

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
Amending the Definition of Interconnected VoIP Service in Section 9.3 of the Commission’s Rules)	GN Docket No. 11-117
)	PS Docket No. 07-114
Wireless E911 Location Accuracy Requirements)	WC Docket No. 05-196
)	
E911 Requirements for IP-Enabled Service Providers)	
)	

REPLY COMMENTS OF T-MOBILE USA, INC.

T-Mobile USA, Inc. (“T-Mobile”) believes that improved location accuracy for all 911 callers is an important goal and supports the Commission’s continued efforts to ensure that all callers can reach, and be located by, 911 in an emergency. But as opening comments in this proceeding show, location accuracy for interconnected VoIP – and particularly over-the-top interconnected VoIP – is not feasible and regulatory mandates will not change that reality. Imposition of the Commission’s proposed “framework” of general principles¹ would only interfere with the ongoing, and much more fruitful, investigation by groups like the Commission's Communications Security, Reliability, and Interoperability Council ("CSRIC") III. Attempting to achieve VoIP autolocation by imposing responsibility on the mobile broadband providers that may carry over-the-top VoIP calls is fraught with technological challenges that will not be overcome by the establishment of any “guiding principles.” Likewise, indoor testing

¹ *Amending the Definition of Interconnected VoIP Service in Section 9.3 of the Commission’s Rules, Wireless E911 Location Accuracy Requirements, E911 Requirements for IP-Enabled Service Providers, Notice Of Proposed Rulemaking, Third Report and Order, and Second Further Notice Of Proposed Rulemaking, 26 FCC Rcd. 10074, 10099 ¶ 72 (2011) (“Second FNPRM”).*

remains infeasible, as noted by many commenters, and the task of determining the best methodologies for improving indoor accuracy should be left to CSRIC III.

I. Regulatory Mandates on VoIP Autolocation Are Premature.

Location accuracy for VoIP should be investigated but no mandates should be imposed on broadband providers at this time. As is clear from the record, the current technological issues are too complex to be easily addressed by regulation.² Numerous commenters have pointed out the difficulty of autolocation in an environment with many different types of VoIP service providers, underlying broadband providers, and devices and technologies used.³ Imposing VoIP autolocation requirements on mobile broadband carriers is not a simple or easy task, even considering just the vast array of technologies involved. Tellingly, even those commenters supporting adoption of a “framework of general principles” also support referring the technological issues to an industry group like CSRIC III.⁴

² See Comments of AT&T, Inc. at 4, GN Docket No. 11-117, PS Docket No. 07-114, WC Docket No. 05-196 (filed Oct. 3, 2011) (“AT&T Comments”); Comments of Motorola Mobility, Inc. at 2, GN Docket No. 11-117, PS Docket No. 07-114, WC Docket No. 05-196 (filed Oct. 3, 2011) (“Motorola Mobility Comments”); Comments of the National Cable & Telecommunications Association at 2, GN Docket No. 11-117, PS Docket No. 07-114, WC Docket No. 05-196 (filed Oct. 3, 2011) (“NCTA Comments”) (“These technological challenges should deter the Commission from adopting a ‘framework,’ ‘governing principles,’ or other foundational approach in this area without further technical evaluation by an advisory group or comparable body....”); Comments of Verizon and Verizon Wireless at 8, 16-17, GN Docket No. 11-117, PS Docket No. 07-114, WC Docket No. 05-196 (filed Oct. 3, 2011) (“Verizon Comments”); Comments of CTIA – The Wireless Association at 5, GN Docket No. 11-117, PS Docket No. 07-114, WC Docket No. 05-196 (filed Oct. 3, 2011) (“CTIA Comments”).

³ See, e.g., AT&T Comments at 4 (“In addition to the different types of VoIP service providers (fixed, nomadic, mobile, over-the-top), any solution to VoIP service location accuracy will have to address a dizzying array of different devices and technologies (e.g., Wi-Fi enabled smartphones, tablets, USB dongles.”); Motorola Mobility Comments at 4 (“[T]he wide variety of services and networks that can be involved in delivering interconnected VoIP services makes it unlikely that any meaningful uniform standard can be applied to all VoIP emergency calls any time soon.”); CTIA Comments at 2, 5.

⁴ Comments of APCO International at 6, GN Docket No. 11-117, PS Docket No. 07-114, WC Docket No. 05-196 (filed Oct. 3, 2011) (“APCO Comments”); Comments of the National Emergency Number Association at 12, GN Docket No. 11-117, PS Docket No. 07-114, WC

Of course, as T-Mobile noted in its initial comments, the Commission's proposed "framework" is really a mandate⁵ that goes far beyond the mere articulation of guiding principles.⁶ Any mandate requiring "the underlying broadband provider [to] be capable of providing location information" for VoIP calls⁷ is technically and economically infeasible, as is clear from the record.⁸ Feasibility must be determined from actual evidence.⁹ But the record is devoid of any such evidence, which even supporters of the Commission's proposal admit.¹⁰ Rather than imposing regulatory requirements now, the Commission should instead allow CSRIC III or similar groups to investigate and vet any proposed solutions for technological and economic feasibility.¹¹

Docket No. 05-196 (filed Oct. 3, 2011) ("NENA Comments"); Comments of the Public Safety Communications Office of the California Technology Agency at 3-4, GN Docket No. 11-117, PS Docket No. 07-114, WC Docket No. 05-196 (filed Sept. 20, 2011) ("California PSCO Comments"); Comments of TeleCommunication Systems, Inc. at i, GN Docket No. 11-117, PS Docket No. 07-114, WC Docket No. 05-196 (filed Oct. 3, 2011) ("TCS Comments").

