

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: May 24, 2019

Released: May 24, 2019

By the Chief, Policy and Licensing Division, Public Safety and Homeland Security Bureau:

I. INTRODUCTION

1. By this *Order*, we grant requests for waiver by multiple wireless licensee petitioners (collectively, Petitioners)¹ of Section 20.18(i) of the Commission’s rules, which specifies wireless E911 location accuracy standards and imposes reporting requirements.² Each waiver terminates six months after a given Petitioner receives a request for Phase II location data from a Public Safety Answering Point (PSAP). Each waiver is conditioned on the Petitioner notifying the Commission within 30 days of receipt of a valid request for Phase II location information from a PSAP. We also grant a request from T-Mobile USA, Inc. (T-Mobile) to withdraw a waiver request and we dismiss the underlying waiver petition.³ Finally, we deny NTCA’s request for a blanket waiver of Section 20.18(i).⁴

¹ See AST Telecom, LLC d/b/a Bluesky Communications, Petition for Temporary Waiver (April 3, 2017) (BlueSky Waiver); Bristol Bay Cellular Partnership, Petition for Temporary Waiver (March 7, 2017) (Bristol Bay Waiver); Choice Wireless, LLC, Petition for Temporary Waiver (Aug. 5, 2017) (Choice Waiver); Copper Valley Wireless, LLC, Petition for Temporary Waiver (March 29, 2017) (CVW Waiver); Docomo Pacific, Inc., Petition for Temporary Waiver (March 30, 2017) (Docomo Waiver); Manti Tele Communications, Inc., Petition for Temporary Waiver (May 25, 2017) (Manti Waiver); PTI Pacifica Inc., Petition for Temporary Waiver (April 27, 2017) (PTI Waiver); TelAlaska Cellular, Inc., Petition for Temporary Waiver (May 22, 2017) (TCI Waiver); Windy City Cellular, LLC, Petition for Temporary Waiver (May 30, 2017) (Windy City Waiver); and WUE Inc., Petition for Temporary Waiver (May 31, 2017) (WUE Waiver). In 2018, some Petitioners filed location accuracy progress reports and re-iterated their request for waiver. See AST Telecom, LLC d/b/a Bluesky Communications, E911 Location Accuracy 36 Month Progress Report (Aug. 1, 2018); Bristol Bay Cellular Partnership E911 Location Accuracy 36 Month Progress Report (Aug. 1, 2018); Cooper Valley Wireless, LLC, E911 Location Accuracy 36 Month Progress Report (Aug. 3, 2018); Docomo Pacific, Inc. E911 Location Accuracy 36 Month Progress Report (Jul. 27, 2018); Manti Tele Communications, Inc., E911 Location Accuracy 36 Month Progress Report (July 31, 2018); PTI Pacifica Inc., E911 Location Accuracy 36 Month Progress Report (July 31, 2018); TelAlaska Cellular, Inc., E911 Location Accuracy 36 Month Progress Report (Jul. 31, 2018); and Windy City Cellular E911 Location Accuracy 36 Month Progress Report (Jul. 30, 2018).

² 47 CFR § 20.18(i).

³ See T-Mobile USA, Inc. Withdrawal of Petition for Waiver, (filed Dec. 20, 2018) (Withdrawal Request) (withdrawing the waiver request filed by Iowa Wireless Services, LLC); Iowa Wireless Services, LLC (IWS), Joint Petition for Temporary Waiver (Jun. 2, 2017).

⁴ See Petition for a Blanket Temporary Waiver/Extension of Time filed by NTCA–The Rural Broadband Association (June 1, 2017) (NTCA).

