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FCC ADJUSTS ITS RULES TO FACILITATE THE DEVELOPMENT OF NATIONWIDE ENHANCED WIRELESS 911 SYSTEMS

Washington, DC – The Federal Communications Commission has made several adjustments to its wireless enhanced 911 (E911) rules to facilitate full compliance with those rules on a nationwide basis, including certain modifications to the deployment schedule that must be followed by wireless carriers choosing to implement the Commission's E911 Phase II requirements using a handset-based technology. The Commission has also extended until November 9, 2000 the date by which all wireless carriers must file reports on their E911 Phase II implementation plans. In addition, the Commission addressed several petitions by companies seeking waivers in this proceeding. The Commission's actions establish a more practical, understandable, and workable schedule for implementation of handset-based technologies. The adopted rules also provide additional clarity about the Commission's wireless E911 Phase II rules to wireless carriers, equipment manufacturers, and the public safety community, as well as to others involved in the development and deployment of location technologies.

Background on the FCC's E911 Rules:

The Commission's E911 rules are intended to improve the reliability of wireless 911 services, by requiring wireless carriers to provide to emergency dispatchers information on the location from which a wireless call is being made. The E911 requirements are divided in two phases. Phase I requires wireless carriers to deliver to the emergency dispatcher the telephone number of a wireless handset originating a 911 call, as well as the location of the cell site or base station receiving the 911 call, which provides a rough indication of the caller's location. Phase II requires carriers to deliver more specific latitude and longitude location information, known as Automatic Location Identification (ALI), to the dispatcher. In September 1999, the Commission adopted the E911 Third Report and Order, which set forth deployment schedules for wireless carriers using either handset- or network-based technology to satisfy the Phase II requirements. The adopted Fourth Memorandum Opinion and Order responds to several petitions for reconsideration filed regarding the E911 Third Report and Order.

Specifics of the Memorandum Opinion and Order:

The Commission modifies the rules for carriers employing handset-based ALI solutions in the following respects:

- Extends from March 1, 2001 to October 1, 2001, the date for carriers to begin selling and activating ALI-capable handsets.

- Makes the following rule adjustments for new handset activations:
 - ▶ Eliminates the separate phase-in schedule that had been triggered by a PSAP request.
 - ▶ Adopts the following revised phase-in schedule:
 - December 31, 2001: at least 25 percent of all new handsets activated are to be ALI-capable;
 - June 30, 2002: 50 percent of all new handsets activated are to be ALI-capable;
 - December 31, 2002 and thereafter: 100 percent of all new digital handsets activated are to be ALI-capable.

- Makes the following rule adjustments for handset penetration:
 - ▶ Extends from December 31, 2004, to December 31, 2005, the date for carriers to reach full penetration of ALI-capable handsets in their total subscriber bases.
 - ▶ Modifies the operational definition of full penetration from “reasonable efforts” to achieve 100 percent penetration of ALI-capable handsets to a requirement that 95 percent of all handsets in a carrier’s total subscriber base be ALI-capable.

- Extends from October 1, 2000 to November 9, 2000, the date for carriers to file E911 Phase II implementation reports.

The Order also provides additional guidance regarding the Commission’s approach toward potential requests for waiver of the E911 Phase II requirements, indicating that waivers should not be generally warranted. The Order stipulates that waiver requests must be specific, focused, and limited in scope, and that carriers should undertake specific, concrete actions to come as close as possible to full compliance with the Commission’s rules.

The Commission goes on to address three waiver requests that are part of the record on reconsideration. Two of these requests are denied for being insufficiently substantiated, in light of the strict standard set forth in the Order.

The Commission determines that it is in the public interest to grant a limited waiver of the accuracy standards to VoiceStream Wireless to permit it to deploy a “hybrid” location solution. The waiver is subject to the following conditions, based on VoiceStream’s specific proposals:

- ▶ By October 1, 2001, VoiceStream must ensure that 50 percent of all new handsets activated are ALI-capable, and that ALI-capable handsets comply with an accuracy requirement of 100 meters for 67 percent of calls, 300 meters for 95 percent of calls.
- ▶ By March 31, 2002, VoiceStream must ensure that 100 percent of all new handsets activated are ALI-capable.
- ▶ VoiceStream must ensure that all new ALI-capable handsets activated on or after October 1, 2003 comply with an accuracy requirement of 50 meters for 67 percent of calls, 150 meters for 95 percent of calls.
- ▶ By December 31, 2001, VoiceStream must implement a Network Safety Solution (NSS) for calls from handsets that are not ALI-capable that provides location accuracy of 1000 meters for 67 percent of calls.
- ▶ VoiceStream must report the result of all trials and tests, as well as actual operational deployment, of its ALI technology semi-annually beginning October 1, 2000 and continuing through October 1, 2003.

Under these conditions, VoiceStream will have to comply with the network-based accuracy standard initially, and then to come into full compliance with the more stringent handset standard within two years. In return, VoiceStream will deploy ALI-capable handsets faster than the timetable originally set forth in the E911 Third Report and Order, and substantially faster than the revised timetable adopted in the current Order. Also by the end of 2001, VoiceStream will be able to provide baseline location information for all callers on its network, regardless of whether they have an upgraded handset, that is substantially more accurate than Phase I information.

Action by the Commission by Order on Reconsideration, August 24, 2000 (FCC 00-326). Chairman Kennard, Commissioners Furchtgott-Roth and Powell with Commissioners Ness and Tristani approving in part, dissenting in part, and issuing a separate statement and Chairman Kennard issuing a separate statement.

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