⁵ Comments of T-Mobile USA, Inc. at 3, GN Docket No. 11-117, PS Docket No. 07-114, WC Docket No. 05-196 (filed Oct. 3, 2011).

⁶ See AT&T Comments at 4-5 ("While the Commission's objective is obviously well intended, it seems unwise at this point to attempt to generate any governing principles beyond those inherent in the Commission's general goal: *i.e.*, developing a technologically feasible and cost-effective way of conveying automatically an interconnected VoIP service customer's accurate location information to a PSAP as part of or simultaneous with an E911 call.").

⁷ *Second FNPRM* at 10099, ¶72.

⁸ See, *e.g.*, AT&T Comments at 4; Motorola Mobility Comments at 3-9; Verizon Comments at 16-19.

⁹ See *Nuvio Corp. v. FCC*, 473 F.3d 302, 303 (D.C. Cir. 2006); *Alliance for Cannabis Therapeutics v. DEA*, 930 F.2d 936, 940 (D.C. Cir. 1991).

¹⁰ See *e.g.*, APCO Comments at 5-6; TCS Comments at 10 ("TCS believes that the different classes of telecommunications services are at different points of maturity with regard to location technology."); NENA Comments at 9 ("[N]o viable alternative solution has emerged for providing location information to users of fixed broadband access networks.").

¹¹ See Comments of the Alliance for Telecommunications Industry Solutions at 5, GN Docket No. 11-117, PS Docket No. 07-114, WC Docket No. 05-196 (filed Oct. 3, 2011) ("ATIS urges the Commission to allow the industry time to develop a solution or solutions that would be suitable for all types of wireline and wireless broadband access network and over-the-top VoIP providers."); APCO Comments at 6 ("Among other steps, the Commission should continue to seek the valuable input of CSRIC."); NCTA Comments at 2-3 ("[T]he Commission first should

II. Investigation of Indoor Accuracy and Testing Issues Should Be Left to CSRIC III.

Indoor testing conducted in the same manner as outdoor testing remains infeasible, despite the claims of various technology vendors.¹² Indoor location accuracy is something to aspire to, but imposing a mandate now would not accomplish it. As most commenters (including NENA¹³ and APCO¹⁴) recommended, the Commission should continue to allow CSRIC III to investigate indoor testing issues instead.

Indeed, CSRIC III WG3 has already begun the task of considering the need and related methodologies for indoor testing. An investigation by CSRIC III – with its broad representation of various stakeholders – is much more likely to result in feasible and effective solutions than is a regulatory mandate. It would be counterproductive for the Commission to issue any rules on indoor testing or accuracy before CSRIC III WG3 has had the opportunity to complete its work.

III. Conclusion

Ensuring that all callers can reach 911 – and, in turn, be located by emergency personnel – is a laudable goal, one that T-Mobile supports. But the Commission should refrain from acting hastily to further that goal with respect to interconnected VoIP, particularly in a time of rapid technological evolution. Instead of implementing any location accuracy or indoor testing

provide appropriate technical bodies the opportunity to more fully evaluate potential technologies and to make informed and appropriate recommendations.... [o]nly then should the Commission consider a framework for VoIP ALI.”).

¹² See generally Comments of Cellular Specialties, Inc., GN Docket No. 11-117, PS Docket No. 07-114, WC Docket No. 05-196 (filed Oct. 3, 2011); Comments of Commlabs, Inc., GN Docket No. 11-117, PS Docket No. 07-114, WC Docket No. 05-196 (filed Oct. 3, 2011); Comments of Qualcomm Incorporated, GN Docket No. 11-117, PS Docket No. 07-114, WC Docket No. 05-196 (filed Oct. 3, 2011); Comments of TruePosition, Inc., GN Docket No. 11-117, PS Docket No. 07-114, WC Docket No. 05-196 (filed Oct. 3, 2011).

¹³ See NENA Comments at 13. NENA recommends the Commission require a pilot test of indoor accuracy testing, to run concurrently with the CSRIC III process. For the reasons stated above, T-Mobile believes that any such testing would be counterproductive while CSRIC III WG3 is still investigating these issues.

¹⁴ See APCO Comments at 8.

mandates – or even establishing a “framework of guiding principles” on VoIP or broadband providers – the Commission should allow industry forums like CSRIC III to continue their valuable investigation of location accuracy issues.

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