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July 10, 2020

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

On July 8, the undersigned, Mark Reddish, and Alison Venable spoke by phone with Travis Litman of Commissioner Rosenworcel's office to discuss the Commission's draft Order on wireless 9-1-1 location accuracy.¹ APCO explained why the draft Order should not be adopted, consistent with the concerns expressed in APCO's July 7 *ex parte*.² 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.

Under the draft Order, a wireless carrier that provides dispatchable location for some calls, as Verizon has noted it does, is already in compliance with the draft rules. Such a carrier need not ever deploy a z-axis solution and has no specific obligation for how many calls must be delivered with dispatchable location to be compliant. The remedy for this loophole is for the Commission to adopt new benchmarks governing the provision of dispatchable location to replace the now defunct rules that had been specific to the abandoned NEAD-based approach. Such benchmarks could ensure that carriers electing to comply by providing dispatchable location in lieu of z-axis information provide these locations with a meaningful percentage of wireless 9-1-1 calls.

The draft Order lacks a meaningful path toward ensuring dispatchable location information is delivered with 9-1-1 calls. As noted in APCO's filings in this proceeding, the Commission could establish a minimum percentage of calls that would need to be delivered with dispatchable location at the 2021 and subsequent benchmarks. As early as 2014, the major wireless carriers had already agreed to provide dispatchable location using their own in-home wireless products.³ With increasing news of carriers deploying in-home and

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

² Letter from Jeffrey S. Cohen, Chief Counsel, APCO International, to Marlene H. Dortch, Secretary, FCC, PS Docket No. 07-114 (filed July 7, 2020).

³ See Letter, John Wright, APCO International; Charles W. McKee, Sprint Corporation; Joan Marsh, AT&T Services, Inc.; Kathleen O'Brien Ham, T-Mobile USA, Inc.; Christy Williams,

in-office 5G-based fixed wireless products, the carriers could similarly provide dispatchable location associated with these technologies. Further, the Commission should require wireless providers to execute business arrangements with each other and with other companies that offer in-home and in-business products and services including Wi-Fi to leverage address information in the same manner. The wireless carriers already contemplated agreements among themselves when pursuing the NEAD. And the Commission already expects wireless carriers to establish any needed arrangements with handset manufacturers to meet the z-axis requirements.

With regard to the option for carriers to comply with the vertical accuracy requirements by deploying z-axis technology, the draft Order would introduce additional confusion and opportunities for carriers to game the system. For example, to give the carriers additional flexibility, the draft Order would permit carriers to comply with the deployment requirement by offering over-the-top apps that consumers could use to enable z-axis technology.⁴ Carriers would be deemed compliant regardless of whether offering the apps results in improvements to location accuracy or whether the apps are even accessed by consumers.⁵ This seems contradictory to the Commission's goals. These rules are intended to save lives and should not absolve carriers of their responsibility to ensure accurate location information is provided with 9-1-1 calls or place such responsibility on individual consumers. APCO is concerned that the draft Order creates a 9-1-1 location regime that depends on the awareness and willingness of consumers to download apps and allows carriers to meet the requirements without actually providing adequate location information in the real world.

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):

Travis Litman

National Emergency Number Association; Kathleen Grillo, Verizon Wireless, to Marlene H. Dortch, Secretary, Federal Communications Commission, PS Docket No. 07-114 (filed Nov. 18, 2014), Attachment at 4 (Nov. 18, 2014) ("To the extent that a carrier plans to introduce new wireless consumer home products, such carrier agrees to introduce such products that will provide dispatchable location").

⁴ See Draft Order paras. 33, 34.

⁵ See *id.* para. 34.