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

In the Matter of	)	
	)	
Technical and Operational Issues Affecting the	)	WT Docket No. 02-46
Deployment of Wireless Enhanced 911 Services	)	

COMMENTS OF THE CELLULAR TELECOMMUNICATIONS & INTERNET ASSOCIATION

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SUMMARY

The Cellular Telecommunications & Internet Association ("CTIA") fully supports the Commission's initiative in commissioning Dale N. Hatfield's October 15, 2002, Report on Technical and Operational Issues Impacting the Provision of Wireless Enhanced 911 Services (the "Hatfield Report"). While all of the issues raised in the Hatfield Report are important to achieving the Commission's overall goal of speedy deployment of wireless E911 services, CTIA strongly endorses Mr. Hatfield's finding that constantly changing regulatory requirements will lead to delays in the deployment of wireless E911 services. As Section 3.2 of the Hatfield Report notes, wireless E911 is an extraordinarily complex process that involves numerous stakeholders and a number of different technologies. In this environment, CTIA believes that it is extremely important to increase the degree of cooperation among the various stakeholders, rather than adding rigid requirements during this stage of the rollout.

CTIA also supports the creation of a national clearinghouse to facilitate the exchange of information among stakeholders. CTIA believes, however, that creation of a "National 911 Program Office" or an advisory committee pursuant to the Federal Advisory Committee Act would not be the best method to facilitate an exchange of information due to the very tight timeframes involved with E911 deployment and the legal requirements involved with the creation of these entities. As an alternative, CTIA has requested that public safety organizations join with CTIA and other private sector entities in the creation of a "Joint E911 Implementation Challenge Program" that would support such a clearinghouse and facilitate an information exchange between the various stakeholders.

CTIA agrees with the Hatfield Report's conclusion that PSAP "fatigue" represents a potential detriment to the rapid and efficient rollout of wireless E911 service. CTIA notes that

the Commission currently has the issue of PSAP readiness before it in the form of Petitions for Reconsideration of the City of Richardson Order. Accordingly, CTIA urges the Commission to use the City of Richardson proceeding to expeditiously resolve the issue of a PSAP's readiness to receive and use Phase II location information.

Finally, CTIA notes the concern expressed in the Hatfield Report over the lack of accepted, standardized procedures for testing and certification of wireless E911 location systems. While CTIA has no objection to the creation of a voluntary industry-wide testing and certification program, CTIA believes that creation of such a program will not occur quickly enough to meet the timeframe established by the Commission's rules mandating the aggressive deployment of E911 location capabilities. Accordingly, CTIA recommends that the Commission adopt a policy whereby wireless carriers and their vendors will not be penalized for good faith efforts to comply, by any reasonable means, with the Commission's location accuracy requirements as measured by the guidelines set forth in OET Bulletin 71.

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The Cellular Telecommunications & Internet Association ("CTIA")[1] hereby submits its Comments on the October 15, 2002 Report on Technical and Operational Issues Impacting the Provision of Wireless Enhanced 911 Services authored by Dale N. Hatfield (the "Hatfield Report").[2] CTIA fully supports the Commission's initiative in commissioning this Report and its efforts to identify and address the obstacles to deployment of wireless enhanced 911 services.

INTRODUCTION

On March 5, 2002, the Wireless Telecommunications Bureau released a Public Notice announcing an inquiry into the technical and operational issues that affect wireless E911 deployment.[3] The focus of the inquiry was on the future of wireless E911 deployment, including obstacles to deployment and steps that might be taken to overcome or minimize these obstacles.

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[1] CTIA is the international organization of the wireless communications industry for both wireless carriers and manufacturers. Membership in the association covers all Commercial Mobile Radio Service ("CMRS") providers and manufacturers, including cellular, broadband PCS, ESMR, as well as providers and manufacturers of wireless data services and products.

[2] *See Wireless Telecommunications Bureau Seeks Comment on Report on Technical and Operational Wireless E911 Issues*, Public Notice, WT Docket No. 02-46, DA 02-2666 (rel. Oct. 16, 2002).

