



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

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DA 01-2885
December 12, 2001

**WIRELESS TELECOMMUNICATIONS BUREAU
SEEKS COMMENT ON PETITIONS FOR RECONSIDERATION
REGARDING PUBLIC SAFETY ANSWERING POINT REQUESTS FOR PHASE II
ENHANCED 911**

(CC Docket No. 94-102)

COMMENTS/OPPOSITIONS DUE: January 18, 2002

REPLY COMMENTS DUE: January 28, 2002

On November 30, 2001, Sprint PCS filed a Petition for Reconsideration seeking modifications to the documentation requirements for PSAPs established by the Commission in response to a request by the City of Richardson concerning what constitutes a valid PSAP request for E911 service.¹ On December 3, 2001, Cingular Wireless LLC filed a Petition for Reconsideration challenging the Commission's decision concerning PSAP readiness on procedural and substantive grounds.²

On October 17, 2001, the Commission amended section 20.18(j) of its rules³ to clarify what constitutes a valid Public Safety Answering Point (PSAP) request for enhanced 911 (E911) service in response to a petition for clarification and/or declaratory ruling filed by the City of Richardson, Texas (Richardson).⁴ The Commission determined that a wireless carrier must implement E911 within the six-month period following the date of a PSAP's valid request and that a PSAP request will be deemed valid if the PSAP demonstrates: (1) that a mechanism is in place by which the PSAP will recover its costs of the facilities and equipment necessary to receive and utilize the E911 data elements; (2) that the PSAP has ordered the equipment necessary to receive and utilize the E911 data to be installed and capable of receiving and utilizing that data no later than six months following its request; and (3) that the PSAP has made a timely

¹ Revision of the Commission's Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Petition of City of Richardson, CC Docket No. 94-102, Sprint PCS Petition for Expedited Reconsideration and Clarification, filed Nov. 30, 2001.

² Revision of the Commission's Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Petition of City of Richardson, CC Docket No. 94-102, Petition for Reconsideration, filed Dec. 3, 2001.

³ 47 C.F.R. 20.18(j).

⁴ Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, *Order*, FCC 01-293 (rel. Oct. 17, 2001). *See also* Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, City of Richardson Petition for Declaratory Ruling and/or Clarification (filed April 5, 2001).

request to the appropriate local exchange carrier (LEC) for the necessary trunking and other facilities, including any necessary Automatic Identification Location (ALI) database upgrades, to enable the E911 data to be transmitted to the PSAP. In the alternative, the Commission determined that a PSAP requesting Phase II service may demonstrate that a funding mechanism is in place, that it is Phase I-capable using a Non-Call Associated Signaling (NCAS) technology, and that it has made a timely request to the appropriate LEC for the upgrade to the ALI database necessary to enable the PSAP to receive the Phase II data. The Commission adopted this approach to encourage the implementation of wireless E911 service and to avoid the unnecessary expenditure of carrier and PSAP resources.

In its filing, Sprint requests several amendments to the Commission's documentation requirements: that the PSAP obtain the LEC's commitment to complete the necessary ALI database upgrades within the six-month period; that the PSAP be required to use a standardized interface between the carrier's Mobile Positioning Unit and the ALI database; and that, if customized interfaces are permitted and adopted, the PSAP's ALI database upgrades include the ability to pull and refresh data after call set up has been completed and the carrier be given additional time beyond the six-month period to commence Phase II service in light of the PSAP's use of a customized interface.⁵ In addition, Sprint requests that the six-month period be tolled pending the PSAP's provision of the necessary documentation.⁶

In its filing, Cingular contends that the language of section 20.18(j), as amended, is internally inconsistent and contradicts previous Commission statements allegedly indicating an actual-readiness prerequisite for a PSAP request. Cingular also contends that the decision violates the notice and comment requirement of the Administrative Procedure Act and is arbitrary and capricious.⁷

The Petitions are 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.⁸ 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 petitions on or before January 18, 2002 and reply comments on or before January 28, 2002. Comments may be filed using the Commission's Electronic Comment Filing System ("ECFS") or by filing paper copies.⁹ 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

⁵ See generally Sprint Petition for Reconsideration.

⁶ See *id.* at 12-13.

⁷ See 5 U.S.C. 553(b) and (c).

⁸ 47 C.F.R. §1.1206.

⁹ 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).

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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