Before the
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

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

ORDER

Adopted: July 10, 2017   **Released: July 10, 2017**

By the Chief, Public Safety and Homeland Security Bureau:

I.   INTRODUCTION

1.   By this *Order*, we grant Cordova Wireless Communications, LLC (Cordova Wireless) a waiver of Section 20.18(i) of the Commission's 911 location accuracy requirements and related reporting requirements until six months after receipt by Cordova Wireless of a request for Phase II location data from the Public Safety Answering Point (PSAP) for the City of Cordova, Alaska (City of Cordova).[1] This waiver is conditioned on Cordova Wireless notifying the Commission within 30 days of receipt of a valid request for Phase II location information from the City of Cordova PSAP.

II.   BACKGROUND

2.   In February 2015, the Commission released the *Indoor Location Fourth Report and Order*,[2] which adopted rules to improve indoor location accuracy by requiring Commercial Mobile Radio Service (CMRS) providers to meet increasingly stringent wireless 911 location accuracy metrics at periodic benchmarks.[3] The rules require CMRS providers to establish an indoor location accuracy test bed and to validate indoor location technologies through the test bed process.[4] The rules also require CMRS providers to periodically collect and report aggregate data on the location technologies used in their networks for live 911 calls (both indoor and outdoor).[5] Nationwide CMRS providers must file quarterly reports aggregating live 911 call data from six representative cities (Test Cities).[6] 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

---

[1] 47 CFR § 20.18(i).

[2] *Wireless E911 Location Accuracy Requirements*, Fourth Report and Order, PS Docket No. 07-114, 30 FCC Rcd 1259 (2015) (*Indoor Location Fourth Report and Order*); *see also* 47 CFR § 20.18(i).

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

[4] *Indoor Location Fourth Report and Order*, 30 FCC Rcd at 1307-09, paras. 127-132; 47 CFR § 20.18(i)(3)(i).

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

[6] *Indoor Location Fourth Report and Order*, 30 FCC Rcd at 1310, para. 135; 47 CFR § 20.18(i)(3)(ii)(A)-(C). The Test Cities are Atlanta, Chicago, Denver/Front Range, Manhattan Borough, Philadelphia, and San Francisco and their surrounding geographic areas.

reports every six months.[7] In addition, all CMRS providers must certify within 60 days after each location accuracy benchmark date that they are in compliance with the location accuracy requirements applicable to them as of that date.[8]

3.   On February 3, 2017, Cordova Wireless filed a petition for temporary waiver of section 20.18(i) of the Commission's rules regarding indoor location accuracy reporting and benchmarks.[9] In the Petition, Cordova Wireless, which describes itself as "a small, rural provider of wireless telecommunications service in the city of Cordova on the southern coast of Alaska," states that the "PSAP for the City of Cordova is not capable of receiving and using Phase II E911 location data and has not requested that Cordova provide Phase II E911 service. Similarly, the PSAP for the City of Cordova is not capable of receiving and using indoor location accuracy data."[10] Cordova Wireless states that it therefore "has not implemented Phase II E911 service and has not implemented solutions to provide indoor location data, nor should it be expected to spend its limited funding on implementing solutions to provide indoor location and Phase II E911 data that cannot be received, processed, or used by the local PSAP."[11]

4.   Cordova Wireless argues that it "would be economically burdensome and futile to require Cordova to comply with the location accuracy rules until the only PSAP that Cordova serves is actually capable of receiving location data."[12] With respect to the economic burden of compliance, Cordova Wireless states that, "with the cost of the equipment needed to collect and provide location data reaching into the tens of thousands for a small carrier serving difficult, mountainous terrain like Cordova, it makes no sense for Cordova to spend such funds when the only PSAP that it serves simply cannot receive or do anything with the location data."[13] Further, Cordova Wireless believes "the expense would be a waste of resources better used to serve customers in Cordova's isolated and vast terrain" and "it would also be a waste of resources for Cordova to attempt to report location data for 911 calls when such data does not exist due to the inability of the only PSAP that Cordova serves to use such data."[14]