[3] *See Wireless Bureau Announces Details of Inquiry on Technical and Operational Wireless E911 Issues,* DA 02-523 (rel. March 5, 2002).

Subsequently, on November 20, 2001, the Commission announced it had retained Dale Hatfield to conduct the study.[4] The Hatfield Report addresses the principal issues and concerns Mr. Hatfield identified during the course of his inquiry, and sets forth his Findings and Recommendations in six major areas. These comments address the principal issues and follow the format set forth in the Hatfield Report.

Because of their importance to achieving the Commission's overriding goal -- the deployment of wireless E911 services -- a few of the issues raised in the Hatfield Report deserve to be emphasized. First, as Mr. Hatfield found, constantly changing requirements will lead to delays in the rollout of wireless E911 services.[5] Accordingly, CTIA strongly endorses the recommendation in Section 4.3 of the Hatfield Report that the Commission avoid the addition of new requirements during this critical stage of the rollout.[6] Second, the Hatfield Report recommends that the Commission find ways, within the current regulatory framework, to adjust its rules to fit specific circumstances, and that this additional flexibility may better facilitate the rollout of wireless E911 services than the rigid application of the Commission's rules.[7] CTIA agrees, and fully endorses this finding.

Finally, the need for increased coordination and cooperation among the major stakeholder groups is a common thread that runs throughout the Hatfield Report. CTIA also has recognized this need, and has asked the Public Safety organizations to come together with CTIA and the

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[4] See *FCC Announces Dale Hatfield to Lead Inquiry of Technical and Operational Issues Affecting Deployment of Wireless Enhanced 911 Services,* News Release (rel. Nov. 20, 2001).

[5] Hatfield Report at 40.

[6] Mr. Hatfield characterizes this interest in pushing for additional functionality or capabilities as a requirements "creep." *Id.*

[7] *See* Hatfield Report at 44-46.

private sector entities in a "Joint E911 Implementation Challenge Program."[8] As CTIA stated in its letter to the Chairs of the National Emergency Number Association and APCO International, we believe there is a need to create implementation models based on the lessons learned in the initial wireless E911 deployment efforts, and a need to break out of local "stovepipes" so that implementation can be done across a wide area.[9] As described in these Comments, CTIA believes that this "Joint E911 Implementation Challenge Program" and the good faith efforts of existing organizations and forums will provide the fastest and most flexible means to achieve the wireless E911 implementation goals we all support.

DISCUSSION

A. Overall Status of Wireless E911

Mr. Hatfield's inquiry confirmed that the focus of attention has "shifted from discovering, developing, evaluating and selecting the ways of locating mobile units to integrating the location information into the existing E911 system."[10] More specifically, now that wireless carriers have selected and begun their deployment of location technologies, there is a need for increased attention on, among other things, PSAP and ILEC readiness.[11] At the outset, the Hatfield Report notes that wireless E911 service is being built on a seriously antiquated wireline E911 infrastructure. While the modernization of the existing public safety platform has cost and funding implications that go far beyond the cost and funding issues associated with the

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[8] *See* Letters from Thomas E. Wheeler, President/CEO of the Cellular Telecommunications & Internet Association to Mr. John Melcher, Chairman, National Emergency Number Association and to Ms. Thera Bradshaw, Chairman, APCO International (dated Sept. 12, 2002).

[9] *Id.*

[10] Hatfield Report at 12.

[11] *Id*.

implementation of wireless E911, the immediate consequence of this weak foundation is that it "continues to constrain the evolution of wireless E911 service"[12] and increases the complexity of implementing wireless E911 service.[13]

While wireless carriers, in the midst of the most restrictive financial environment in their history,[14] are required by the Commission's rules to deploy costly location technologies and must comply with strict implementation deadlines that are not conditioned on the readiness of the underlying wireline infrastructure, the Commission's laudable wireless E911 goals impose no requirements on either PSAPs or local exchange carriers that mandate upgrades to their capabilities on the same schedule the Commission has imposed on wireless carriers. As a result, the wireless industry is in the process of investing billions of dollars to deploy wireless E911 capabilities, the costs of which will be borne by wireless customers in the form of higher expenses and foregone investment in network build-out and innovative services providing more immediate consumer benefits, without any assurance that wireless customers will benefit from the location capabilities wireless carriers are incorporating into their handset and network infrastructures.[15] Accordingly, CTIA welcomes the Hatfield Report and its emphasis on the

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[12] *Id*. at 10.

