



PUBLIC NOTICE

Federal Communications Commission
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June 27, 2001

WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON PETITION FOR RECONSIDERATION REGARDING ALLOCATION OF COSTS OF E911 IMPLEMENTATION

(CC Docket No. 94-102)

Comments/Oppositions Date: July 30, 2001

Reply Comments Date: August 14, 2001

On June 6, 2001, four wireless carriers¹ operating in King County, Washington filed a Petition for Reconsideration challenging the Bureau's May 7, 2001 response to a letter from the E911 Program Manager for the King County, Washington E-911 Program Office concerning the proper allocation of E911 implementation costs.²

In the May 7 letter issued by the Chief of the Wireless Telecommunications Bureau, the Bureau clarifies that, under section 20.18(d) of the Commission's rules requiring wireless carriers to provide Phase I service, the proper demarcation point for allocating costs between wireless carriers and Public Safety Answering Points (PSAPs) is the input to the 911 Selective Router maintained by the Incumbent Local Exchange Carrier. The letter explains that wireless carriers are thus responsible for the costs of all hardware and software components and functionalities that precede the 911 Selective Router, including the trunk from the carrier's Mobile Switching Center (MSC) to the 911 Selective Router, and any databases, interface devices, and trunk lines that may be needed should a Non-Call Path Associated Signaling or Hybrid Call Path Associated Signaling methodology for delivering E911 Phase I data to the PSAP be selected. It further explains that PSAPs must bear the costs of maintaining and/or upgrading the E911 components and functionalities beyond the input to the 911 Selective Router, including the 911 Selective Router itself, the trunks between the 911 Selective Router and the PSAP, the Automatic Location Identification database, and PSAP customer premises equipment.

¹ The Petition was filed by Nextel Communications, Inc., Qwest Wireless, LLC, Verizon Wireless, and VoiceStream Wireless Corporation.

² Letter from Marlys R. Davis, E911 Program Manager, King County E-911 Program Office, Department of Information and Administrative Services, to Thomas J. Sugrue, Chief, Wireless Telecommunications Bureau, Federal Communications Commission, dated May 25, 2000.

In their filing, Petitioners argue that King County's request constituted an untimely request for reconsideration of the *Second Memorandum Opinion and Order*³ issued in the ongoing E911 proceeding and an impermissible collateral attack on the Commission's decisions in that proceeding; that the Bureau's decision exceeds its delegated authority because violative of Commission rules, policy and precedent; and that the scope of the inquiry and conclusion reached require a notice-and-comment rulemaking proceeding. Petitioners argue, in addition, that the decision ignores significant comments from wireless carriers contained in the record; that it is based on the erroneous assumption that the E911 Wireline Network does not include the trunkline from the wireless carrier's MSC to the 911 Selective Router; that it violates the regulatory language and intent of section 20.18(j), as well as long-standing cost-causer principles and state law; and that it discriminates unlawfully against wireless carriers, as compared to wireline carriers, with respect to the provision of E911 services.

The Petition is available for public inspection during regular business hours in the FCC Public Reference Room, Room CY-A257, 445 12th Street, S.W., Washington, D.C. 20554.

Pursuant to 47 C.F.R. § 1.1200(a), this proceeding is designated as a "permit but disclose" proceeding and subject to §1.1206 of the Commission's Rules.⁴ Presentations to or from Commission decision-making personnel are permissible, provided that *ex parte* presentations are disclosed pursuant to 47 C.F.R. §1.1206(b).

Interested parties may file comments or oppositions responding to the Petition on or before July 30, 2001 and reply comments on or before August 14, 2001. Comments may be filed using the Commission's Electronic Comment Filing System ("ECFS") or by filing paper copies.⁵ Comments filed through the ECFS can be sent via the Internet to: <<http://www.fcc/e-file/ecfs.html>>. Only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, postal service mailing address, and the applicable docket or rulemaking number.

Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form<your e-mail address>." A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and four copies of each filing. All filings must be sent to the Commission's Secretary, Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554. A copy should also be sent to Jane Phillips, Room 3A-200.

For further information concerning this proceeding, contact Jane Phillips, Policy Division, Wireless Telecommunications Bureau at (202) 418-1310.

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³ See Revision of the Commission's Rules To Ensure Compatibility With Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, RM-8143, *Second Memorandum Opinion and Order*, 14 FCC Rcd 20850 (1999) (*Second Memorandum Opinion and Order*).

⁴ 47 C.F.R. §1.1206.

⁵ See *In re Electronic Filing of Documents in Rulemaking Proceedings*, 13 FCC Rcd. 11322 (1998) (amending Parts 0 and 1 of the Commission's rules to allow electronic filing of comments and other pleadings).