

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

In the Matter of)
)
Wireless E911 Location Accuracy Requirements) **PS Docket No. 07-114**
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)
)

To: The Commission

COMMENTS

The Blooston Rural Carriers (identified on Appendix A hereto), by their attorneys and pursuant to the Commission’s *Third Further Notice of Proposed Rulemaking*, FCC 14-13, released February 21, 2014 (“*TFNPRM*”), hereby submit their comments in the referenced proceeding. In support hereof, the following is shown:

Statement of Interest

1. The Blooston Rural Carriers are Tier III Commercial Mobile Radio Service (“CMRS”) providers authorized by the Commission to provide wireless service in rural areas. As such, they will be subject to any new E911 requirements that may be adopted by the Commission in this proceeding, and therefore they each have a direct economic interest in the outcome of the issues raised in this proceeding. The Blooston Rural Carriers agree that the introduction of more advanced 911 service is a valuable capability, but wish to make sure that this new capability is implemented in a reasonable manner in rural areas, as was done with certain aspects of other important initiatives under the rubric of E911.

The Commission’s Basic Proposal

2. Presently, Rule Section 20.18 is confined to E911 location accuracy in outdoor environments. As such, it requires only ground level accuracy readings and does not include a

vertical accuracy component. In this proceeding, the Commission proposes to promulgate a more exacting regulation designed to provide greater accuracy to make the service useful for indoor locations. To this end, the Commission proposes to require CMRS carriers to provide: (a) horizontal location (x- and y-axis) information within 50 meters of the caller for 67 percent of 911 calls placed from indoor environments within two years of the effective date of adoption of rules, and for 80 percent of indoor calls within five years; and (b) vertical location (z-axis) information within 3 meters of the caller for 67% of indoor calls within three years of the effective date of adoption of rules, and for 80 percent of calls within five years.¹

These Issues Should Be Explored In The Context Of NG911

3. The Blooston Rural Carriers applaud the Commission's efforts to improve and extend E911 accuracy to indoor locations, especially since more and more calls for emergency assistance are being made to Public Safety Answering Points from indoor locations. However, the *TFNPRM* clearly indicates that development of the necessary technology is in its infancy, that significant time will be needed to perfect the technology and have it available for commercial deployment, and that the costs associated with the new requirement will be significant. Given these considerations, for rural areas, it is respectfully submitted that the Commission's efforts would be better directed to exploring these issues in the context of NG911 instead of in the context of E911.

4. Cost is the driving consideration. Our greatest concern is that the substantial investments in new E911 equipment that small rural carriers will be required to make in order to comply with the proposed new E911 requirements will soon become unrecoverable stranded

¹ See *TFNPRM* at Para Nos. 3 and 38.

investments when NG911 technology is deployed. The much smaller carriers that are serving rural areas have limited resources. To require them to install new E911 equipment and shortly thereafter replace it with NG911 equipment would constitute an undue financial hardship that will impair their ability in the long term to provide emergency services to their customers. This waste of scarce resources would be all the more regrettable since there are far fewer high rise buildings in rural areas than in urban areas, making the need for vertical location information less pressing.

Effective Date Of The New Rules

5. The Commission has sought comment on alternatives to using the effective date of the new E911 rules as the trigger for the timeline to comply with proposed indoor location horizontal requirements. For example, to address potential uncertainty in the development of technology, the Commission asks whether it should consider initiating the compliance timeline only after the test bed administrator certifies that a technology has met the proposed accuracy standards in the test bed. It also asks whether any process would be necessary or appropriate to accord the public the opportunity to comment on the Commission's review of such determination. It further asks whether the availability of competing technology options should be required, if technology certification is used as the timeline trigger.² The same questions are posed with respect to the vertical location proposal.³

6. We submit that the triggering event for the compliance deadlines should be measured from the date that the Commission, after review of the test bed certifications that two competing technology options are compliant, completes a review of those determinations following receipt

² TFNPRM, at Para. 60.

of public comment. Here, the issue of principal concern to the Blooston Rural Carriers is equipment availability. As the Commission has noted in the past, equipment manufacturers satisfy the needs of large carriers (Tier I and Tier II) before making equipment available to smaller carriers.⁴ There is no reason to believe that the same state of affairs will not be experienced here. Indeed, there is no reason to believe that having equipment available to larger carriers before it is available to smaller carriers will not give the larger carriers a competitive edge over their smaller competitors.

