

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

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

**JOINT OPPOSITION OF COMPETITIVE CARRIERS ASSOCIATION AND NTCA –
THE RURAL BROADBAND ASSOCIATION TO PETITION FOR
RECONSIDERATION**

Competitive Carriers Association (“CCA”) and NTCA – The Rural Broadband Association (“NTCA”) (collectively “the Associations”) hereby submit this joint opposition to the Petition for Reconsideration¹ (“Petition”) filed by the Boulder Regional Emergency Telephone Service Authority’s (“BRETSA”) of the *Fourth Report and Order* (“*Order*”) adopted by the Federal Communications Commission (“FCC” or “Commission”) in the above-referenced proceeding.² As a result of Commission, public safety organization and industry collaboration on a carefully crafted path to location accuracy, the *Order* strengthens existing E911 location accuracy rules and enhances the ability of Public Safety Answering Points (“PSAPs”) to accurately identify the location of wireless 911 callers while, most importantly, also taking into account challenges smaller carriers will face in implementing these new standards. BRETSA’s proposed changes to the rules would unnecessarily burden service providers—and in particular

¹ Petition for Reconsideration of the Fourth Report and Order, PS Docket No. 07-114 (filed Apr. 3, 2015).

² Wireless E911 Location Accuracy Requirements, *Fourth Report and Order*, PS Docket No. 07-114, 30 FCC Rcd 1259 (2015).

small carriers—without any countervailing public interest benefit, and therefore the Petition should be denied.

INTRODUCTION AND SUMMARY

CCA represents the interests of more than 100 competitive wireless carriers, including rural and regional carriers as well as national providers, and more than 200 associate members who provide the products and services needed to deploy and maintain a wireless network.³ Similarly, NTCA represents nearly 900 rural service providers that use wireline and wireless networks, and other technical and operational assets, to serve the most sparsely populated and remotely located areas of our country.⁴

Improving the location accuracy of 911 wireless calls is an important public policy goal shared by public safety and wireless service providers alike; it is in the best interest of the entire community to improve location accuracy of wireless 911 calls. In light of this mission, CCA submitted a “*Parallel Path for Competitive Carriers’ Improvement of E911 Location Accuracy Standards*” (“Parallel Path”).⁵ In crafting the *Order*, the Commission heavily relied upon the guidelines specified within the Parallel Path and the earlier “*Roadmap for Improving E911 Location Accuracy*” (“Roadmap”) submitted by the four nationwide wireless carriers together with the Association of Public Safety Communications Officers (“APCO”) and the National

³ The licensed service area of CCA’s carrier members covers over 95 percent of the nation.

⁴ NTCA represents nearly 900 rural rate-of-return regulated telecommunications providers. All of NTCA’s members are full service rural local exchange carriers (“RLECs”) and broadband providers, and many of its members provide wireless, cable, satellite, and long distance and other competitive services to their communities. Each member is a “rural telephone company” as defined in the Communications Act of 1934, as amended.

⁵ *Ex Parte* Letter from Rebecca Murphy Thompson, General Counsel, CCA to Marlene H. Dortch, Secretary, FCC, PS Docket No. 07-114 (filed Jan. 16, 2015) (attaching *A Parallel Path for Competitive Carriers’ Improvement of E911 Location Accuracy Standards*).

Emergency Number Association (“NENA”).⁶ Together, the Roadmap and Parallel Path create an “essential foundation” for improving location accuracy services.⁷ The *Order* successfully addressed public safety’s requirements for more accurate call location information, while also acknowledging the challenges and inherent resource limitations faced by the Associations’ regional, small, and rural wireless carriers.

In its Petition, BRETSA asks the Commission to upend the thoughtful balance of priorities undertaken in the *Order* in lieu of a more burdensome testing and reporting regime, without any demonstration of how the public interest would be better served by BRETSA’s proposed rule changes. Consequently, the Associations respectfully request that the Commission deny BRETSA’s Petition.⁸

DISCUSSION

I. THE COMMISSION SHOULD REFRAIN FROM SUBSTITUTING ITS CURRENT TESTING AND COMPLIANCE REGIME WITH MORE BURDENSOME REQUIREMENTS

BRETSA asks the Commission to modify its rules to expressly require that test beds be created in each of the six regions previously identified by the Alliance for Telecommunications Industry Solutions’ (“ATIS”) Emergency Services Interconnection Forum (“ESIF”) as potential test sites, or, alternatively, that the Commission eliminate entirely the option of demonstrating

⁶ *Ex Parte* Letter from John Wright, President, APCO International *et al.* to Marlene H. Dortch, Secretary, FCC, PS Docket No. 07-114 (filed Nov. 18, 2014) (Attach. A, “Roadmap for Improving E911 Location Accuracy”).

⁷ *Order* ¶ 5.

