



PUBLIC NOTICE

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PUBLIC SAFETY AND HOMELAND SECURITY BUREAU PROVIDES GUIDANCE TO CMRS PROVIDERS REGARDING CERTIFICATION OF COMPLIANCE WITH E911 LOCATION ACCURACY REQUIREMENTS

Initial Certifications Must Be Filed by June 2, 2017

PS Docket No. 07-114
PS Docket No. 17-78¹

By this *Public Notice*, the Public Safety and Homeland Security Bureau (Bureau) provides guidance to Commercial Mobile Radio Service (CMRS) providers on filing their certifications of compliance with E911 location accuracy benchmarks as required by Section 20.18(i)(2)(iii) of the Commission's rules.² The initial benchmark requires CMRS providers to provide, as of April 3, 2017, dispatchable location or x/y location (latitude and longitude) within 50 meters for 40 percent of all wireless 911 calls. CMRS providers must certify compliance with this benchmark no later than June 2, 2017.³

Indoor Location Benchmarks

On February 3, 2015, the Commission released the *Indoor Location Fourth Report and Order* adopting rules to improve indoor location accuracy by requiring CMRS providers to meet wireless 911 location accuracy metrics at periodic benchmarks.⁴ Specifically, the rules provide that nationwide CMRS

¹ For administrative convenience, we are opening a new docket for the filing of E911 location accuracy certifications. This docket is only for location accuracy certifications. CMRS providers should continue to file location accuracy live call data reports in the mailbox provided for such filings. See *Public Safety and Homeland Security Bureau Provides Guidance to CMRS Providers Regarding Submission of Periodic E911 Location Accuracy Live Call Data Reports*, Public Notice, 32 FCC Rcd 745, 749 (2017) (*Live Call Data Reports Public Notice*). The original rulemaking docket, PS Docket No. 07-114, remains open for other rulemaking-related matters.

² 47 CFR § 20.18(i)(2)(iii).

³ CMRS providers must file their certifications within 60 days after each benchmark date specified in Sections 20.18(i)(2)(i) and (ii) of the rules. See 47 CFR § 20.18(i)(2)(iii). Sections 20.18(i)(2)(i) and (ii), in turn, provide that the benchmarks are measured from the effective date of adoption of the relevant rule, which was April 3, 2015. See *id.* § 20.18(i)(2)(i) and (ii); *Wireless E911 Location Accuracy Requirements*, 80 Fed. Reg. 11806 (March 4, 2015).

⁴ See *Wireless E911 Location Accuracy Requirements*, Fourth Report and Order, 30 FCC Rcd 1259 (2015) (*Indoor Location Fourth Report and Order*) and rules 47 CFR § 20.18(i) *et seq.*

providers must demonstrate location accuracy by providing (1) dispatchable location,⁵ or (2) x/y location within 50 meters, for the following percentages of wireless 911 calls within the following timeframes, measured from the effective date of the adoption of the rule (the Effective Date)⁶:

- Within 2 years: 40 percent of all wireless 911 calls.
- Within 3 years: 50 percent of all wireless 911 calls.
- Within 5 years: 70 percent of all wireless 911 calls.
- Within 6 years: 80 percent of all wireless 911 calls.⁷

Non-nationwide CMRS providers (e.g., regional, small, and rural carriers) are subject to the same two- and three-year benchmarks as nationwide CMRS providers (i.e., 40 percent at 2 years, and 50 percent at 3 years). At years 5 and 6, non-nationwide CMRS providers are subject to the following horizontal accuracy requirements:

- Within the later of 5 years from the Effective Date or 6 months of having an operational Voice over Long Term Evolution (VoLTE) platform in their network, 70 percent of all wireless 911 calls (including VoLTE calls); and
- Within the later of 6 years from the Effective Date or one year of having an operational VoLTE platform in their network, 80 percent of all wireless 911 calls (including VoLTE calls).⁸

The *Indoor Location Fourth Report and Order* requires CMRS providers to establish an indoor location accuracy test bed and to validate indoor location technologies through the test bed process.⁹ The Commission also requires CMRS providers to periodically collect and report aggregate data on the location technologies used for live 911 calls in their networks.¹⁰ Nationwide CMRS providers must file quarterly reports aggregating live 911 call data from six representative cities (Test Cities).¹¹ Non-nationwide CMRS providers must report live 911 call data in one or more of the Test Cities or the largest county in their footprint, depending on the area served by the provider, but are only required to file their

⁵ “Dispatchable location” is “a location delivered to the PSAP by the CMRS provider with a 911 call that consists of the street address of the calling party, plus additional information such as suite, apartment or similar information necessary to adequately identify the location of the calling party. The street address of the calling party must be validated and, to the extent possible, corroborated against other location information prior to delivery of dispatchable location information by the CMRS provider to the PSAP.” 47 CFR § 20.18(i)(1)(i); *see also Indoor Location Fourth Report and Order*, 30 FCC Rcd at 1273-74, paras. 43-44.

