



FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

DA 03-1868
May 30, 2003

Mr. Robert L. Pettit
Wiley Rein & Fielding LLP
1776 K Street, N.W.
Washington, D.C. 20006

Dear Mr. Pettit:

This letter responds to your letter on behalf of Nokia Inc. (Nokia) dated May 27, 2003,¹ seeking clarification of the Wireless Telecommunications Bureau's (Bureau's) *Nokia Waiver Order*.² You explain that a clarification of the *Nokia Waiver Order* is needed so that Nokia's training program will accurately cover its requirements.

In the *Second Report and Order*,³ the Commission adopted section 22.921 to help improve 911 call completion.⁴ In that order, the Commission delegated authority to the Wireless Telecommunications Bureau (Bureau) to consider and approve, deny, or approve with modification new or revised 911 call processing modes.⁵

On October 27, 1999, Nokia filed a letter with the Bureau requesting approval for a 911 call completion method for Nokia's multi-mode products.⁶ Nokia's method was substantially similar to the Automatic A/B Roaming-Intelligent Retry (A/B-IR) method approved by the Commission.⁷ Based on its delegated authority and its finding that the method appeared reasonable in both analog and digital modes, the Bureau approved Nokia's method⁸ subject to two conditions:

¹ See Letter from Robert L. Pettit, Counsel for Nokia, Inc., to John Muleta, Chief, Wireless Telecommunications Bureau, Federal Communications Commission (May 27, 2003) (Request).

² 911 Call Processing Modes, WTB Docket No. 99-328, *Order*, 15 FCC Rcd 1911 (2000) (*Nokia Waiver Order*).

³ Revision of the Commission's Rules To Ensure Compatibility With Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, *Second Report and Order*, 14 FCC Rcd 10954 (1999) (*Second Report and Order*).

⁴ 47 C.F.R. § 22.921. This rule requires new analog wireless handsets, and multimode handsets when operating in analog mode, to be able to complete 911 calls to either analog carrier in an area, regardless of the programming of the handset for non-911 calls. The Commission sought to implement this rule through an equipment manufacturing requirement and its equipment authorization process while believing that implementation of the rule would require a relatively minor change to the phone's programming. See *Second Report and Order*, 14 FCC Rcd at 10992- 93.

⁵ *Second Report and Order*, 14 FCC Rcd at 10993, 10995.

⁶ Letter from David Siddall, Counsel to Nokia, to Thomas Sugrue, Chief, Wireless Telecommunications Bureau, Oct. 27, 1999 (Nokia's 1999 Request).

⁷ In the *Second Report and Order*, the Commission approved three proposed 911 call processing modes including the A/B-IR method, while stating general principles for other acceptable modes and encouraging the development of further improvements in 911 call completion. See *Second Report and Order* at 10993. See also *Nokia Waiver Order*, 15 FCC Rcd at 1913.

⁸ *Nokia Waiver Order*, 15 FCC Rcd at 1914-15. The Bureau also granted Nokia additional time to complete software changes to implement its method. See *id.* at 1915.

First, the *Nokia Waiver Order* approved, as a feature in Nokia's method, customer feedback regarding the status of the call until the call is completed.⁹ Accordingly, the handset must provide effective feedback to inform the user when 911 call processing is underway and has not finished.

Second, Nokia's method included a time limit for access attempts similar to the time requirement for the A/B-IR method.¹⁰ Under the *Nokia Waiver Order*, the 17-second time limit is applicable to access attempts.¹¹ The *Nokia Waiver Order* approved Nokia's method with the understanding that the handset must first attempt to complete the 911 call with the carrier operating the presently acquired system, and if the access attempts on that system are not successful within 17 seconds, the handset must automatically attempt to make the call on another network.¹² Under Nokia's algorithm, as approved, access attempts are deemed unsuccessful if the handset has not received a voice or traffic channel assignment within 17 seconds. Accordingly, the initial access attempts on the presently acquired system must not exceed 17 seconds, regardless of whether the handset is operating in the digital or analog mode, before the handset attempts to call on another network.¹³

Overall, then, for purposes of its training program, Nokia may consider that its revised 911 call processing method was approved as described in its October 27, 1999 request, subject to the two conditions described above and, specifically, to the modification of its handsets to set a time limit on access attempts as described in its December 30, 1999 *ex parte* Letter.

I hope that this clarification will assist you in ensuring Nokia's compliance with the requirements of the *Nokia Waiver Order*.

Sincerely,

John B. Muleta

Chief,
Wireless Telecommunications Bureau

⁹ *Nokia Waiver Order*, 15 FCC Rcd at 1912-13, and 1915.

¹⁰ In response to WCA's comments that Nokia's proposal did not specify the duration of the call attempt with the preferred carrier, Nokia clarified that its multi-mode handsets will comply with the time limits for access attempts approved by the Commission for the A/B-IR method, specifically the 17-second limit, whether the handset is operating in the digital or the analog mode. Letter from Davis R. Siddall, Counsel to Nokia, Inc., to Magalie Roman Salas, Secretary, Federal Communications Commission, WT Docket No. 99-328, at 3, n.7 (Dec. 30, 1999) (Nokia December 30 *ex parte* Letter). The 17-second time limit for initial call attempt with the preferred carrier limits possible lock-in problems as well as other delays when the call cannot be handled by that carrier for some reason. See *Nokia Waiver Order*, 15 FCC Rcd at 1913. See also *Second Report and Order*, 14 FCC Rcd at 10988.

¹¹ See *Nokia Waiver Order*, 15 FCC Rcd at 1913-14.

¹² *Nokia Waiver Order*, 15 FCC Rcd at 1913-15.

¹³ The Bureau found that the carrier operating the "presently acquired system," normally the caller's preferred carrier, is likely to be the carrier best able to deliver the call quickly and reliably while supporting the handset's features, such as location capability when that feature becomes available. See *Nokia Waiver Order*, 15 FCC Rcd at 1914.