II. BACKGROUND

2. The Commission's 2015 *Indoor Location Fourth Report and Order*⁵ 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.⁶ The rules require CMRS providers to establish an indoor location accuracy test bed to validate indoor location technologies.⁷ CMRS providers must report periodically to the Commission, aggregated data on the location technologies used in their networks for live 911 calls (both indoor and outdoor).⁸ Nationwide CMRS providers must file quarterly reports aggregating live 911 call data from six representative cities (Test Cities).⁹ Every six months, non-nationwide CMRS providers must report to the Commission live 911 call data, either for one or more of the Test Cities or for the largest county in their footprint, depending on the area served by the provider.¹⁰ Within 60 days after each location accuracy benchmark date, all CMRS providers must certify their compliance with the location accuracy requirements as of the benchmark date.¹¹

3. *Waiver Requests.* Petitioners describe themselves as small, rural providers of wireless telecommunications service and state that the PSAPs in their service areas either are not capable of receiving and using Phase II E911 location data or have not requested that Petitioners provide Phase II E911 service.¹² Petitioners state that they will deliver the location data required by the rules upon request from a capable PSAP.¹³ Until then, Petitioners request waiver of the Section 20.18(i) indoor location accuracy benchmarks and reporting requirements.¹⁴

4. *Withdrawal Request.* On December 20, 2018, T-Mobile, the successor-in-interest to Iowa Wireless Services, LLC, (IWS), notified the Bureau that IWS's joint petition for temporary waiver of the Commission's E911 location accuracy rules "is no longer needed."¹⁵

5. *Blanket Waiver Request.* NTCA filed a Petition for a Blanket Temporary

⁵ *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).

⁶ *Id.* at 1287, para. 74; 47 CFR § 20.18(i)(2)(i)(A), (i)(2)(i)(B).

⁷ *Id.* at 1307-09, paras. 127-132; 47 CFR § 20.18(i)(3)(i).

⁸ *Id.* at 1310, paras. 135-36; 47 CFR § 20.18(i)(3)(ii)(CMRS providers providing service in any of the Test Cities or portions thereof must collect and report aggregate data on the location technologies used for live 911 calls in those areas.).

⁹ *Id.* at 1310, para. 135; 47 CFR § 20.18(i)(3)(ii)(A)-(C).

¹⁰ *Indoor Location Fourth Report and Order*, 30 FCC Rcd at 1310, para. 136; 47 CFR § 20.18(i)(3)(ii)(D), (E). The Bureau 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).

¹¹ *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) (*Guidance Public Notice*).

¹² See BlueSky Waiver at 2-3; Bristol Bay Waiver at 3; Choice Waiver at 1-2; CVW Waiver at 1; Docomo Waiver at 3; Manti Waiver at 5-6; PTI Waiver at 4; TCI Waiver at 5; Windy City Waiver at 5; and WUE Waiver at 2.

¹³ See BlueSky Waiver at 3-4; Bristol Bay Waiver at 4; Choice Waiver at 4-6; CVW Waiver at 6; Docomo at 7; Manti Waiver at 4-5; PTI Waiver at 6; TCI Waiver at 7; Windy City Waiver at 6-7; and WUE Waiver at 2.

¹⁴ See Blue Sky Waiver at 2-3 (seeking a waiver of the location accuracy requirements and associated reporting requirements of Section 20.18(i) up to and until a PSAP served by BlueSky is capable of receiving and using Phase II E911 and indoor location data); Bristol Bay Waiver at 2-3 (seeking a waiver of the location accuracy

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Waiver/Extension of Time relative to the initial June 2, 2017, certification deadline. It submits that the issues raised by the Petitioners apply more broadly to all rural wireless operators that have not yet received requests from PSAPs for Phase II E911 service or for delivery of Phase II location or indoor location data.¹⁶ NTCA argues that the Commission should immediately grant relief to the Petitioners and, on a blanket basis, to all similarly situated small, rural wireless carriers.¹⁷

III. DISCUSSION

6. *Waiver Requests.* 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."¹⁸ 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.¹⁹

7. After Petitioners filed their waiver requests, the Bureau granted an earlier-filed waiver request from Cordova Wireless Communications, LLC (Cordova Wireless).²⁰ Cordova Wireless sought a conditional waiver of the Section 20.18(i) location accuracy requirements and related reporting requirements until after it received a request for Phase II location data from the PSAP for the City of Cordova, Alaska.²¹ The Bureau found that Cordova Wireless demonstrated that the underlying purpose of the rule would not be served by requiring Cordova Wireless to supply enhanced 911 location information to a PSAP that is incapable of receiving and processing the information and waived Section 20.18(i).²² The Bureau conditioned the waiver on Cordova providing Phase II location data to the PSAP within 6 months of a request therefor from the PSAP and required Cordova Wireless to notify the Commission