⁶ The Effective Date was April 3, 2015. *See* Wireless E911 Location Accuracy Requirements, 80 Fed. Reg. 11806 (March 4, 2015).

⁷ 47 CFR § 20.18(i)(2)(i)(A); *Indoor Location Fourth Report and Order*, 30 FCC Rcd at 1287, para. 74.

⁸ 47 CFR § 20.18(i)(2)(i)(B); *Indoor Location Fourth Report and Order*, 30 FCC Rcd at 1287, para. 74.

⁹ 47 CFR § 20.18(i)(3)(i); *Indoor Location Fourth Report and Order*, 30 FCC Rcd at 1307-08, paras. 127-29.

¹⁰ 47 CFR § 20.18(i)(3)(ii); *Indoor Location Fourth Report and Order*, 30 FCC Rcd at 1310, paras. 135-36.

¹¹ 47 CFR § 20.18(i)(3)(ii)(A)-(C); *Indoor Location Fourth Report and Order*, 30 FCC Rcd at 1310, para. 135. The Test Cities are Atlanta, Chicago, Denver/Front Range, Manhattan Borough, Philadelphia, and San Francisco and their surrounding geographic areas. These areas correspond to the six geographic regions specified by the February 7, 2014 Alliance for Telecommunications Industry Solutions (ATIS) Document, “Considerations in Selecting Indoor Test Regions,” for testing of indoor location technologies, and further described in the June 2016 ATIS Standard 0500031 on Test Bed and Monitoring Regions Definition and Methodology. *See* ATIS, Letter to David De Lorenzo, CSRIC IV, Working Group 1, Task Group 3 Chair (Feb. 7, 2014), at <https://ecfsapi.fcc.gov/file/60001025418.pdf>; ATIS, ATIS Standard on Test Bed and Monitoring Regions Definition and Methodology, ATIS-0500031, June 16, 2016, available at ATIS, Document Center, at <https://www.atis.org/docstore/default.aspx>.

reports every six months.¹² The Bureau recently released a Public Notice providing guidance on submission of these live 911 call data reports.¹³

Certification Requirements

Under the rules adopted in the *Indoor Location Fourth Report and Order*, CMRS providers must certify within 60 days after each indoor location benchmark date “that they are in compliance with the location accuracy requirements applicable to them as of that date.”¹⁴ The rules state that CMRS providers shall be presumed to be in compliance “by certifying that they have complied with the test bed and live call data provisions” in the rules.¹⁵ All CMRS providers “must certify that the indoor location technology (or technologies) used in their networks are deployed consistently with the manner in which they have been tested in the test bed.”¹⁶ In addition, CMRS providers that file quarterly reports of live call data in one or more of the six Test Cities “must certify that their deployment of location technologies throughout their coverage area is consistent with their deployment of the same technologies in the areas that are used for live call data reporting.”¹⁷ Non-nationwide CMRS providers that do not provide service or report quarterly live call data in any of the six Test Cities must also certify that they have verified based on their own live 911 call data that they are in compliance with the applicable accuracy requirements.¹⁸

Accordingly, though the rules do not require that the certification take any particular form or use any particular language, a CMRS provider will be presumed to have met the two-year benchmark set forth at 47 CFR § 20.18(i)(2)(i) if it certifies either of the following by June 2, 2017:

- As of April 3, 2017, (1) it provides service and reports live call data from one or more of the six Test Cities; (2) it is providing dispatchable location or x/y location information within 50 meters for 40 percent of all wireless 911 calls, (3) it has deployed the indoor location technology or technologies used in its networks consistently with the manner in which such technologies have been tested in the test bed, and (4) its deployment of location technologies throughout its coverage area is consistent with its deployment of the same technologies in the areas that are used for live call data reporting.
- As of April 3, 2017, (1) it does not provide service or report live call data in one or more of the Test Cities, (2) it is providing dispatchable location or x/y location information within 50 meters for 40 percent of all wireless 911 calls, (3) it has deployed the indoor location technology or technologies used in its networks consistently with the manner in which such technologies have been tested in the test bed, and (4) it has verified based on its own live call data that it is in compliance with the two-year benchmark set forth at 47 CFR § 20.18(i)(2)(i)(B)(1).