5.   Finally, Cordova Wireless asserts that the requested waiver is consistent with the Commission's approach to enforcement of the indoor location accuracy rules. Cordova Wireless cites Section 20.18(i)(2)(iv) of the Commission's rules, which states, "PSAPs may seek Commission enforcement within their geographic service area of the requirements of paragraphs (i)(2)(i) and (ii) of this section, but only so long as they have implemented policies that are designed to obtain all location information made available by CMRS providers when initiating and delivering 911 calls to the PSAP."[15]

---

[7] *Indoor Location Fourth Report and Order*, 30 FCC Rcd at 1310, para. 136; 47 CFR § 20.18(i)(3)(ii)(D), (E). The Bureau has released a Public Notice providing guidance on submission of these live 911 call data reports. *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 (2017).

[8] *Indoor Location Fourth Report and Order*, 30 FCC Rcd at 1310-11, para. 137; 47 CFR § 20.18(i)(2)(iii). The deadline for meeting the first accuracy benchmark was April 3, 2017, and CMRS providers were required to certify compliance with the benchmark by June 2, 2017. *See Public Safety and Homeland Security Bureau Provides Guidance to CMRS Providers Regarding Certification of Compliance with E911 Location Accuracy Requirements*, Public Notice, 32 FCC Rcd 2127 (2017). By virtue of this Order, these requirements are waived *nunc pro tunc* as they apply to Cordova Wireless.

[9] Petition of Cordova Wireless Communications, LLC for Temporary Waiver, PS Docket No. 07-114 (filed Feb. 3, 2017), https://ecfsapi.fcc.gov/file/102030918107696/CWC_Waiver17Feb3kj.pdf (Petition).

[10] *Id.* at 2.

[11] *Id.* at 2-3.

[12] *Id.* at 3.

[13] *Id.* at 4.

[14] *Id.*

[15] *Id.* at 6, *citing* 47 CFR § 20.18(i)(2)(iv).

Cordova Wireless argues that because the City of Cordova PSAP is not Phase II-capable, it lacks the technical capability to receive either Phase II location information or the new and enhanced location information that CMRS providers must provide under the 2015 indoor location accuracy rules. Under these circumstances, Cordova Wireless argues that "the underlying purpose of the rule to ensure that indoor location information can be used when the PSAP is technically able to use such information will still be met if the Commission waives the indoor location rules on a temporary basis until the local PSAP can actually process location data."[16]

6. On March 8, 2017, the Bureau released a Public Notice inviting comment on the Petition.[17] The Commission received two comments, both in support of the Petition. NTCA – The Rural Broadband Association (NTCA) supports grant of the Petition because the local PSAP "cannot currently receive or process the location data at issue herein, and thus Cordova would be forced to expend limited resources to provide the PSAP such data before it can even be utilized."[18] NTCA also states that "grant of the request would in no way be detrimental to public safety because the PSAP will not have an improved ability to provide 911 services to the community until it too has made the necessary upgrades at some undetermined point in the future to utilize the location data."[19] In addition, NTCA states, "enforcement of the rule at this time and prior to the PSAP gaining such ability would require Cordova to expend resources that could be spent today on more urgent needs, including the maintenance and operation of their facilities in difficult to serve rural Alaska."[20] WTA – Advocates for Rural Broadband (WTA) states that "it makes no sense for a small company like Cordova Wireless to invest its scarce resources to acquire and deploy E911 location equipment that is not useful now and that may be superseded or outmoded by the time that the City of Cordova may request Phase II E911 service."[21]

III. DISCUSSION

7. Section 1.3 of the Commission's rules states that the Commission may waive any provision of the rules on its own motion or on petition "if good cause therefor is shown."[22] Section 1.925(b)(3) of the Commission's rules states that the Commission may waive rules with respect to wireless services if it can be shown that (i) the underlying purpose of the rule(s) would not be served or would be frustrated by application to the instant case, and that a grant of the requested waiver would be in the public interest; or (ii) in view of unique or unusual factual circumstances of the instant case, application of the rule(s) would be inequitable, unduly burdensome or contrary to the public interest, or the applicant has no reasonable alternative.[23]

8. We find that Cordova Wireless has demonstrated that the underlying purpose of the rule would not be served by requiring it to implement the technical capability to supply enhanced 911 location

---

[16] Petition at 6.

