



# PUBLIC NOTICE

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## PUBLIC SAFETY AND HOMELAND SECURITY BUREAU REMINDS CMRS PROVIDERS OF THE JANUARY 18, 2013 DEADLINE FOR MEETING THE FIRST BENCHMARK OF THE COMMISSION'S UPDATED E911 LOCATION ACCURACY RULES

### PS Docket No. 07-114

By this Public Notice, the Public Safety and Homeland Security Bureau (Bureau) reminds Commercial Mobile Radio Service (CMRS) providers subject to Section 20.18 of the Commission's rules,<sup>1</sup> and other interested parties, of the January 18, 2013 deadline by which wireless carriers that deploy handset-based location accuracy technologies must meet the initial Enhanced 911 (E911) benchmark for location accuracy standards at either a county-based or Public Safety Answering Point (PSAP)-based geographic level.<sup>2</sup> The Commission established this deadline in the E911 Location Accuracy *Second Report and Order* in PS Docket 07-114.<sup>3</sup> The Bureau also reminds "new" CMRS providers that they are subject to the same location accuracy benchmark requirement.<sup>4</sup> Further, the Bureau reminds all CMRS providers, including those that deploy network-based location accuracy solutions, and E911 System Service Providers (SSPs) of the requirements for transmitting E911 location accuracy confidence and uncertainty data to PSAPs.<sup>5</sup> Finally, CMRS providers are reminded of the process for filing their lists of geographic areas that are excluded from their accuracy calculations.<sup>6</sup>

Pursuant to Section 20.18(h) of the Commission's rules, CMRS licensees must meet prescribed standards for E911 Phase II location accuracy and reliability, to be tested and measured either at the

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<sup>1</sup> 47 C.F.R. § 20.18.

<sup>2</sup> See 47 C.F.R. § 20.18(h)(2)(i).

<sup>3</sup> See In the Matter of Wireless E911 Location Accuracy Requirements, PS Docket No. 07-114, *Second Report and Order*, 25 FCC Rcd 18909 (2010) (*E911 Location Accuracy Second Report and Order*). See 47 C.F.R. § 20.18(h)(2)(i) (requiring that this initial benchmark is to be met "[t]wo years from January 18, 2011...").

<sup>4</sup> In the Matter of Amending the Definition of Interconnected VoIP Service in Section 9.3 of the Commission's Rules, Wireless E911 Location Accuracy Requirements, E911 Requirements for IP-Enabled Service Providers, GN Docket No. 11-117, PS Docket No. 07-114, WC Docket No. 05-196, *Notice of Proposed Rulemaking, Third Report and Order, and Second Further Notice of Proposed Rulemaking*, 26 FCC Rcd 10074 (2011) (*E911 Location Accuracy Third Report and Order*). See 47 C.F.R. §§ 20.18(h)(2)(iv).

<sup>5</sup> See 47 C.F.R. § 20.18(h)(3).

<sup>6</sup> See 47 C.F.R. § 20.18(h)(1)(vi) (concerning exclusions applying to deploy network-based technologies); 47 C.F.R. § 20.18(h)(2)(i) (concerning exclusions applying handset-based technologies). See In the Matter of Wireless E911 Location Accuracy Requirements, PS Docket No. 07-114, *Order*, 26 FCC Rcd 9238, 9241-42 ¶¶ 10-13, 9242-43 ¶ 16, (PSHSB 2011 (DA 11-1125)) (*Bureau E911 Location Accuracy Guidance Order*).

county or at the PSAP service area geographic level, based on outdoor measurements only.<sup>7</sup> Section 20.18(h) sets forth the location accuracy standards and benchmarks for deploying both network-based and handset-based location technologies.

Specifically, as of January 18, 2013:

- **CMRS licensees deploying handset-based technologies** must meet the following standard on location accuracy for 911 calls: 50 meters for 67 percent of calls, and 150 meters for 80 percent of calls, on a per-county or per-PSAP basis. However, a wireless carrier may exclude up to 15 percent of counties or PSAP service areas from the 150 meter requirement based upon heavy forestation that limits handset-based technology accuracy in those counties or PSAP service areas.<sup>8</sup>
- **Providers of new CMRS networks deployed after July 25, 2012** must meet the initial benchmark for deploying handset-based technologies<sup>9</sup> pursuant to Section 20.18(h)(2)(i), as described above.<sup>10</sup> If they meet the definition of covered CMRS providers under Section 20.18(a),<sup>11</sup> they must comply with the handset-based location accuracy requirements of Sections 20.18 (h)(2)(i) through (iii).<sup>12</sup> For this purpose, a “new CMRS network” is a CMRS network that is newly deployed subsequent to the July 25, 2012 effective date of the E911 Location Accuracy *Third Report and Order* in PS Docket No. 07-114 and that is not an expansion or upgrade of an existing CMRS network.<sup>13</sup>
- **All CMRS licensees** must provide confidence and uncertainty data on a per-call basis upon the request of a PSAP. Once a carrier has established baseline confidence and uncertainty levels in a

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<sup>7</sup> See 47 C.F.R. § 20.18(h).