⁸ Several of the arguments made in BRETSA’s Petition were fully considered by the Commission and rejected in the *Order*, and therefore can be summarily dismissed or denied without consideration by the full Commission pursuant to 47 C.F.R. § 1.429(1)(3).

compliance through applying performance statistics derived from testing to live call data.⁹ In the latter case, BRETSA requests that the Commission require test calls in each jurisdiction to demonstrate capability and compliance.¹⁰

BRETSA's requests are unwieldy, will not improve the data collection process, and have been previously rejected by the Commission. As ATIS itself recognized in making its original recommendation for the selection of test cities, "testing indoors is logistically challenging, time consuming, and expensive. There must be a cost/benefit trade-off as testing resources are finite."¹¹ BRETSA's proposed modifications to the rules would be overly burdensome to many smaller carriers, without a corresponding trade-off. Moreover, in the *Order*, the Commission addressed the concern BRETSA raises (again) in its Petition regarding the number of test beds,¹² determining that inclusion of each of the four morphologies defined by ATIS would be "sufficiently representative and inclusive of the variety of indoor environments in which wireless 911 calls are made."¹³

As the Associations have previously noted, the majority of their members serve small slices of the country, and, in many cases, rural areas. As such, many of these competitive carriers likely will not hold licensed spectrum or otherwise operate in *any* of the six ATIS ESIF regions, and it is therefore unclear how BRETSA's proposal as it relates to the six regions would impact the Associations' members.

⁹ Petition at 8.

¹⁰ *Id.*

¹¹ Letter from Thomas Goode, General Counsel, ATIS, to David De Lorenzo, CSRIC IV, Working Group 1, Task Group 3 Chair at 1 (Feb. 7, 2014).

¹² *Order* ¶ 125, n.320.

¹³ *Id.* ¶ 128.

BRETSA’s alternative proposal, that carriers be mandated to perform testing in each jurisdiction to demonstrate compliance, would place an even greater financial burden on smaller carriers than expanding the test bed to the six ATIS ESIF regions. In the first instance, several commenters noted in the record that “testing at the county- or PSAP-level ‘is not feasible without different test bed parameters for each county or PSAP’”¹⁴ BRETSA makes no attempt to identify: (a) the amount of time or expense carriers would need to commit to conduct individual jurisdictional testing, or (b) the specific degree of enhanced accuracy that would result from individual testing versus testing through a representative test bed. Presumably this is because individualized testing would consume thousands of hours and dollars—particularly for nationwide or regional carriers, while smaller carriers might not be able to arrange testing with technology vendors at all—with no demonstrated additional benefit. At a minimum, such an approach would obliterate the feasibility of any of the deadlines agreed to in the Roadmap and Parallel Path, and the subsequent *Order*, that are contingent upon results from the test bed process. For these reasons, the combined test bed/live call data approach adopted in the *Order* should be upheld, and BRETSA’s Petition on this issue should be denied.

Additionally, BRETSA demands that test procedures be established, either by the Commission or by carriers through the test bed forum and with approval by the Commission, to enable PSAPs to evaluate an individual carrier’s compliance with the accuracy standards.¹⁵ This proposal presents the same challenges as testing on a jurisdiction-by-jurisdiction basis, and should similarly be dismissed. Specifically, the Commission adopted an appropriate balance in

¹⁴ See *Order* ¶ 144 (quoting Comments of Verizon and Verizon Wireless, PS Docket No. 07-114 at 27 (filed May 12, 2014)).

¹⁵ Petition at 9.

requiring carriers to make live call data available to PSAPs upon request for enforcement purposes—despite the burden this will place on smaller carriers—while still relying on the efficiencies derived from the test-bed process to establish a presumption of compliance.¹⁶ If, however, BRETSA or another PSAP is interested in conducting testing in a particular jurisdiction, it is unclear why standards different from those developed for the test bed would be needed for PSAPs. At most, rather than exhausting limited resources in the coming months to develop two sets of testing protocols, a PSAP wishing to engage in its own testing should be required to use the standards and methodologies developed through the foundational test bed process.

In sum, utilization of a single test bed, together with review of live call data, should suffice to demonstrate compliance with the adopted rules. The Commission should only require retesting upon the occurrence of a substantial network change, as set out in the *Order*. Unravelling the current rules, without addressing any practical considerations as they relate to small service providers, would disturb the delicate balance developed by public safety organizations and wireless carriers in the record, and subsequently adopted by the Commission in this proceeding.

II. GRANULAR TEST DATA SHOULD REMAIN SUBJECT TO CONFIDENTIALITY PROTECTIONS

As noted in the *Order*, non-nationwide carriers are required to submit reports to APCO and NENA within sixty days following completion of each of the performance benchmarks, “subject to appropriate confidentiality protections.”¹⁷ Non-nationwide carriers, APCO, and

¹⁶ *Order* ¶ 147-48.

¹⁷ *Id.* ¶¶ 27, 130-31; *see also* 47 C.F.R. § 20.18(i)(2)(iii).

NENA will use the data from these reports to assess the trend in performance over time.

Compliance with these performance benchmarks will also be determined by examining trends in location performance over time and across different geographic areas as they are reported in the semi-annual live 911 call data of non-nationwide CMRS providers provided to APCO, NENA, the National Association of State 911 Administrators and the Commission.¹⁸ The live call data will be provided on a more granular basis to allow evaluation of location technology performance.