7. As an alternative to the foregoing, the Commission asks whether, if the compliance deadline is triggered by the adoption of rules, whether the Commission should consider reevaluating the compliance deadline at some interim point to evaluate the status of testing the new location technology.⁵ Under this alternative proposal, the Commission would require the test bed administrator, one year after the new rules go into effect, to report the results of the technology testing to the Commission for evaluation so that the Commission can consider any needed adjustments to the compliance deadline.⁶

8. This alternative Commission proposal is superior to the proposal contained in the TFNPR because it will make it more likely that equipment will be available for small carriers. However, the Blooston Rural Carriers submit that its proposal in Paragraph No. 6, above, better meets this objective.

³ TFNPRM, at Para. 79.

⁴ See, e.g., Non-Nationwide Carriers (Order to Stay), 17 FCC Rcd. 14841, Para. Nos. 10 & 11 (2002), see also FCI 900, Inc., 16 FCC Rcd. 11072 (WTB 2001)(granting all 900 MHz MTA licensees an extension of the construction deadline where the required equipment was not commercially available in sufficient quantities in time to meet the five-year construction deadline).

⁵ TFNPRM, Para Nos. 61 and 79.

The New Rules Should Be Confined To Urban Areas

9. Comment has been sought on whether to exclude certain geographic areas from the indoor location requirements.⁷ Confining the new rules to urban areas has been mentioned.⁸

10. The Blooston Rural Carriers submit that the new location accuracy rules should be confined to Metropolitan Statistical Areas. Rural areas are not characterized by tall buildings or dense concentrations of buildings. Indeed, buildings in rural areas are commonly only one or two stories in height, and building concentrations are much lower than in urban areas. Yet the equipment (and hence the cost of equipment) necessary to comply with the new location accuracy rules in rural areas will be the same as equipment used in urban areas. Phase II E911 service under the current rules has worked well in rural areas. The added costs of compliance with the proposed rules will make only (at best) a marginal contribution to public health and safety. In the not-too-distant future, 911 service in rural areas will be provided by NG911 solutions – not by E911 solutions.

Waiver Process

11. The Commission seeks comment on whether it should adopt a specific waiver process for CMRS carriers who seek limited relief from any new indoor location accuracy requirements, or whether the current waiver process is adequate. As one example given by the Commission, under a new waiver approach, a carrier that believes in good faith that it will need a waiver would file a certification to this effect six months prior to the applicable compliance

⁶ TFNPRM, Para. No. 61.

⁷ TFNPRM, Para. No. 107.

⁸ TFNPRM, Para. No. 106.

deadline. This certification would have to include an alternative timeframe for satisfying the benchmark, as well as an explanation of how the carrier will achieve compliance within this alternative timeframe.⁹

12. The Commission's proposed alternative waiver requirement may be a less burdensome approach, IF indeed the Commission will accept the applicant's good faith belief to establish the basis for a waiver request. If instead the applicant must *prove* that compliance is impossible, then this approach could prove unduly cumbersome, and may be unworkable from a practical standpoint. Typically, at a moment in time six months prior to a compliance deadline, a small carrier may not know whether it will need a limited waiver. As the Commission has recognized, smaller carriers are often at the bottom of the supply chain, and cannot always predict the date by which they will or will not receive equipment, because timing is predicated on having satisfied demand by larger carriers.¹⁰ Even if all or most of the new E911 equipment has been delivered, unforeseen delays can occur within the six-month period prior to the deadline. Sufficient equipment vendor personnel may not be available to complete installation and testing in a timely manner, and equipment and performance testing of the installed facilities may not be complete by the deadline. Indeed, the equipment and performance testing may reveal the need to retune or otherwise modify the installation to overcome any disclosed deficiencies. These types of things typically happen within the six-month period prior to a compliance deadline. If the

⁹ *TFNPRM*, Para Nos. 115 & 116.

¹⁰ *Non-Nationwide Carriers (Order to Stay)*, 17 FCC Rcd. 14841, Para. Nos. 10 & 11 (2002).

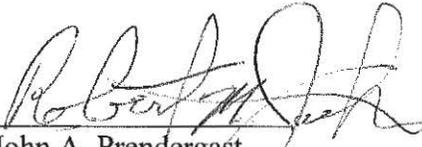
Commission adopts a six-month prior certification rule, it must be prepared to honor each applicant's good faith assessment of its situation, even if the applicant is not in a position to offer definitive "proof".

WHEREFORE, the Blooston Rural Carriers request that their recommendations in this proceeding be adopted.

Respectfully submitted,

Blooston Rural Carriers

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¹⁰ Non-Nationwide Carriers (Order to Stay), 17 FCC Rcd. 14841, Para. Nos. 10 & 11 (2002).

Attachment A

Butler-Bremer Communications

Nucla-Naturita Telephone Company

Spring Grove Communications

Uintah Basin Electronic Telecommunications, LLC d/b/a Strata Networks

Walnut Telephone Company, Inc. d/b/a Walnut Communications