



July 9, 2020

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

On July 9, the undersigned spoke by phone with Zenji Nakazawa of Chairman Pai's office to discuss the Commission's draft Order on wireless 9-1-1 location accuracy.<sup>1</sup> APCO explained why the draft Order should not be adopted, consistent with the concerns expressed in APCO's July 7 *ex parte*.<sup>2</sup> The draft Order will create major loopholes that make it unlikely that emergency communications centers (ECCs) and first responders will receive the location information they have been promised.

To remedy these problems, the rules must clarify the obligations of wireless carriers to deliver either z-axis or dispatchable location information. ECC directors should be able to assess carriers' compliance with the rules beginning with the first vertical location accuracy benchmark in 2021.<sup>3</sup> However, under the draft Order, if for example the ECC in New York City conducts 100 test calls to 9-1-1 from new smartphones and calls are not being delivered with dispatchable location or z-axis information accurate within 3 meters, there will not be a clear rule the ECC can cite to raise concerns with the carriers and Commission. This is because the vertical location accuracy rules are framed as technology deployment requirements, not performance requirements.

APCO's recommendation is to change the rules to focus on the provision of location information rather than deployment of location technology and establish minimum percentage thresholds for dispatchable location and z-axis location information. For example, a revised indoor location accuracy rule could read:

By April 3, 2021: In each of the top 25 cellular market areas (CMAs), nationwide CMRS providers shall ~~deploy~~ provide either dispatchable

<sup>1</sup> Wireless E911 Location Accuracy Requirements, Sixth Report and Order and Order on Reconsideration, FCC-CIRC2007-04 (rel. June 26, 2020) ("Draft Order").

<sup>2</sup> Letter from Jeffrey S. Cohen, Chief Counsel, APCO International, to Marlene H. Dortch, Secretary, FCC, PS Docket No. 07-114 (filed July 7, 2020) ("APCO *ex parte*").

<sup>3</sup> See 47 CFR § 9.10(i)(2)(ii)(C).

location for xx% of calls or z-axis technology information consistent with the z-axis accuracy metric described in this section.<sup>4</sup>

This would eliminate loopholes in the rules and would be consistent with the horizontal location accuracy requirements (which are based on providing compliant location information for a certain percentage of calls).<sup>5</sup> This change would also remedy the additional concern that Verizon, which indicated that it has already deployed dispatchable location technology for certain devices,<sup>6</sup> would apparently be compliant with the draft Order's vertical location requirements regardless of how many 9-1-1 calls are delivered with a dispatchable location, and regardless of whether Verizon deploys z-axis technology at all.<sup>7</sup>

If the draft Order does not change course, these problems will not go away. The Commission will eventually need to fix the rules or risk leaving public safety without the intended improvements in indoor location accuracy.

Pursuant to Section 1.1206 of the Commission's rules, this letter is being filed electronically with your office.

Respectfully submitted,

APCO INTERNATIONAL

By:

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CC (via email):

Zenji Nakazawa

<sup>4</sup> See APCO ex parte at 2, 4.

<sup>5</sup> See 47 CFR § 9.10(i)(2)(i)(A). The National Public Safety Telecommunications Council, a federation that includes numerous national public safety organizations, has expressed support for establishing minimum percentage thresholds to clarify carriers' obligations for providing dispatchable location. See Letter from Ralph A. Haller, Chairman, National Public Safety Telecommunications Council, to Marlene H. Dortch, Secretary, FCC, PS Docket No. 07-114 (filed July 8, 2020).

<sup>6</sup> See Draft Order para. 43 (citing Verizon Feb. 21, 2020 Comments at 8).

<sup>7</sup> See APCO ex parte at 2. Of course, this concern is not specific to Verizon. Under the draft Order, any carrier that deploys dispatchable location technology could avail itself of this same loophole.