<sup>8</sup> See 47 C.F.R. § 20.18(h)(2)(i). See *Bureau E911 Location Accuracy Guidance Order*, 26 FCC Rcd 9238, 9240-41 ¶ 8, *recon. pending* (paragraph 8 clarifying that “this exclusion does not apply to a 15 percent area of either a county or a PSAP service area. Instead, the 15 percent exclusion in Section 20.18(h)(2)(i)-(ii) permits carriers to exclude up to 15 percent of counties or PSAP service areas that are served by the carrier.”). See also *id.* at n.17 (also concerning pending petition for rulemaking).

<sup>9</sup> See *id.* at ¶23 (explaining that “[p]roviders deploying new CMRS networks are free to use network-based location techniques, or to combine network and handset-based techniques, to provide 911 location information, provided that they meet the accuracy criteria applicable to handset-based providers.”).

<sup>10</sup> See *id.* at n.68 (adding that “[n]ew CMRS networks that are deployed during the eight-year implementation period will be subject to the applicable handset-based location accuracy standard in effect at the time of the deployment.”). See 47 C.F.R. § 20.18 (h)(2)(iv) and *infra*, n.13.

<sup>11</sup> See 47 C.F.R. § 20.18(a).

<sup>12</sup> See 47 C.F.R. § 20.18 (h)(2)(iv) (requiring compliance with Sections 20.18 (h)(2)(i) through (iii)). See 47 C.F.R. § 20.18 (h)(2)(i) through (iii).

<sup>13</sup> See 47 C.F.R. § 20.18 (h)(2)(iv). See 77 Fed. Reg. 43536 (July 25, 2012) (announcing the effective date of Section 20.18(h)(2)(iv) as July 25, 2012, following approval of the revised information collection by the Office of Management and Budget (OMB)); see *infra* at page 4 and Appendix. See also *E911 Location Accuracy Third Report and Order*, 26 FCC Rcd at 10084 ¶ 22 (concerning “requir[ing] covered CMRS providers that are launching new stand-alone networks to meet the handset-based location accuracy standard from the start...”); see also *id.* at ¶ 23.

county or PSAP service area, ongoing accuracy shall be monitored based on the trending of uncertainty data and additional testing shall not be required.<sup>14</sup>

- **E911 System Service Providers** are subject to the requirement that all entities responsible for transporting confidence and uncertainty between wireless carriers and PSAPs, including LECs, CLECs, owners of E911 networks, and emergency service providers (collectively, System Service Providers (SSPs)) must implement any modifications that will enable the transmission of confidence and uncertainty data provided by wireless carriers to the requesting PSAP. If an SSP does not pass confidence and uncertainty data to PSAPs, the SSP has the burden of proving that it is technically infeasible for it to provide such data.<sup>15</sup>

### **Carriers' Lists of Exclusions from the Location Accuracy Requirements**

Lastly, this Public Notice reminds all CMRS carriers to file changes to their list of areas for which they have claimed exclusions from the location accuracy requirements, within 30 days of any change.<sup>16</sup> CMRS carriers should file these changes in PS Docket No. 07-114, in accordance with the June 28, 2011 *Bureau E911 Location Accuracy Guidance Order*.<sup>17</sup>

Also, pursuant to Section 20.18(h)(2)(iv) of the Commission's rules, new CMRS providers may file exclusion reports and any updates in accordance with Sections 20.18(h)(2)(i) - (iii) for handset-based carriers.<sup>18</sup> For guidance in filing such reports, new CMRS providers should refer to the *Bureau E911 Location Accuracy Guidance Order*.<sup>19</sup> We expect a new CMRS provider to file its report within 30 days after it has deployed E911 Phase II service to a PSAP but determines that it still cannot meet the applicable location accuracy requirements.<sup>20</sup>

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<sup>14</sup> See 47 C.F.R. § 20.18 (h)(3) (concerning the provision of confidence and uncertainty data). See also *E911 Location Accuracy Second Report and Order*, 25 FCC Rcd at 18928-30 ¶¶ 50-55. Confidence and uncertainty data – or “C/U data” – reflects the level of confidence that a 911 caller is within a specified distance of the location that the carrier provides. Confidence data is expressed as a percentage, indicating the statistical probability that the caller is within the area defined by the “uncertainty” statistical estimate. The uncertainty estimate is expressed in meters. For example, the E911 Phase II location information (expressed in latitude and longitude) that the wireless carrier provides to the PSAP is accompanied by a 90%/35 meter “C/U score,” reflecting 90% confidence that the caller is within 35 meters of the estimated location. See *id.* at ¶¶ 51-53, citing, inter alia, AT&T Comments, at 6, to PSHSB *Bureau Public Notice*, “Comment Sought on Proposals Regarding Service Rules for Wireless Enhanced 911 Phase II Location Accuracy and Reliability,” PS Docket No. 07-114, 23 FCC Rcd 13797 (PSHSB Sept. 22, 2008). See generally NENA Master Glossary of 9-1-1 Terminology, NENA ADM-000, Dec. 4, 2012, at 33, available at [http://c.ymcdn.com/sites/www.nena.org/resource/collection/625EAB1D-49B3-4694-B037-8E854B43CA16/NENA-ADM-000\\_Master\\_Glossary.pdf](http://c.ymcdn.com/sites/www.nena.org/resource/collection/625EAB1D-49B3-4694-B037-8E854B43CA16/NENA-ADM-000_Master_Glossary.pdf).