[13] More specifically, "[b]ecause the existing, underlying E911 network is typically unable to carry the additional information due to constraints in the signaling network or Selective Router or to handle refresh requests and responses, a separate data link and interface is required between the ALI data base and wireless carrier's Mobile Positioning Center ("MPC"). Implementation of this data link requires selection and installation of an interface and various data base upgrades." Hatfield Report at 11.

[14] *See generally* Hatfield Report at 19 ("Growth in the number of wireless subscribers has slowed and capital market constraints have limited capital expenditures.").

[15] Because wireless carriers cannot assume that the Public Safety and wireline network capabilities will be available ubiquitously to mobile customers, wireless carriers are severely constrained in their ability to advertise the benefits of the Phase II wireless

importance of involving all of the critical stakeholders who must integrate wireless location information into the 911 system to better serve the public.

B. The Principal Findings and Recommendations

1. The Importance of E911 and Wireless E911

Section 3.1 of the Hatfield Report addresses the importance of wireless E911 to the "first responders" who must react to emergencies of all types, and the Nation they serve. Although the immediate emergency response is "primarily a local government responsibility" and E911 services must be tailored to reflect local conditions and requirements, the Hatfield Report finds a strong federal interest in the performance of such systems "especially where homeland security is involved."[16] Mr. Hatfield also finds that the existing federal programs to encourage the implementation of wireless E911 are quite fragmented, and he recommends that the Commission suggest to the Administration the establishment of a "National 911 Program Office" within the proposed Department of Homeland Security.[17]

As much as CTIA supports Mr. Hatfield's findings, indeed, because we agree about the critical importance of wireless E911 to the national interest, CTIA does not fully support this recommendation. Unfortunately, establishment of a "National 911 Program Office" within the Department of Homeland Security will continue to fragment the implementation efforts, since wireline and wireless carriers will remain subject to the Commission's regulatory oversight and

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E911 capabilities they are provisioning throughout their networks. This inability to advertise the availability of enhanced 911 features will make it extremely difficult for carriers selecting handset-based technologies to incent customers to trade-in their existing handsets in order to satisfy the Commission's requirement that 95% of all subscribers have location-capable handsets by December 31, 2005.

[16] Hatfield Report at 16.

[17] *Id*. at 17.

direction. A better alternative, already adopted by Congress, is for the Commission to take the lead through better coordination with state 911 officials in each of the fifty states. This approach has the benefit of following an existing Congressional mandate,[18] and it harnesses the Commission's regulation and oversight of wireless and wireline carriers with existing state regulation and oversight of wireline carriers and in many instances, PSAPs through statewide 911 coordination offices.[19] But the primary advantage of this approach is it can be implemented immediately. If the Commission's implementation deadlines are to be met, there simply is not sufficient time to await the creation and funding of a new program office within the Nation's newest federal Department. While CTIA recognizes the advantages of the approach recommended by Mr. Hatfield, the tight implementation schedules adopted by the Commission for wireless E911 would be jeopardized should the FCC and state coordinators, along with the principal stakeholders, await the establishment of such an office and the hiring and training of an informed and effective staff. In short, the Commission's implementation deadlines provide no time to await the creation of a "National 911 Program Office" within the proposed Department of Homeland Security.

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[18] Section 3(b) of the Wireless Telecommunications and Public Safety Act of 1999 (the "911 Act") requires that "[t]he Federal Communications Commission shall encourage and support efforts by States to deploy comprehensive end-to-end emergency communications infrastructure and programs, based on coordinated statewide plans, including seamless, ubiquitous, reliable wireless telecommunications networks and enhanced wireless 9-1-1 service."

