

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Wireless E911 Phase I	)	CC Docket 94-102
Implementation Issues	)	(DA 00-1875)

**JOINT REPLY COMMENTS OF NENA, APCO AND NASNA  
AS PUBLIC SAFETY COMMUNICATORS**

The National Emergency Number Association (“NENA”), the Association of Public-Safety Communications Officials-International, Inc. (“APCO”) and the National Association of State Nine One One Administrators (“NASNA”), hereafter “Public Safety Communicators,” respond to the comments of others in the captioned proceeding.

In their Joint Comments of September 18, 2000, the Public Safety Communicators recommended that wireless carriers pay for network and database enhancements up to and including the interface with the Selective Router, while 9-1-1 Authorities remain responsible for network and database elements from the Router to and within the PSAP. (Joint Comments, ii)<sup>1</sup> Exhibits A-E illustrated the placement of these elements within the wireless, wireline and PSAP portions of the 9-1-1 call path.

As promised at page 2 of the Joint Comments, NENA has surveyed its chapters to determine if the use of the Selective Router as a cost demarcation point for implementing wireless E9-1-1 is consistent with local practice. The results shown at Attachment I are virtually

---

<sup>1</sup> The Public Safety Communicators observed that the structure of the Commission’s revised cost recovery order of November 1999, 14 FCC Rcd 20850, allows carriers and 9-1-1 Authorities (including state or local legislatures) to negotiate their own reimbursement plans. The demarcations discussed here are meant to be applied in the absence of agreement.

unanimous in their endorsement of this division of financial responsibility. The findings also have the approval of NENA's PSAP Managers Committee and the APCO 9-1-1 Committee.

SBC and Nextel agree that the Selective Router  
is an appropriate cost demarcation point.

---

SBC states that "wireless carriers or their agents are typically, and should be

responsible for the voice interconnection between their Mobile Switching Center ("MSC") and the LEC 911 Selective Router as well as data connections for carrying location and number data information to the ALI database or the interconnection point to the ALI database. (Comments, 2)

Nextel says that it "has accumulated all the required cell site location information (and associated PSAP location information) to load into the LEC's ALI database; and, Nextel has stated that it will take responsibility for loading that data into the ALI database.

Additionally, Nextel has agreed to pay for the trunking necessary to deliver that information to the selective router at the LEC's facilities. All of these actions are Nextel's responsibility, are within Nextel's control and are, therefore, costs associated with Nextel's Phase I implementation activities. (Comments, 4-5)

Nextel's reasoning is consistent with King County's view that where wireless carriers wish to control the choice of technology for delivery of wireless E9-1-1 calls, they ought to take the concomitant financial responsibility:

Regardless of whether CAS or NCAS solutions are chosen by the carriers, they should be responsible for delivering the network necessary for Phase I service to the E911 selective router, performing any data base functions necessary for Phase I service, and interfacing those components to the E911 selective router and E911 data base to ensure that E911 service is available to their customers. (Comments, September 13, 2000, 2)

Other wireless carriers have reversed their positions  
in order to avoid paying their share of E9-1-1 upgrades.

---

Most other wireless carrier commenters urge that their financial responsibility end at their MSCs. They don't want to pay for trunks connecting these wireless switches to Selective Routers or for the database correlation of cell site and designated PSAP location information. In partial justification, these commenters reverse their previous positions on technology choice. When their principal trade association, CTIA, asked the FCC to declare that wireless carriers must control the choice of technology, the carriers vigorously endorsed the proposal. 14 FCC Rcd at 20882-85. While declining to deliver a firm ruling, the FCC implied that the chooser ought to pay. *Id.* Now the wireless carrier commentors want to avoid those financial consequences by giving the technology choice back to the PSAP.<sup>2</sup>

The truth of the matter comes clear in Qwest's suggestion that the FCC's November Order, "by eliminating the carrier cost recovery precondition, made the necessary apportionment of carrier and PSAP cost obligations much more significant." This is simply a veiled way of saying that if wireless carriers cannot be reimbursed they will simply move the dividing line to achieve the same objective: Avoiding payment for wireless E9-1-1 upgrades. *See also*, Voicestream Comments, 11.

