



**STINSON
MORRISON
HECKER**
— LLP —

H. Russell Frisby, Jr
1775 Pennsylvania Avenue N.W., Suite 800
Washington, DC 20006-4605
202.572.9937 DIRECT
202.572.9945 DIRECT FAX
RFrisby@stinson.com

July 12, 2013

VIA ELECTRONIC MAIL

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

Re: Notice of Ex Parte Communication: Petition of TeleCommunication Systems Inc. for Declaratory Ruling and/or Rulemaking, GN Docket No. 11-117, WC Docket No. 05-196, PS Docket No. 11-153, PS Docket No. 10-255

Dear Ms. Dortch:

This is notify you pursuant to Section 1.1206 of the Commission's Rules that on July 10, 2013 Kim Robert Scovill, Senior Director-Legal Government Affairs of TeleCommunication Systems, Inc. ("TCS"), Bruce Lehman, and the undersigned met Sean Lev, FCC General Counsel, Stephanie Weiner and David Senzel of the General Counsel's Office and Eric Schmidt of the Public Safety and Homeland Security Bureau to discuss the above-referenced TCS Petition for Declaratory Ruling and/or Rulemaking ("TCS Petition").

TCS' representatives discussed the legal basis for the company's request that the FCC provide guidance (a) that, based on § 9.7 and § 20.18 of the Rules and Commission precedent, the provision of wireless 911, E911, and NG911 location-based services are in furtherance and fulfillment of a stated Government policy; (b) that the Commission is now aware that its stated policy may require application of a patent if an E911 services provider is to comply with FCC regulations; and (c) that 911, E911, and NG911 location-based services are used with the authorization or consent of the Government. TCS' representatives noted that in light of the growing national concern about the negative effect of PAE litigation on innovation, it was in the public interest for the Commission to provide guidance now as opposed to waiting for Congressional action that might never occur. TCS' representatives further explained that in requesting guidance the Company was not asking the Commission to make any type of determination with regard to particular IP disputes.

TCS' representatives then discussed the legal basis for the company's alternative request that the Commission expand its Rules by amending § 9.7 and § 20.18 to provide

that owners or controllers of capabilities that can be used for 911 and E911 service (and in the future NG911 service) must make those capabilities available on fair, reasonable, and nondiscriminatory ("FRAND") rates, terms, and conditions not only to interconnected VoIP providers, but also to CMRS providers and those 911 and E911 services providers providing them with the underlying capabilities. They noted that the Commission has broad authority with regard to the provision of 911 and E911 services. Moreover, it is well established that the Commission may exercise its ancillary jurisdiction in situations such as this, where its general jurisdictional grant under Title I covers the subject of the regulations (*i.e.* duty to promote safety of life and property and to facilitate prompt and reliable infrastructure deployment as well as the fact that the issue involves telecommunications and telecommunications services) and the regulations are reasonably ancillary to the Commission's effective performance of its statutorily mandated responsibilities (*i.e.* the provision of safe and reliable 911 and E911 services). The capabilities, systems and methodologies in question are part and parcel of the network elements, features, and processes necessary for compliance with Commission 911/E911 standards. Further, § 9.7 of the Commission's Rules provides that an owner or controller of a capability that can be used for 911 or E911 service must make that capability available to a requesting interconnected VoIP provider on rates, terms and conditions that are reasonable. Consequently, to the extent that capabilities are or could be used for both wireless and VoIP, the Commission has already required—at least with regard to interconnected VoIP—that they be made available at reasonable rates, terms and conditions. Consequently, action regarding the terms and conditions of patent licenses is appropriate in this case in order to assure the unobstructed and reliable provision of all 911 and E911 services (and in the future, NG911 services).

The attached materials were left behind. Please contact me if you have any questions.

Sincerely,

Stinson Morrison Hecker LLP



H. Russell Frisby, Jr

HF:SMH

cc: Sean Lev
Stephanie Weiner
David Senzel

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Eric Schmidt