[17] *Public Safety and Homeland Security Bureau Seeks Comment on Cordova Wireless Communications, LLC Petition for Temporary Waiver of Section 20.18(i) of the Commission's Rules Regarding Indoor Location Accuracy Reporting and Benchmarks*, Public Notice, 32 FCC Rcd 1833 (2017).

[18] NTCA Comments at 2.

[19] *Id*. at 2-3.

[20] *Id*. at 3. NTCA also states that "[r]equiring carriers like Cordova to invest in providing location data to PSAPs that cannot at present utilize it would direct resources away from other needs and in effect 'strand' the investment in providing the location data at issue until such time as the local PSAP has completed its own upgrades." *Id*. at 4.

[21] WTA Reply Comments at 2.

[22] 47 CFR § 1.3.

[23] 47 CFR § 1.925(b)(3)(i)-(ii). *See also Indoor Location Fourth Report and Order*, 30 FCC Rcd at 1316, para. 157 (the Commission will consider requests for waiver of the rules adopted in the *Indoor Location Fourth Report and Order* pursuant to the waiver standards set forth in Sections 1.3 and 1.925 of its rules).

information to a PSAP that is incapable of receiving and processing the information. Because the City of Cordova PSAP has not implemented Phase II enhanced 911 location capability, Cordova Wireless is not required to support Phase II location under Sections 20.18(e)-(h) of the Commission's rules.[24] The PSAP's lack of Phase II capability also renders it technically incapable of receiving the enhanced location information that CMRS providers must provide under Section 20.18(i) of the rules. Under these circumstances, we find the requested waiver of Section 20.18(i) to be similarly warranted.

9. Cordova Wireless has stated that it is prepared to begin providing the location information required under Section 20.18(i) when the City of Cordova upgrades its PSAP to be capable of receiving and using Phase II E911 location data. Accordingly, this waiver will expire six months after receipt by Cordova Wireless of a request for Phase II location data from the City of Cordova PSAP or other recognized Alaska authority.[25] We further require Cordova Wireless to notify the Commission within 30 days of receipt of such notification. Finally, we note that Cordova filed this waiver request on the day of the deadline it sought to waive, and therefore we remind Cordova Wireless and other licensees that requests for waivers of the Commission's rules must be filed in a timely manner. In particular, we strongly encourage parties seeking waiver relief from Commission deadlines to file their requests as far in advance of the applicable deadline as possible.

IV. ORDERING CLAUSES

10. Accordingly, IT IS ORDERED that, pursuant to the authority contained in Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Sections 0.191, 0.392, 1.3, and 1.925 of the Commission's Rules, 47 CFR §§ 0.191, 0.392, 1.3, and 1.925, this Order is ADOPTED.

11. IT IS FURTHER ORDERED that the Petition for Waiver filed by Cordova Wireless Communications, LLC on February 3, 2017, IS GRANTED to the extent described herein and SHALL EXPIRE six months after receipt of a request by the City of Cordova PSAP or other recognized authority for Phase II location data.

FEDERAL COMMUNICATIONS COMMISSION

Lisa M. Fowlkes
Chief, Public Safety and Homeland Security Bureau

---

[24] *See* 47 CFR § 20.18(m)(1) (requirements for Phase II enhanced 911 service are applicable only to the extent that the designated PSAP has requested the services, is capable of receiving and utilizing the requested data elements, and has a mechanism for recovering the costs associated with them).

[25] *See* 47 CFR § 20.18(f), (g)(2) (providing an implementation period of six months after a PSAP requests Phase II enhanced service).