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requirements and associated reporting requirements of Section 20.18(i) up to and until a PSAP served by Bristol Bay is capable of receiving and using Phase II E911 and indoor location data); Choice Waiver at 1-2 (seeking a waiver of the indoor location accuracy and associated reporting requirements of Section 20.18(i) until its PSAP is capable of receiving and utilizing indoor location data and requests such data and Choice fully implements its E911 solution); CVW Waiver at 1 (seeking a waiver of the indoor location accuracy and associated reporting requirements of Section 20.18(i) until PSAPs in CVW's service area are capable of receiving and utilizing indoor location data); Docomo Waiver at 1, 3 (seeking a waiver of the location accuracy requirements and associated reporting requirements of Section 20.18(i) up to and until a PSAP served by Docomo is capable of receiving and using Phase II E911 and indoor location data); Manti Waiver at 1-2 (seeking a waiver of the indoor accuracy requirements and various reporting requirements of Section 20.18(i) up to and until a PSAP served by Manti is capable of receiving and using Phase II E911 and indoor location data and Manti has received a valid request for such data); PTI Waiver at 1-2 (seeking a waiver of the indoor accuracy and reporting provisions and reporting rules of Section 20.18(i) up to and until a PSAP served by PTI is capable of receiving and using Phase II E911 and indoor location data); TCI Waiver at 2 (seeking a waiver of the indoor accuracy requirements and various reporting requirements of Section 20.18(i) up to and until a PSAP served by TCI is capable of receiving and using Phase II E911 and indoor location data and TCI has received a valid request for such data); Windy City Waiver at 2 (seeking a waiver of the indoor accuracy requirements and various reporting requirements of Section 20.18(i) up to and until a PSAP or other local emergency authority with responsibility for Windy City's service area is capable of receiving and using Phase II E911 and indoor location data and Windy City has received a valid request for such data); and WUE Waiver at 1-2 (requesting a waiver of the indoor locations accuracy standards and requirements to submit periodic reports and compliance certifications of Section 20.18(i) until such time as it receives a valid PSAP request and its network is capable of generating E911 location data and delivering such data to the requesting PSAP(s)).

¹⁵ See T-Mobile Withdrawal Request at 1.

¹⁶ NTCA Request at 3.

within 30 days of Cordova's receiving such a request.²³

8. For similar reasons, we find that the conditional waivers sought by Petitioners are warranted.²⁴ As with the *Cordova Waiver Order*, we require Petitioners to provide the location information required by Section 20.18(i) within 6 months of receiving a request therefor from the relevant PSAP,²⁵ and to notify the Commission within 30 days of receipt of such request.

9. *Withdrawal Request.* We find no reason to deny T-Mobile's withdrawal petition and, accordingly, grant the request and dismiss IWS' original request for waiver.

10. *NTCA Blanket Waiver Request.* In the *Indoor Location Fourth Report and Order*, the Commission specifically provided for individualized waiver requests, stating:

Any CMRS provider that is unable to comply with the rules or deadlines adopted herein may seek waiver relief. The Commission may grant relief pursuant to the waiver standards set forth in Sections 1.3 and 1.925 of its rules, and we believe these provisions are sufficient to address any requests for relief of the indoor location accuracy requirements, which we will evaluate based on the facts and circumstances of the particular request.²⁶

11. Therefore, consistent with the *Indoor Location Fourth Report and Order*, we find that particularized waiver requests under Rules 1.3 and 1.925 remain the best course going forward and deny NCTA's blanket waiver request.

IV. ORDERING CLAUSES

12. 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.

13. IT IS FURTHER ORDERED that the Petition for Temporary Waiver filed by AST Telecom, LLC d/b/a Bluesky Communications on April 3, 2017, IS GRANTED to the extent described herein and SHALL EXPIRE six months after receipt of a request by the relevant PSAP or other recognized authority for Phase II location data.

