers are required to provide to PSAPs the location of 911 calls by latitude and longitude.³ The Commission recognized that it would be technically difficult for VoIP providers to determine where a user may be accessing a portable VoIP service, and therefore required that location information for VoIP E911 calls would be based on user-reported information.⁴ These E911 requirements apply only to interconnected VoIP service, which the Commission defined as “a service that: (1) Enables real-time, two-way voice communications; (2) Requires a broadband connection from the user’s location; (3) Requires Internet protocol-compatible customer premises equipment (CPE); and (4) Permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network.”⁵

In the NPRM portion of the item, the Commission seeks comment on increasing the E911 location requirements for wireless CMRS providers by modifying the location accuracy standard, adopting a mandatory schedule for accuracy testing, increasing location accuracy requirements in challenging environments, and requiring vertical location information for callers from multi-story buildings.⁶ In the NOI portion of the item, the Commission seeks comment on imposing automatic location identification requirements, as opposed to customer-reported location

³ 47 C.F.R. § 20.18(e).

⁴ 47 C.F.R. § 9.5.

⁵ 47 C.F.R. § 9.3.

⁶ *E911 Location Accuracy FNPRM and NOI*, FCC 10-177 at ¶¶ 14-24.

requirements, on interconnected VoIP providers.⁷ The Commission also asks whether it should adopt E911 requirements for non-interconnected VoIP providers and calls from non-CMRS wireless technologies, such as Wi-Fi.⁸

NCTA and its members share the common goal of all participants in this proceeding, which is to provide consumers with access to emergency services as quickly as possible. As the Commission has previously recognized and as the initial comments demonstrate, however, it is not helpful to adopt requirements that precede the technical ability of communications providers and PSAPs to implement them.⁹ In the case of additional E911 location capabilities for wireless services and interconnected VoIP services, government and industry groups, including the Commission's Communications Security, Reliability and Interoperability Council (CSRIC) advisory committee, currently are examining technical issues associated with providing these services and functionalities.¹⁰ The work of the CSRIC is ongoing and the Commission should continue to monitor this process before considering the implementation of any additional E911 requirements. To the extent that there are other 911/E911 location accuracy issues not currently under consideration by the CSRIC or other standards setting bodies, commenters have suggested the formation of an Enhanced 911 Technical Advisory Group (ETAG).¹¹ Such a group would receive input from the public safety community, equipment manufacturers, and service

⁷ *Id.* at ¶¶ 27-30.

⁸ *Id.* at ¶¶ 31-32,

⁹ *See IP-Enabled Services; E911 Requirements for IP-Enabled Service Providers*, WC Docket Nos. 04-36, 05-196, First Report and Order and Notice of Proposed Rulemaking, 20 FCC Rcd 10245, 10271 (2005) (the Commission recognized that it was not technically feasible for interconnected VoIP providers to automatically determine their customers locations and instead adopted the requirement that interconnected VoIP providers obtain location information from their customers); TIA Comments at 9; Verizon Comments at 15-17.

¹⁰ Motorola Comments at 2; TIA Comments at 8-9; T-Mobile Comments at 6-7; Verizon Comments at 11-12.

¹¹ AT&T Comments at 4-5; Motorola Comments at 2-3; TIA Comments at 10.

providers, and could coordinate location accuracy developments across the wireless and the VoIP industries. In the complex realm of 911 technology and network architectures, the Commission should continue to rely on these public-private partnerships in the form of government and industry working groups and allow these groups to complete their work before adopting any formal regulations.¹² Until standards are developed to allow enactment of more precise location capabilities for VoIP and non-CMRS wireless services, it is premature for the Commission to consider mandating their use.¹³

The Commission also should not impose automatic location requirements on over-the-top VoIP providers at this time, nor should it impose location requirements on underlying broadband service providers. It is not technically feasible for over-the-top VoIP providers to provide automatic location information for callers using their services. Underlying broadband providers will be unable to determine that certain data flowing over their networks may be an over-the-top VoIP application, and will not be able to provide 911/E911 location information for that data. Broadband providers also do not have a relationship with the end users with respect to the VoIP service or with the provider of the VoIP service. Until methods have been developed to allow E911 location information for over-the-top VoIP calls, the Commission should not impose location requirements on these calls, and in any event should not impose an obligation on underlying broadband providers to produce location information for VoIP customers of other providers.

In addition to the lack of technical standards, implementation of additional location accuracy requirements would require significant upgrading of equipment for both

¹² Qwest Comments at 2.

¹³ Qwest Comments at 3-4; Verizon Comments at 15-17; Vonage Comments at 1-2, 9, 14-17.

communications providers and PSAPs. Many PSAPs are not equipped to receive and process more detailed location information and they would be forced to incur significant expense to do so. The Commission must ensure that, in addition to being technically feasible, any additional E911 location requirements it imposes can be implemented over a reasonable period of time, to ameliorate the financial burden on PSAPs, providers, state 911 funds, and consumers that ultimately must pay for the upgrades.

CONCLUSION

As many commenters have indicated, it is premature for the Commission to consider imposing additional E911 location requirements on VoIP and wireless services at this time. Instead the Commission should continue its work with the CSRIC and other technically-oriented groups to promulgate technical solutions to enhance E911 location information.

Respectfully submitted,

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