



December 20, 2016

Marlene Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: Notice of *Ex Parte*, PS Docket No. 07-114

Dear Ms. Dortch:

On December 15, 2016, CTIA filed an *ex parte* letter¹ regarding the wireless carriers' obligation to produce quarterly 9-1-1 live call data reports in relation to the above-captioned proceeding.² In the filing, CTIA included a proposed template for the reports and explanatory information regarding the carriers' intent to exclude certain categories of 9-1-1 calls from consideration. The Association of Public-Safety Communications Officials (APCO) International, the National Emergency Number Association (NENA), and the National Association of State 9-1-1 Administrators (NASNA) are concerned with several aspects of CTIA's proposed exclusions.

The Commission's rules require the carriers to provide reports on "live 911 call location data" to APCO, NENA, and NASNA.³ The first reports are due on February 3, 2017.⁴ APCO, NENA, and NASNA worked with CTIA in an attempt to ensure the reports are consistent with the Commission's rules, and thus reflect as closely as possible the actual numbers of 9-1-1 calls acted upon by PSAPs. Unfortunately, CTIA's filing indicates that the carriers intend to unjustifiably exclude a significant number of calls. APCO, NENA, and NASNA are particularly concerned that the carriers intend to exclude 9-1-1 calls made from roaming handsets and non-service initialized (NSI) devices.

The Commission's location accuracy rules make no exceptions when it comes to the collection and reporting of aggregate live 9-1-1 call location data: "CMRS providers ... shall identify and collect information regarding the location technology or technologies used for *each* 911 call in

¹ Ex Parte Letter of CTIA, Docket No. 07-114 (filed Dec. 15, 2016) available at [https://ecfsapi.fcc.gov/file/12152053317497/161215%20CTIA%20911%20Live%20Call%20Data%20Report%20emplate%20Ltr%20to%20FCC%20\(FINAL\).pdf](https://ecfsapi.fcc.gov/file/12152053317497/161215%20CTIA%20911%20Live%20Call%20Data%20Report%20emplate%20Ltr%20to%20FCC%20(FINAL).pdf)

² In the Matter of Wireless E911 Location Accuracy Requirements, Fourth Report and Order, FCC 16-53, PS Docket No. 07-114 (rel. Feb. 3, 2015), available at https://apps.fcc.gov/edocs_public/attachmatch/FCC-15-9A1.pdf.

³ 47 C.F.R. Section 20.18(i)(3)(ii).

⁴ Indoor Location Accuracy Benchmarks, Federal Communications Commission, (Feb 18, 2016) available at <https://www.fcc.gov/public-safety-and-homeland-security/policy-and-licensing-division/911-services/general/location-accuracy-indoor-benchmarks>.

the reporting area.”⁵ As the Commission explained, “[w]e will use this data as a complement to the test bed in determining compliance,”⁶ and the corresponding indoor location accuracy standards speak to “all” wireless 911 calls.⁷ PSAPs do not have exclusions – they must be able to process all 9-1-1 calls, including by obtaining location information, regardless of whether the caller is roaming.⁸

Similarly, PSAPs are expected to process all NSI calls, which may be delivered with location information, in some cases, and can constitute a significant portion of total call volume.⁹ Many PSAPs have policies in place that require them to expend significant and painstaking resources tracking down the location of NSI callers, and thus these calls should be counted for this reason as well. Inconsistent with CTIA’s proposal to exclude NSI calls from the reports, a number of carriers continue to advocate for the Commission to retain the call-forwarding requirement, arguing that identifying such calls as NSI is problematic.¹⁰ Accordingly, carriers should have no basis to exclude calls from NSI devices.

APCO, NENA, and NASNA next address the remaining requested exclusions. CTIA also seeks to exclude calls delivered to PSAPs that cannot yet accept wireless Phase II location data. CTIA has asserted to APCO, NENA, and NASNA that there may be a valid technical basis supporting this exclusion. APCO, NENA, and NASNA would thus recommend that the Commission request CTIA to supply this technical basis into the record of this proceeding. Similarly, and as noted above in terms of the unmet request for a definition from the industry of “roaming,” the Commission should request CTIA to supply definitions of “gray market devices” and, with respect to excluding test calls, describe what limitations CTIA intends by qualifying the test call exclusion with the phrase, “to the extent they can be identified.”

Notwithstanding what may be permissible to exclude under the Commission’s rules, the Commission should require the carriers to report the number of calls that they exclude, along with clear definitions, for each category. Given that one of the contemplated purposes of the reports on live 9-1-1 call data was for the Commission, APCO, NENA, and NASNA to be able to assess trends in positioning performance over time,¹¹ it is critical that the reports contain comprehensive and useful data.

APCO, NENA, and NASNA remain committed to working with its partners in public safety and industry to improving wireless 9-1-1 location accuracy. Establishing a clear understanding of the

⁵ Section 20.18(i)(3)(ii)(A) (emphasis added).

⁶ Fourth R&O at para. 137.

⁷ Section 20.18(i)(2)(i).

⁸ APCO, NENA, and NASNA requested but did not receive an explanation of what exactly encompasses calls from “roaming handsets,” and how many the industry believes these may constitute.

⁹ For example, APCO understands that NSI calls can account for as much as 30% of a PSAP’s total call volume. Ex Parte Letter of APCO, Docket No. 08-51 (filed Apr. 15, 2016); Comments of APCO, Docket No. 08-51, at 1-2 (filed May 16, 2013).

¹⁰ See In the Matter of 911 Call-Forwarding Requirements for Non-Service Initialized Phones, Notice of Proposed Rulemaking, FCC 15-43, PS Docket No. 08-51, at para. 22 (rel. Apr. 1, 2015), available at https://apps.fcc.gov/edocs_public/attachmatch/FCC-15-43A1.pdf.

¹¹ Fourth R&O at para. 27 (citing the Roadmap at Section 4(b)).

carriers' obligation to provide aggregate live 9-1-1 call data before the first of these reports are due is a key element to reaching the 9-1-1 related goals of this proceeding.

Respectfully submitted,

/s/

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