The FCC's *Order* notes the importance of “protect[ing] vendors’ proprietary information” by publishing only summary data to other parties.¹⁹ Both technology vendors and wireless carriers have a host of reasons, commercial, security and privacy included, to keep granular data confidential. BRETSA’s speculation that the only reason a reporting party would seek to do so is because of poor performance is unfounded.²⁰ Additionally, the Commission states in the *Order* that while it will not publish provider-specific data, it may publish aggregate data—including CMRS providers’ performance in a given geographic area, and the percentage of calls using a specific positioning source method—on its website for public consumption, *regardless of performance*.²¹ In creating this dichotomy the Commission has struck an appropriate balance between publishing performance results while protecting confidential and sensitive information.

¹⁸ *Order* ¶¶ 27, 133.

¹⁹ *Id.* ¶¶ 131, 132.

²⁰ Petition at 12.

²¹ *Order* ¶ 135, n.341.

Despite this explicit nod to confidentiality protections, BRETSA asks the Commission to make test results public because they are matters of “significant public interest.”²² However, mandating public release of this type of data would not aid in test procedures. It also could result in the release of sensitive personal information and will be overly burdensome to non-nationwide providers and smaller carriers. BRETSA fails to cite any concrete public interest benefit to be gained by making this data publicly available. The *Order* strikes the appropriate balance between informing the public of the development of E911 location technologies and the consequences of revealing sensitive information in making the test data available to the public, and should therefore be upheld.

III. THE FCC SHOULD PRESERVE ITS CURRENT FLEXIBLE AND TECHNOLOGY-NEUTRAL LOCATION TECHNOLOGIES REQUIREMENTS

BRETSA requests the Commission abandon its conclusion that dispatchable location will meet the 50-meter accuracy standards prior to comprehensive testing in the test beds, and require carriers to obtain Commission approval for any particular technology solution. BRETSA’s requests are contrary to the record evidence and Commission precedent, and should be summarily denied.

In responding to BRETSA’s recommendation that the Commission abandon its conclusion that dispatchable location will meet the 50-meter accuracy standard, the Associations first echo BRETSA’s faith in first responders’ abilities to determine a caller’s civic address utilizing existing methods.²³ However, the Associations more fervently agree with the FCC’s

²² Petition at 11.

²³ *Id.* at 13 (describing methods some PSAPs currently utilize such as viewing coordinates on GIS-calibrated CAD maps and aerial photos).

conclusion that dispatchable location information will meet PSAPs' needs and be accurate within 50 meters.²⁴ As noted by the Commission, the uncertainty value would be “zero or a very tight geometric figure” with a radius of less than 50 meters.²⁵

Additionally, it is more efficient for CMRS providers to concentrate their resources on achieving dispatchable location than meeting a 50-meter standard that provides only approximate location.²⁶ In this vein, the Associations also agree with the Commission's finding that expansion of in-building technologies, like Wi-Fi and Bluetooth beacons, has accelerated the technological feasibility of dispatchable location solutions.²⁷ As such, the Commission should preserve the current rules, giving providers the option of providing information related to either (i) dispatchable location, or (ii) x/y location within 50 meters.²⁸

Moreover, the Commission has implemented a thoughtful, balanced approach to indoor location services that is technologically neutral and allows providers to “choose the most effective solutions from a range of options.”²⁹ As noted throughout the FCC's *Order*, the option to choose from a wide variety of different technological approaches to achieve heightened location accuracy is consistent with and advances the Commission's “strong preference” for “flexible and technologically neutral” rules.³⁰ The Commission expressly declined to require any particular technology model for implementing location accuracy rules and should also deny

²⁴ *Order* ¶ 184.

²⁵ *Id.*

²⁶ *Id.* ¶ 76.

²⁷ *Id.* ¶ 45.

²⁸ *Id.* ¶ 74.

²⁹ *Id.* ¶ 4.

³⁰ *Id.* ¶ 89.

BRETSA's request. The public interest is best served if the Commission preserves the current regulations that allow providers to choose between dispatchable location or x/y location to satisfy location accuracy requirements.³¹

CONCLUSION

The Associations' members recognize how important precise location information is to improving emergency response. CCA and NTCA, therefore, respectfully request that the Commission preserve the requirements and benchmarks contained in the Roadmap and Parallel Path which were adopted in the *Order*, and deny BRETSA's Petition for Reconsideration.

Respectfully submitted,

/s/ Rebecca Murphy Thompson
Rebecca Murphy Thompson
C. Sean Spivey
Courtney Neville
Competitive Carriers Association
805 15th Street NW, Suite 401
Washington, DC 20005
(202) 449-9866

/s/ Jill Canfield
Jill Canfield
Jesse Ward
NTCA – The Rural Broadband Association
4121 Wilson Boulevard, Suite 1000
Arlington, VA 22203
(703) 351-2000

May 11, 2015

³¹ *Order* ¶ 170.