



July 10, 2020

**EXECUTIVE DIRECTOR  
CHIEF EXECUTIVE OFFICER**

Derek K. Poarch  
poarchd@apointl.org

**HEADQUARTERS**

**J. Rhett McMillian, Jr. Building**  
351 North Williamson Boulevard  
Daytona Beach, FL 32114-1112  
386-322-2500

**EXECUTIVE OFFICES**

**Gregory T. Riddle Building**  
1426 Prince Street  
Alexandria, VA 22314  
571-312-4400

www.apointl.org

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hilburn911@bellsouth.net

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margie.moulin@ecso911.com

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jkern@seecom911.org

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holly.wayt@westerville.org

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445 Twelfth Street, SW  
Washington, DC 20554

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

On July 8, the undersigned, Mark Reddish, and Alison Venable spoke by phone with Austin Bonner and Amy Robinson of Commissioner Stark's office to discuss the 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. Currently, carriers electing to comply with the vertical accuracy requirements by deploying dispatchable location information would have to ensure the National Emergency Address Database (NEAD) is populated with a number of reference points equal to at least 25% of the CMA population.<sup>3</sup> Given that the carriers abandoned the NEAD, this benchmark is no longer appropriate. In seeking to revise the rules to make compliance with the dispatchable location option technology-neutral (rather than dependent upon the NEAD), the draft Order makes a mistake. The draft Order does not include a deployment benchmark to replace populating the NEAD. By a plain reading of the rules, carriers would need to go no further than deploying dispatchable location technology. Thus, a wireless carrier that provides dispatchable location for some calls, as Verizon has noted it does, is already in compliance with the draft rules. A carrier such as Verizon need not ever deploy a z-axis solution

<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).

<sup>3</sup> 47 CFR § 9.10(i)(2)(ii)(C)(I) ("In each CMA where dispatchable location is used: nationwide CMRS providers must ensure that the [National Emergency Address Database] is populated with a sufficient number of total dispatchable location reference points to equal 25 percent of the CMA population.").

and has no specific obligation for how many calls must be delivered with dispatchable location to be compliant.

APCO addressed questions on establishing minimum percentage thresholds for providing dispatchable location. 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.<sup>4</sup> With increasing news of carriers deploying in-home and 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 z-axis option for complying with the vertical accuracy requirements, APCO explained that the draft Order creates a false distinction between a CMA-based approach and handset-based approach. The Commission's intent is likely to create an alternative option based on the assumption that a CMA-based approach means the carriers will have to purchase NextNav's or Polaris's solution and that a handset-based alternative would allow the carriers to use the location information available from Apple and Google devices without supplemental location technology. However, if the handset-based solutions were compliant with the z-axis metric, the rules would already permit carriers to meet the requirements by deploying these solutions. The issue is not whether carriers are allowed to deploy "handset-based" technologies for vertical location information; the issue is whether these technologies achieve the z-axis metric. The draft Order's alternative option for compliance only creates additional confusion.

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.

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:

Jeffrey S. Cohen

<sup>4</sup> 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, 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").

Chief Counsel  
(571) 312-4400 ext. 7005  
[cohenj@apointl.org](mailto:cohenj@apointl.org)

CC (via email):

Austin Bonner  
Amy Robinson