<sup>15</sup> 47 C.F.R. § 20.18(h)(3) (stating that the deadline to meet this requirement is “[t]wo years after January 18, 2011....”).

<sup>16</sup> 47 C.F.R. § 20.18(h)(1)(vi) (concerning carriers deploying network-based technologies); 47 C.F.R. § 20.18(h)(2)(iii) (concerning carriers deploying handset-based technologies). Under both rule sections, carriers must submit in the same manner any changes to their exclusion lists within thirty days of discovering such changes.

<sup>17</sup> See *id.* See also *Bureau E911 Location Accuracy Guidance Order*, 26 FCC Rcd at 9241-42 ¶¶ 10-13.

<sup>18</sup> See 47 C.F.R. § 20.18(h)(2)(iv) (concerning new CMRS providers complying with Section 20.18(h)(2)(iii)).

<sup>19</sup> See *Bureau E911 Location Accuracy Guidance Order*, 26 FCC Rcd at 9240-41 ¶¶ 7-10.

<sup>20</sup> See, e.g., *id.* at ¶ 7. See also *E911 Location Accuracy Third Report and Order*, 26 FCC Rcd at 10084 ¶ 22 & n.68 (concerning new CMRS providers meeting “the handset-based location accuracy standard from the start....”).

## Exclusion Report Filing Procedures

As specified in Section 20.18(h), carriers must file their Exclusion Reports and updates reflecting any changes as follows:

- Electronic Filing: Carriers must file their Exclusion Reports electronically in PS Docket No. 07-114 by accessing the Electronic Comment Filing System: <http://fjallfoss.fcc.gov/ecfs2/> or the Federal eRulemaking Portal: <http://www.regulations.gov>.
- People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).
- Copies of Exclusion Reports: Carriers must send copies of their Exclusion Reports to the National Emergency Number Association, the Association of Public-Safety Communications Officials-International, and the National Association of State 9-1-1 Administrators, at the contacts listed below:
  - The National Emergency Number Association (NENA): Trey Forgety, Director of Government Affairs, National Emergency Number Association, [tforgety@nena.org](mailto:tforgety@nena.org).
  - The Association of Public-Safety Communications Officials-International (APCO): Stephen J. Wisely, Director Comm Center & 9-1-1 Services Department, [Wiselys@apcointl.org](mailto:Wiselys@apcointl.org).
  - The National Association of State 9-1-1 Administrators (NASNA): [richard.taylor@nc.gov](mailto:richard.taylor@nc.gov).

*Paperwork Reduction Act of 1995.* This document does not contain new or modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104-13. Therefore it does not contain any new or modified “information burden for small business concerns with fewer than 25 employees” pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198. On May 17, 2012, the reporting requirements addressed by this *Public Notice* were approved as a revised collection under **OMB Control No. 3060-1147**, as set forth in the Appendix. Also, on May 23, 2011, OMB approved the Commission’s request that an extension of the filing date for the Exclusion Reports was either not a material or was a nonsubstantive change to the approved collection, **OMB Control Number: 3060-1147**.

For further information, contact Timothy May, Policy Division, Public Safety and Homeland Security Bureau, (202) 418-1463.

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## APPENDIX

### FCC NOTICE REQUIRED BY THE PAPERWORK REDUCTION ACT

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. § 3507), the FCC is notifying the public that it received OMB approval on May 17, 2012, for the revised collection of information described in this Public Notice. Public reporting burden for this collection of information is estimated to be 5.5867143 hours (average) per response, including the time for reviewing reporting instructions; searching existing data sources; gathering and maintaining the data needed; coordinating with the necessary third party entities, including state and local authorities and PSAPs; and completing and reviewing the collection of information. This collection of information is for the purpose of assisting the Commission in carrying out provisions of the *E911 Location Accuracy Third Report and Order*, PS Docket No. 07-114, FCC 11-107, released July 13, 2011, and published in the Federal Register on September 28, 2011, at 76 FR 59916. Send comments regarding this burden estimate, or any other aspect of this collection of information, including suggestions for reducing the burden to Federal Communications Commission, AMD-PERF, Washington, DC 20554, Paperwork Reduction Project (3060-1147), or via the Internet to [PRA@fcc.gov](mailto:PRA@fcc.gov). DO NOT SEND THE EXCLUSION REPORTS, INCLUDING EXCLUSION REPORT UPDATES, TO THIS ADDRESS.

Under 5 CFR § 1320, the Federal Communications Commission may not conduct or sponsor a collection of information unless it displays a currently valid OMB Control Number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a currently valid OMB Control Number. This revised collection has been assigned OMB Control Number 3060-1147, and its expiration date is May 31, 2015.

THE FOREGOING NOTICE IS REQUIRED BY THE PAPERWORK REDUCTION ACT OF 1995, PUBLIC LAW 104-13, OCTOBER 1, 1995, 44 U.S.C. 3507.