[19] The FCC already has identified Point of Contact information for the entities designated by the Governor of each State with responsibility for the development of coordinated statewide E911 deployment plans. For a description of the FCC's role and a listing of state contact information, see <<http://www.fcc.gov/911/stateplans/>>.

2. The Complexity of Wireless E911 Deployment

Section 3.2 of the Hatfield Report describes how the deployment of wireless E911 is extraordinarily complex. In particular, the Report identifies five separate dimensions, beginning with the sheer number of local, state, and Federal agencies who are either directly involved or who have a strong stake in the issue, including approximately 8,000 PSAPs whose public safety functions are very decentralized and split among multiple agencies. Second, there are thousands of commercial entities with a stake in the outcome, including wireless and wireline carriers and their vendors. Third, wireless carriers and the Public Switched Telephone Network ("PSTN") employ several different technologies and different network elements with different functionality and interfaces, and this already complex situation will be further complicated by the network changes needed to implement wireless number portability and number pooling. Fourth, the current economic stress on the wireless industry and telecommunications sector generally places increased pressure on all sectors of the industry. Fifth and finally, critical network architecture choices are being made that will have a lasting impact on the Nation's 911system, and these decisions are being shaped by both public and private entities with varying degrees of influence and control.

Based on the total number of stakeholders, the complexity of the inter-relationships among the stakeholders, and the incentives and constraints on those stakeholders, the Hatfield Report concludes that an unusually high degree of coordination and cooperation is required among the public and private entities to realize the Commission's goals. Accordingly, the Hatfield Report recommends that the Commission maintain and even increase its role to "facilitate the high degree of coordination and cooperation among disparate entities that must be

affected to achieve the vision set forth in the E911 Act."[20] As noted above, CTIA supports a more active role for the Commission as Congress envisioned in the 911 Act.

3. Need for Increased Coordination Among Stakeholder Groups

Section 3.3 of the Hatfield Report describes the need for increased coordination in three areas: overall systems engineering, implementation/project management, and adoption of standards. Mr. Hatfield finds that the lack of a single entity with responsibility for the overall system engineering function will create an obstacle to the efficient, timely, and cost-effective deployment of wireless E911, and he recommends that the Commission establish – or cause to be established – such an entity, perhaps as an advisory organization established under the Federal Advisory Committee Act.[21] Here again, CTIA understands and fully supports the rationale for Mr. Hatfield's recommendation to charge a single entity with responsibility for the overall system engineering function, but objects to the creation of a formal advisory organization under the Federal Advisory Committee Act to accomplish this goal.

As noted above, the FCC has imposed tight E911 implementation deadlines on the wireless industry, deadlines that are rapidly approaching. As with the previous recommendation to establish a "National 911 Program Office" within the proposed Department of Homeland Security, there simply is not enough time to create a Federal Advisory Committee and then nominate and accept the broad range of participants needed for a successful entity. Moreover, committees that are chartered and operate pursuant to the Federal Advisory Committee Act are subject to important administrative process requirements that limit their flexibility and ability to

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[20] Hatfield Report at 21.

[21] *Id*. at 23.

act quickly and respond to unanticipated issues.[22] Prior to the establishment of a Federal Advisory Committee, an agency head must coordinate the organization of the committee with the General Services Administration's "Committee Management Secretariat,"[23] and then draft and filed a detailed committee charter.[24] Once the committee is actually established, meetings must be announced and agendas provided through publication,[25] a designated federal official must attend their meetings,[26] and the public must be provided an opportunity to participate,[27] all of which limits the flexibility of the Committee to meet outside of Washington, DC, or through conference bridges and other "virtual" forms of meetings. Most importantly, by its charter, a Federal Advisory Committee's power is limited to advising and recommending actions to a Federal agency, which then must conduct a rulemaking to adopt any recommendations proposed by the Committee.[28] Not only does this two-step process take an inordinate amount of time (and while the proceeding is pending, progress on overall system engineering decisions is likely to be

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[22] *See* Federal Advisory Committee Act, 5 U.S.C. App. 2 *et seq*.; *see also* 41 C.F.R § 102-3 *et seq*. (establishing the rules and policies for Federal Advisory Committee management).

