



PUBLIC NOTICE

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PUBLIC SAFETY AND HOMELAND SECURITY BUREAU PROVIDES GUIDANCE TO COMMERCIAL RADIO SERVICE PROVIDERS REGARDING UPCOMING CERTIFICATION OF COMPLIANCE WITH FIVE-YEAR WIRELESS E911 LOCATION ACCURACY BENCHMARK

Certifications Must Be Filed by June 2, 2020

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 the E911 location accuracy benchmark as required by section 9.10(i)(2)(iii) of the Commission's rules.² The benchmark requires CMRS providers to provide, as of April 3, 2020, dispatchable location or x/y location (latitude and longitude) information within a tolerance of 50 meters for 70% of all wireless 911 calls. CMRS providers must certify compliance with this benchmark no later than **June 2, 2020**.³

Indoor Location Benchmarks

The Commission has adopted rules to improve indoor location accuracy by requiring CMRS providers to meet wireless 911 location accuracy metrics at periodic benchmarks.⁴ The horizontal location rules provide that nationwide CMRS providers must demonstrate location accuracy by providing

¹ For administrative convenience, we have opened a separate 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 live911callreports@fcc.gov mailbox provided for such filings. See *Public Safety and Homeland Security Bureau Provides Guidance to CMRS Providers Regarding Certification of Compliance with E911 Location Accuracy Requirements*, Public Notice, 33 FCC Rcd 2127, 2127 n.1 (2017). The original rulemaking docket, PS Docket No. 07-114, remains open for other rulemaking-related matters and documents relating to those matters should be filed in the Commission's Electronic Comment Filing System (ECFS).

² 47 CFR § 9.10(i)(2)(iii).

³ CMRS providers must file their certifications within 60 days after each benchmark date specified in sections 9.10(i)(2)(i) and (ii) of the rules. See 47 CFR § 9.10(i)(2)(iii). Sections 9.10(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 47 CFR § 9.10(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 § 9.10(i) *et seq.*

(1) dispatchable location,⁵ or (2) x/y location within 50 meters, for certain percentages of wireless 911 calls within a multi-year timeframe:⁶

- By April 3, 2020: 70% of all wireless 911 calls.
- By April 3, 2021: 80% of all wireless 911 calls.⁷

Non-nationwide CMRS providers. Non-nationwide CMRS providers (i.e., regional, small, and rural carriers) are subject to the following horizontal accuracy requirements:

- By the later of April 3, 2020 or 6 months of having an operational Voice over Long Term Evolution (VoLTE) platform in their network, 70% of all wireless 911 calls (including VoLTE calls); and
- By the later of April 3, 2021 or one year of having an operational VoLTE platform in their network, 80% of all wireless 911 calls (including VoLTE calls).⁸

Certification Requirements

This year CMRS providers must meet the five-year benchmark, which requires them to provide, by April 3, 2020, dispatchable location or x/y location (latitude and longitude) within 50 meters for 70% of all wireless 911 calls. Within 60 days after the April 3, 2020, benchmark date, CMRS providers must certify “that they are in compliance with the location accuracy requirements applicable to them as of that date.”⁹ The 60-day deadline for filing certifications falls on June 2, 2020.

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.¹⁰ 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.”¹¹ 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

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 § 9.10(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 § 9.10(i)(2)(i)(A); *Indoor Location Fourth Report and Order*, 30 FCC Rcd at 1287, para. 74.

⁸ 47 CFR § 9.10(i)(2)(i)(B); *Indoor Location Fourth Report and Order*, 30 FCC Rcd at 1287, para. 74.

⁹ 47 CFR § 9.10(i)(2)(iii) (“Within 60 days after each benchmark date specified in paragraphs (i)(2)(i) and (ii) of this section, CMRS providers must certify that they are in compliance with the location accuracy requirements applicable to them as of that date.”).

¹⁰ 47 CFR § 9.10(i)(2)(iii) (“CMRS providers shall be presumed to be in compliance by certifying that they have complied with the test bed and live call data provisions described in paragraph (i)(3) of this section.”).

¹¹ 47 CFR § 9.10(i)(2)(iii)(A) (“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. A CMRS provider must update certification whenever it introduces a new technology into its network or otherwise modifies its network, such that previous performance in the test bed would no longer be consistent with the technology's modified deployment.”).

deployment of the same technologies in the areas that are used for live call data reporting.”¹² Non-nationwide CMRS providers that do not provide service or report quarterly live call data in any of the six Test Cities must certify that they have verified, based on their own live 911 call data that they comply with the applicable accuracy requirements.¹³

Accordingly, a CMRS provider will be presumed to have met the five-year benchmark set forth at 47 CFR § 9.10(i)(2)(i)(B)(3) if it certifies either of the following by June 2, 2020:

- As of April 3, 2020, (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 70% of all wireless 911 calls, (3) it has deployed the indoor location technology or technologies used in its networks consistent 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, 2020, (1) it does not provide service or report live call data in one or more of the six Test Cities, (2) it is providing dispatchable location or x/y location information within 50 meters for 70% of all wireless 911 calls, (3) it has deployed the indoor location technology or technologies used in its networks consistent 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 complies with the five-year benchmark set forth at 47 CFR § 9.10(i)(2)(i)(B)(3).

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. Any CMRS provider that is unable to meet the five-year benchmark must request a waiver of the relevant rule on or before the June 2, 2020, certification deadline.¹⁴

Confidentiality, Obligation to Update Certifications. We do not anticipate that providers will need to request confidential treatment of their certifications.¹⁵ 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.¹⁶ In addition, any non-nationwide CMRS provider that begins

¹² 47 CFR § 9.10(i)(2)(iii)(B) (“CMRS providers that provide quarterly reports of live call data in one or more of the six test cities specified in paragraph (i)(1)(vi) of this section 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.”).

¹³ 47 CFR § 9.10(i)(2)(iii)(C) (“Non-nationwide CMRS providers that do not provide service or report quarterly live call data in any of the six test cities specified in paragraph (i)(1)(vi) of this section must certify that they have verified based on their own live call data that they are in compliance with the requirements of paragraphs (i)(2)(i)(B) and (i)(2)(ii) of this section.”).

¹⁴ 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.

¹⁵ 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.

¹⁶ 47 CFR § 9.10(i)(2)(iii)(A).

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, the National Emergency Number Association (NENA), the Association of Public-Safety Communications Officials (APCO), and the National Association of State 911 Administrators (NASNA)).¹⁷

Filing Instructions

CMRS 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). **Waiver requests and other rulemaking matters should reference PS Docket No. 07-114.**

- Electronic Filers: Certifications and waivers 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. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number. 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 9050 Junction Drive, Annapolis Junction, MD 20701.
 - 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).

Further Information

For further information regarding E911 indoor location accuracy requirements, contact John A. Evanoff, Deputy Chief, Policy and Licensing Division, Public Safety and Homeland Security Bureau, at 202-418-0848 or john.evanoff@fcc.gov.

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¹⁷ 47 CFR § 9.10(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.