The certification must be signed by an officer or director of the CMRS provider who is familiar with and has responsibility for the provider’s indoor location accuracy compliance. Providers may file their certifications using the Commission’s Electronic Comment Filing System (ECFS). All certifications must reference PS Docket No. 17-78. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24121 (1998).

¹² 47 CFR § 20.18(i)(3)(ii)(D), (E); *Indoor Location Fourth Report and Order*, 30 FCC Rcd at 1310, para. 136.

¹³ *See Live Call Data Reports Public Notice*, 32 FCC Rcd 745 (2017).

¹⁴ *See* 47 CFR § 20.18(i)(2)(iii).

¹⁵ *Id.*

¹⁶ *See id.* § 20.18(i)(2)(iii)(A).

¹⁷ *See id.* § 20.18(i)(2)(iii)(B).

¹⁸ *See id.* § 20.18(i)(2)(iii)(C).

- Electronic Filers: Certifications may be filed electronically using the Internet by accessing the ECFS: <https://www.fcc.gov/ecfs/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.
- People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY).

Any CMRS provider that is unable to meet the two-year benchmark should request a waiver of the relevant rule on or before the June 2, 2017 certification deadline.¹⁹ Waiver requests should reference PS Docket No. 07-114.

Confidentiality, Obligation to Update Certifications. We do not anticipate that providers will need to request confidential treatment of their certifications.²⁰ CMRS providers must submit an updated certification whenever they introduce a new technology into their network or otherwise modify their network in such a manner that previous performance in the test bed would no longer be consistent with the technology's modified deployment.²¹ In addition, any non-nationwide CMRS provider that begins coverage in a Test City it previously did not serve must update its certification to reflect this change (and begin reporting data from the appropriate area to the Commission and NENA, APCO, and NASNA).²²

Paperwork Reduction Act of 1995. The information collection requirements addressed by this

¹⁹ The *Indoor Location Fourth Report and Order* notes that any provider that is unable to comply with the rules or deadlines adopted in the order may seek waiver relief and that the Commission will evaluate such waiver requests pursuant to the standards set forth in Sections 1.3 and 1.925 of its rules. See *Indoor Location Fourth Report and Order*, 30 FCC Rcd at 1316, para. 157.

²⁰ See 47 CFR § 0.459. If a waiver request includes confidential information and is filed via ECFS, the CMRS provider must file a redacted version of the pleading via ECFS and must also file a paper copy of the non-redacted version for which confidentiality is requested, along with the request for confidentiality, with the Office of the Secretary, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554. All requests for confidential treatment must be consistent with Section 0.459 of the Commission's rules. Providers should file the redacted and confidential versions of pleadings on the same day.

²¹ *Id.* § 20.18(i)(2)(iii)(A).

²² *Id.* § 20.18(i)(3)(ii)(D); *Indoor Location Fourth Report and Order*, 30 FCC Rcd at 1313 n.363. CMRS providers with devices on their network operating with foreign A-GNSS signals for 911 location accuracy must certify that they have proper authorizations in place to permit such use. Before incorporating foreign A-GNSS into E911, CMRS providers must coordinate plans for foreign A-GNSS signal integration with the Bureau to confirm that signals are interoperable with GPS and that measures to prevent interference are appropriate. CMRS providers also must certify that the devices have been tested to determine their ability to detect and mitigate the effects of harmful interference. See *id.* at 1273, para. 40.

Public Notice were approved by the Office of Management and Budget under OMB Control No. 3060-1210 on July 20, 2015 and became effective on August 3, 2015.²³ This document does not contain new or modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104-13. Therefore it does not contain any new or modified “information burden for small business concerns with fewer than 25 employees” pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107- 198.

For further information regarding E911 indoor location accuracy requirements, contact Timothy May, Policy and Licensing Division, Public Safety and Homeland Security Bureau, at 202-418-1463 or timothy.may@fcc.gov.

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²³ *Public Safety and Homeland Security Bureau Announces OMB Approval and Effective Date of Wireless E911 Location Accuracy Information Collection Requirements*, Public Notice, 30 FCC Rcd 8221 (2015).