[23] *See* 41 C.F.R § 102-3.60 (a) ("before establishing, renewing, or reestablishing a discretionary advisory committee and filing the charter [], the agency head must consult with the Secretariat.").

[24] *See* 41 C.F.R § 102-3.70 (detailing the charter filing requirements).

[25] *See* 41 C.F.R. § 102-3.150 (detailing how advisory committee meetings must be announced to the public).

[26] *See* 41 C.F.R § 102-3.120 (noting that a "Designated Federal Officer" must attend each committee meeting).

[27] *See* 41 C.F.R. § 102-3.140 (detailing public access requirements).

[28] *See* Federal Advisory Committee Act, 5 U.S.C. App. 2, § 9(b) ("Unless otherwise specifically provided by statute or Presidential directive, advisory committees shall be used solely for advisory functions.")

frozen), it is extremely unlikely that the Commission will be willing to assume responsibility for the "command and control" of the overall system engineering function for deploying wireless E911. Unless the Commission is willing to accept this role, there is no point in chartering a Federal Advisory Committee. A much better solution is to encourage the stakeholders to convene a Joint Experts Meeting ("JEM"), just as was done in the early deliberations over wireless E911. The Commission, along with other federal and state agencies, will be free to attend, participate, and monitor the progress of the JEM, and the JEM itself would have the flexibility to recommend "best practices" to the stakeholders, develop requirements documents for the appropriate industry standards groups to adopt through their formal standards setting processes, and provide the same advisory recommendations to the Commission and other governmental entities as would a formal Federal Advisory Committee. This greater flexibility and ability to start work immediately strongly recommends creation of the less formal Joint Experts process as an alternative to the creation of a new Federal Advisory Committee chartered to address the overall system engineering function.

In the short run, even without a new JEM or Federal Advisory Committee, Mr. Hatfield finds that the rollout of wireless E911 in a particular area can be facilitated by an entity that acts as a coordinating body and serves at least some of the functions of a project manager, and the Hatfield Report recommends that the Commission continue to urge the states to develop and implement coordinated statewide deployment plans through an entity designated by the governor for the rollout of "... comprehensive end-to-end emergency communications infrastructure and programs in the individual states.[29] As noted above, CTIA encourages the Commission to act as

[29] *Id*. at 25.

Congress directed in the E911 Act, and believes that statewide coordination efforts can provide real benefits.

The Hatfield Report also recommends establishment of a national level clearinghouse to collect, store, and disseminate information on the rollout of wireless E911. CTIA supports this activity, and has asked the Public Safety organizations to join with CTIA and the private sector entities in a "Joint E911 Implementation Challenge Program" that could support such a clearinghouse and thus facilitate the needed exchange of information among the stakeholders (permitting them, in Mr. Wheeler's words, "to break out of local 'stovepipes' so that implementation can be done across a wide area.").[30] While the Hatfield Report also suggests that this national level clearinghouse could publish regular reports on the Nation's progress towards achieving the Commission's goals, as the Report notes, the Commission already is collecting some of the needed information and has existing systems in place to collect and publish the kind of information envisioned by Mr. Hatfield. Based on our first hand experience with voluntary data collection activities, CTIA believes that the Commission remains the most appropriate entity to perform the data collection and publishing function recommended in Section 3.3.3 of the Hatfield Report.

Finally, Section 3.3.4 of the Hatfield Report stresses the importance of standards to facilitate the efficient and more rapid implementation of the seamless wireless E911 infrastructure and programs Congress envisioned when it enacted the E911 Act. The Hatfield Report recommends that the proposed Federal Advisory Committee be charged with conducting an overall review of the standards situation related to wireless E911 to identify areas where

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[30] *See* n. 8, supra.

additional standards or different standards might be beneficial.[31] However, in the alternative, should the Commission not establish such a committee, Mr. Hatfield recommends that the Commission convene a meeting similar to the original Joint Experts Meeting to specifically consider the issue of standards.

