



July 6, 2011

VIA ECFS

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

Re: *Wireless E911 Location Accuracy Requirements*, PS Docket No. 07-114; *E911 Requirements for IP-Enabled Service Providers*, WC Docket No. 05-196

Dear Ms. Dortch:

T-Mobile USA, Inc. (“T-Mobile”) hereby replies to the written *ex parte* filed by the National Emergency Numbering Association (“NENA”) on July 5, 2011.¹ T-Mobile appreciates and respects NENA’s longstanding interest in these matters, and the importance of accurate location information to its members’ missions.

NENA argues, “As T-Mobile would have it, no network would be subject to a testing requirement unless localized position uncertainties grow beyond some threshold value or confidence metrics decline to unsatisfactory levels” (NENA at 2) and “T-Mobile reads the *Second Report and Order* to require testing only as means to remediate degradation of location over time.” (NENA at 3.) Neither statement is correct. Under the *Second Report and Order*, carriers will have to demonstrate compliance in each county for which they claim compliance. That requires empirical testing of county-level accuracy. In addition, 47 C.F.R. 20.18(h)(3) permits ongoing accuracy monitoring through trending of uncertainty data only after the carrier “has established baseline confidence and uncertainty levels in a county or PSAP area.” The current regime, as adopted in the *Second Report and Order*, is founded on empirical testing, and PSAPs will have “test-based verification.” (NENA at 3.) This debate regarding periodic maintenance testing is only about what happens *after* compliance at the county level has already been established empirically, with uncertainty baselines.

In addition, after initial compliance is established empirically, uncertainty levels are not the only data available to PSAPs under 47 C.F.R. § 20.18(h)(3). For example, PSAPs dispatch in response to 911 calls, and thus will know whether the location estimates they are receiving are significantly not correlating with the actual site where assistance is needed. This is a substantial check on any hypothetical unscrupulous network operator (NENA at 2-3) that may be tempted to “doctor” their uncertainty estimates. In any event, a burdensome recurrent testing regime should

¹ Because NENA’s *ex parte* was filed on the day the FCC released its “Sunshine” Public Notice for its July 12, 2011 open meeting, reply thereto is permitted for two business days thereafter. 47 C.F.R. § 1.1206(b)(2)(iv).

Ms. Marlene H. Dortch
July 6, 2011
Page 2

not be premised on speculation about highly unlikely abuse, for which the law provides other remedies.

Finally, NENA argues that routine changes in deployed networks can adversely affect accuracy. (NENA at 4.) While that can be true on occasion, such changes are much more likely to be detected, and remediated in a timely manner, through monitoring of uncertainty and other key performance indicators than through drive testing that occurs only once in five years. Inasmuch as T-Mobile and other carriers are already voluntarily providing uncertainty data to those PSAPs that request it, all parties have the opportunity to gain experience with uncertainty trending and other less burdensome means of monitoring ongoing accuracy performance.

NENA's arguments continue to fail to demonstrate that there is any need to modify the post-compliance accuracy monitoring provisions of 47 C.F.R § 20.18(h)(3) before those provisions have even taken full effect.

Sincerely,



John T. Nakahata
Counsel to T-Mobile USA, Inc.

cc: Amy Levine
Mark Stone
Angela Giancarlo
Louis Peraertz
David Furth
Patrick Donovan
Erika Olsen
David Siehl