---

<sup>2</sup> Verizon Wireless, 2; 6; AT&T Wireless, 3; Sprint, II.A. (unpaginated); CTIA, 4; Voicestream, 8; USCC, 3-7; Powertel, 3<sup>rd</sup> and 4<sup>th</sup> pages (not numbered). AT&T and Qwest Wireless explain that, despite their general view of the MSC as the demarcation point, they have agreed to pay costs beyond that point in Washington State for reasons of law or business peculiar to that state.

Wireline analogies that may work in general  
are not useful in the special case of wireless E9-1-1

---

The other principal justification urged by wireless carriers for the MSC as the demarcation point is that this wireless switch is equivalent to the local exchange carrier (“LEC”) end office in the wireline network. Since PSAPs typically pay for 9-1-1 connectivity from the end office to and within the PSAP for wireline 9-1-1, they ought to do the same and pay for connectivity from the MSC to and within the PSAP.

Following that line of argument to its illogical conclusion would require that LECs pay for wireless carriers’ connections to the Public Switched Telephone Network (“PSTN”) for the ordinary completion of commercial, non-emergency calls to fixed phones. Of course, that does not occur. Wireless carriers buy or lease their commercial connections to the PSTN. Similarly, they should expect to pay for their E9-1-1 connections to Selective Routers.<sup>3</sup>

In the wireline context, PSAPs purchase or lease a special network from the LEC. They get something for their money. But PSAPs are not customers of wireless carriers. The only commodity that wireless carriers provide to PSAPs is an increasing number of calls which impose rising costs on 9-1-1 Authorities and occasionally overwhelm even the best-engineered 9-1-1 system. On the other hand, PSAPs provide to wireless carriers the selling points of safety

---

<sup>3</sup> Voicestream (Comments, 3, n.7) argues that the 9-1-1 laws or LEC tariffs of Washington and other states do not allow wireless carriers to lease or purchase trunks for MSC-Selective Router connection. Chances are that such statutes or tariffs were adopted with only wireline 9-1-1 in mind and can be avoided or distinguished in the wireless case. For example, is the MSC-Router connection still a part of the 9-1-1 network if the wireless carrier is financially responsible? In the final analysis, of course, as Voicestream acknowledges, such laws or tariffs can be amended.

and security. These are commercial advantages for which carriers ought to be willing to pay costs up to the Selective Router.<sup>4</sup>

### CONCLUSION

For the reasons discussed above, the Commission should grant King County's request for clarification of wireless E9-1-1 implementation cost responsibility, as amplified by the "CAS and NCAS diagrams for Phase I" dated June 21, 2000 and received at the FCC Secretary's Office August 15, 2000.

Respectfully submitted,

PUBLIC SAFETY COMMUNICATORS

By \_\_\_\_\_

James R. Hobson  
Miller & Van Eaton, P.L.L.C.  
1155 Connecticut Ave. N.W., Suite 1000  
Washington, D.C. 20036-4306  
(202) 785-0600  
Counsel for NENA

Robert M. Gurs  
Shook Hardy & Bacon, L.L.P.  
600 14<sup>th</sup> Street N.W., Suite 800  
Washington, D.C. 20005  
(202) 662-4856  
Counsel for APCO

October 11, 2000

THEIR ATTORNEYS

2730\01\JRH00056.DOC

---

<sup>4</sup> This is not to denigrate the benefit to public safety of the ability to call for help from most anywhere or the social value of trouble reports from mobile Good Samaritans. It is simply a reminder that this social good is not free.

## **NENA Chapter President Survey Questions**

### **Network Costs**

To the extent it does not contradict local or state legislation directives for the assignment of costs, NENA recommends that the Phase I costs incurred from the selective router to the PSAP/9-1-1 System should be paid for by the 9-1-1 System. The remaining network costs should be paid by the wireless carrier.

### **Database Costs**

The 9-1-1 System should pay for the costs of including the static cell site ALI records in the ALI database in order to provide Phase I wireless services. Other database costs, if any, should be paid by the Wireless Carrier.

Do you agree with NENA's position on the following:

1. I agree with NENA's Model regarding the network component of allocating costs from the Router to the 9-1-1 System. YES or NO
2. I agree with NENA's Model regarding the database component of allocating costs regarding allocating the static ALI database costs to the PSAP. YES or NO