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¹⁷ *Id.* at 6.

¹⁸ 47 CFR § 1.3.

¹⁹ 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).

²⁰ *See Wireless E911 Location Accuracy Requirements*, Order, 32 FCC Rcd 5510 (PSHSB 2017) (*Cordova Waiver Order*).

²¹ *Id.* at 5512 para. 5.

²² *Id.* at 5512-13 para. 8.

²³ *Id.* at 5513 para. 9.

²⁴ Petitioners' prior non-compliance with these requirements is, hereby, waived *nunc pro tunc*.

²⁵ *See* 47 CFR § 20.18(f), (g)(2) (providing an implementation period of six months after a PSAP requests Phase II enhanced service). We also note that "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." *See* 47 CFR § 20.18(i)(2)(iv).

²⁶ *Indoor Location Fourth Report and Order*, 30 FCC Rcd at 1316 para. 157.

14. IT IS FURTHER ORDERED that the Petition for Temporary Waiver filed by Bristol Bay Cellular Partnership on March 7, 2017, IS GRANTED to the extent described herein and SHALL EXPIRE six months after receipt of a request by the relevant PSAP or other recognized authority for Phase II location data.

15. IT IS FURTHER ORDERED that the Petition for Temporary Waiver filed by Choice Wireless, LLC on August 7, 2017, IS GRANTED to the extent described herein and SHALL EXPIRE six months after receipt of a request by the relevant PSAP or other recognized authority for Phase II location data.

16. IT IS FURTHER ORDERED that the Petition for Temporary Waiver filed by Copper Valley Wireless, LLC on March 29, 2017, IS GRANTED to the extent described herein and SHALL EXPIRE six months after receipt of a request by the relevant PSAP or other recognized authority for Phase II location data.

17. IT IS FURTHER ORDERED that the Petition for Temporary Waiver filed by Docomo Pacific, Inc., on March 30, 2017, IS GRANTED to the extent described herein and SHALL EXPIRE six months after receipt of a request by the relevant PSAP or other recognized authority for Phase II location data.

18. IT IS FURTHER ORDERED that the Petition for Temporary Waiver filed by Manti Tele Communications, Inc. on May 25, 2017, IS GRANTED to the extent described herein and SHALL EXPIRE six months after receipt of a request by the relevant PSAP or other recognized authority for Phase II location data.

19. IT IS FURTHER ORDERED that the Withdrawal of Petition of Waiver filed by T-Mobile USA, Inc., on December 20, 2018, is GRANTED and the Joint Petition for Temporary Waiver filed by Iowa Wireless Services, LLC on June 2, 2017, IS DISMISSED.

20. IT IS FURTHER ORDERED that the Petition for Waiver filed by PTI Pacifica, Inc., on April 27, 2017, IS GRANTED to the extent described herein and SHALL EXPIRE six months after receipt of a request by the relevant PSAP or other recognized authority for Phase II location data.

21. IT IS FURTHER ORDERED that the Petition for Temporary Waiver filed by TelAlaska Cellular, Inc., on May 22, 2017, IS GRANTED to the extent described herein and SHALL EXPIRE six months after receipt of a request by the relevant PSAP or other recognized authority for Phase II location data.

22. IT IS FURTHER ORDERED that the Petition for Temporary Waiver filed by Windy City Cellular, Inc., on May 30, 2017, IS GRANTED to the extent described herein and SHALL EXPIRE six months after receipt of a request by the relevant PSAP or other recognized authority for Phase II location data.

23. IT IS FURTHER ORDERED that the Petition for Temporary Waiver filed by WUE, Inc., on May 31, 2017, IS GRANTED to the extent described herein and SHALL EXPIRE six months after receipt of a request by the relevant PSAP or other recognized authority for Phase II location data.

24. IT IS FURTHER ORDERED that the Petition for a Blanket Temporary Waiver/Extension of Time filed by NTCA–The Rural Broadband Association, on June 1, 2017, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Michael J. Wilhelm
Chief, Policy and Licensing Division
Public Safety and Homeland Security Bureau