As noted above, CTIA does not endorse the creation of a formal Federal Advisory Committee, but we do support a Joint Experts Meeting as the more preferable alternative. With the important caveat already set forth in the Hatfield Report – that neither the advisory committee nor the JEM in any way usurp the on-going standards setting activities taking place in established standards organizations – CTIA supports the use of the JEM as the best mechanism to accomplish the voluntary coordination among these different activities to help ensure that proper standards are in place to speed the rollout and evolution of wireless E911 services.

4. PSAP Readiness

Section 3.4 of the Hatfield Report addresses the issue of PSAP readiness, and identifies three areas of concern: "PSAP fatigue," which is described as a limit on how much coordination can be carried out on a volunteer basis by PSAP personnel with full time responsibilities in their home agencies;[32] the difficulty PSAPs are encountering obtaining sufficient funding to request wireless E911, and even more troubling, the recent redirection of E911 funds by state legislatures

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[31] Hatfield Report at 27.

[32] Even the National Emergency Number Association ("NENA") describes their "Strategic Wireless Action Team" ("SWAT") initiative as involving a "handful" of public safety technical and operations experts. *See* Letter from James R. Hobson, Counsel for NENA to Marlene H. Dortch, Secretary, Federal Communications Commission, at 3 (filed Oct. 31, 2002).

who seek to fund other programs;[33] and the lack of an advocate (or "champion") at the Federal level of government that would work with state and local entities to educate PSAPs on the importance of E911 in general, and wireless E911 services in particular.[34] In one of the Hatfield Report's most significant findings, Mr. Hatfield concludes that PSAP readiness remains a potential detriment to the rapid and efficient rollout of wireless E911 services.[35]

Unfortunately, reflecting the FCC's limited authority over PSAP readiness, the Hatfield Report recommendations are somewhat modest, and include supporting the U.S. Department of Transportation's Wireless E911 Initiative and ultimately, creation of a National E911 Program Office. The Hatfield Report also recognizes the need to better address situations where a PSAP in good faith, certifies it is ready to receive and use Phase II location information but, as it turns out, the PSAP is not ready at the time the wireless carrier is expected to provide wireless E911 services. Here again, CTIA has no objection to the USDOT Wireless E911 Initiative, but at its current level of support, this program simply is not going to provide the assistance that is needed immediately.[36] The Commission currently has the issue of PSAP readiness before it in the context of the *City of Richardson* reconsideration in CC Docket 94-102. The Commission should use the pending *City of Richardson* proceeding to address the resolution of the issues raised by PSAPs that need more time than they originally requested to upgrade their networks

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[33] A number of states have raided 911 funds. *See Enhanced 911 Calls Still Far From Wide Coverage*, USA TODAY, Oct. 25, 2002; *Warner Eyes Phone-Tax Funds' Transfer*, WASH. TIMES, Oct. 29, 2002.

[34] Hatfield Report at 28-29.

[35] *Id.* at 31.

[36] As previously noted, the tight deadlines established by the FCC for wireless carrier deployment of E911 services cannot await the creation of a new National E911 Program Office.

and systems to receive and use Phase II location information. In addition, this issue can be further addressed through the stakeholder "Joint E911 Implementation Challenge Program" CTIA has proposed.

5. Local Exchange Carrier Readiness

The Hatfield Report could not be clearer that the Local Exchange Carriers ("ILECs") "essentially stand between the wireless carrier and the PSAP," and that ILECs must be ready to support wireless E911 systems and services before wireless E911 service can be provided on an end-to-end basis.[37] Fortunately, the Commission has authority to assert oversight over the ILECs' role in the rollout of wireless E911, and recently has begun to exercise this authority.[38] CTIA supports this increased oversight by the Commission and there is no need to seek additional Congressional action or funding.[39]

6. Compliance Testing

The sixth major issue addressed in the Hatfield Report is the general concern over the lack of accepted, standardized procedures for testing and certification of wireless E911 location systems. In particular, the Commission's own guidance, set forth in OET Bulletin No. 71,

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[37] Hatfield Report at 32-33.

