

## **Tougher E-911 Standards In The Works**

*By Ronald P. Whitworth  
whitworth@fhhlaw.com  
703-812-0478*

Proponents of more stringent E-911 standards for wireless and Voice-over-Internet Protocol (VoIP) services will likely soon be appeased. A Notice of Proposed Rulemaking released on June 1 indicates that the Commission is prepared to adopt a proposal by the Association of Public Safety Communications Officials (APCO) that will dramatically increase testing requirements under Section 20.18(h) of the Commission's rules. The APCO proposal endorses a single accuracy standard which would apply to all carriers regardless of the technology employed to determine a caller's location.

Chairman Kevin Martin was prepared to adopt APCO's proposal without seeking industry comments, but instead announced a series of tentative conclusions at the June Open Meeting, and introduced a tight schedule for comments. Initial comments on the proposal are due 14 days after publication in the *Federal Register*, with reply comments due just seven days later. As of press time, the proposal had not yet appeared in the *Federal Register*.

The APCO proposal would require carriers to meet accuracy requirements based on each carrier's community or "public safety answering point" (PSAP) level, instead of averages of large geographic service areas. The NPRM stated that testing location accuracy over areas larger than a carrier's PSAP is "directly contrary to the interests of public safety and homeland security."

The Commission has received vociferous opposition from the wireless industry on tightening Section 20.18(h), but the NPRM suggested that the APCO proposal would merely clarify what the rules *already* require. According to the NPRM,

[a]lthough Section 20.18(h) does not expressly state that accuracy must be measured and tested at the PSAP level, we note that the Commission has never suggested that it is appropriate to average accuracy results over an entire state, much less over a multi-state carrier's entire service area.

The Commission's current rules use a bifurcated approach which treats carriers operating with handset technology differently than those using network technology. Carriers operating under handset-based technology (including Verizon Wireless and Sprint Nextel) use a global positioning system in the handset to pinpoint the location of a 911 caller. The current rules for handset-based carriers require that 95 percent of 911 callers are located within 150 meters, and 67 percent within 50 meters. Carriers employing network-based technology (including AT&T and T-Mobile), using towers and triangulation to determine the location, are afforded more leeway. They must be able to locate 95 percent of the calls within 300 meters, and 67 percent within 100 meters.

The NPRM stated "it is not clear that this bifurcated approach continues to best serve the public interest," and drew a tentative conclusion that a single location accuracy requirement should be introduced for both handset and network-based technologies.

"Consumers cannot reasonably be expected to recognize the implications of the location technology used by their carrier, nor understand why one carrier would provide better reliability in an emergency than another," the Commission explained.

The Commission drew a tentative conclusion that VoIP services should be required to meet the same location accuracy requirements as circuit-switched CMRS carriers, to the extent that the VoIP services can be used in multiple locations.

While it appears a foregone conclusion that the Commission will adopt the APCO proposal in some form, comments filed in the proceeding will affect a number of issues that the Commission has sought input on, including the length of time that enforcement should be deferred to enable carriers to prepare for compliance, the type of methodology which should be employed to measure and verify compliance, and whether the current requirements for handset-based systems are appropriate as the barometer for all carriers.

Given the extremely time-sensitive deadline to file comments and/or reply comments, it is vital that anyone wishing to become involved in the proceeding contact their communications counsel as soon as possible.