[38] *See. e.g.*, Letters from Thomas J. Sugrue, Chief, Wireless Telecommunications Bureau to ALLTEL Corporation, BellSouth Corporation, Qwest Communications, SBC Communications, Sprint Communications, and Verizon Communications (dated July 29, 2002) (cited in the Hatfield Report at n. 50); Letter from Thomas J. Sugrue, Chief, Wireless Telecommunications Bureau to Kathleen Levitz, BellSouth Corporation, Luisa Lancetti, Sprint PCS, and John T. Scott III, Verizon Wireless (dated Oct. 28, 2002) (addressing the responsibility for costs of E911 Phase II ALI database upgrades).

[39] Moreover, the E911 Act gives the Commission the authority it needs to work with state public utility commissions to alert them to the importance of ILEC cost recovery issues and concerns relating to ILEC charges for recovery of their costs of supporting wireless E911 service. For additional discussion of these ILEC cost recovery issues, see Section 3.5.3 of the Hatfield Report, at 34.

Guidelines for Testing and Verifying the Accuracy of Wireless E911 Location Systems, (April 12, 2000), does not specify standardized methods for verifying that a deployed wireless E911 system meets the Commission's accuracy requirements for wireless E911 location. Accordingly, the Hatfield Report concludes that the lack of well-accepted, standardized compliance tests. and uncertainty over the length of the "snapshot" a system requires to determine location, and uncertainty over the permissive averaging of compliance test results, "may cause delay in the deployment, acceptance and certification of wireless E911 systems."[40]

To address this issue, the Hatfield Report recommends development of a voluntary industry-wide testing and certification (and re-certification) program.[41] While CTIA has no objection to the creation of such a program, development of a standardized testing and certification program will not be easy or quick, and in the meantime, wireless carriers are bound by the Commission's rules mandating the aggressive deployment of E911 location capabilities. Accordingly, wireless carriers' deployment efforts cannot wait for a standardized testing and certification program, and wireless carriers and their vendors should not be penalized for their good faith efforts to comply by any reasonable means with the Commission's location accuracy requirements as measured by the guidelines set forth in OET Bulletin 71.[42]

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[40] Hatfield Report at 36.

[41] *Id*., at Section 3.6.3.

[42] As CTIA has observed throughout the Commission's consideration of wireless carriers' E911 Phase II obligations, "perfect" should not be the enemy of "good." Indeed, the certainty suggested by the specificity of the Commission's location accuracy requirements is undercut by the mobility of wireless users. To state a simple case, in the fifteen seconds it might take a wireless user traveling at 30 miles per hour to dial and complete a 911 call, the caller will be 220 yards distant from the location where the call was initiated.

The reality of such an undertaking is that it will be years before the stakeholders' joint experts can reach agreement on how to best define compliance, and the appropriate standards setting organizations can develop and adopt a standardized testing program. Undoubtedly, Commission input will be requested at various steps in this process, with the inevitable delay attendant with such reviews further extending the time it will take to complete this task. This lengthy timeline assures that the initial deployment of wireless E911 service will have occurred before the standardized testing and certification program can be developed.[43] CTIA agrees that a broadly accepted testing and certification program is important. But CTIA also believes that deployment and acceptance of wireless E911 services will not wait for such a program to be developed.

[43] Indeed, wireless E911 deployment already has occurred, and the pace of wireless carrier deployment is accelerating.

CONCLUSION

For the foregoing reasons, CTIA supports the findings set forth in the Hatfield Report and urges the Commission to adopt CTIA's recommendations that the Commission fulfill the role Congress assigned it in the 1999 E911 Act, and that key wireless E911 stakeholders embrace voluntary forums as the mechanism that will provide the fastest and most flexible means to achieve the wireless E911 implementation goals we all support.

Respectfully submitted,

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