

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
911 Call Processing Modes) WT Docket No. 99-328

ORDER

Adopted: May 10, 2000

Released: May 11, 2000

By the Chief, Wireless Telecommunications Bureau:

1. In its Second Report and Order in the Wireless E911 Rulemaking,¹ the Commission adopted Section 22.921 of the rules, 47 C.F.R. § 22.921. This rule helps improve 911 call completion by requiring new analog wireless handsets to override any programming in the mobile unit for handling other calls in order to permit a 911 call to be completed by either analog carrier in an area. The handset must incorporate one or more of the 911 call completion methods approved by the Commission.² The rule took effect on February 13, 2000.

2. On March 24, 2000, Motorola, Inc. (Motorola) filed a request that the Commission waive the requirements of Section 22.921 to permit Motorola to manufacture 30,000 additional non-compliant handsets for use in the Motorola Telematics system installed in certain Ford and Jaguar car models.³ This Telematics system uses an integrated cellular handset, plus additional software, to provide concierge services such as emergency road service and travel directions, as well as safety and convenience features such as hands-free audio and automatic radio muting.⁴ Motorola’s request was set for public comment on March 30, 2000.⁵

3. Motorola states that it seeks a limited waiver of Section 22.921 because the Telematics systems encountered numerous system malfunctions when the specific handset model used with the system was tested with upgraded 911 call completion software compliant with the rule, during the course of several months of testing.⁶ According to Motorola, debugging and fine-tuning all of the electronics modules

¹ Revision of the Commission’s Rules To Ensure Compatibility With Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, *Second Report and Order*, 14 FCC Rcd 10954 (1999) (*Second Report and Order*).

² *Second Report and Order*, 14 FCC Rcd at 10993.

³ Motorola “Request for Extension of Deadline to Comply with Enhanced Call Completion Requirements, filed March 24, 2000 (Motorola Petition). The Wireless Telecommunications Bureau previously granted Motorola a waiver of the February 13, 2000 requirement solely for multimode TDMA handsets. *See 911 Call Processing Modes*, WT Docket No. 99-328, DA 00-324 (released February 18, 2000).

⁴ Motorola Petition at 2.

⁵ Public Notice, “Comment Sought On 911 Call Processing Waiver Requested by Motorola,” DA 00-726, released March 30, 2000.

⁶ Motorola Petition at 2.

involved in the Telematics system would require an extensive amount of additional time. Motorola also claims it would be extremely difficult to implement these changes because of the complicated infrastructure involved in coordination of such changes with Ford auto assembly plants. Moreover, Motorola claims this solution would be out-of-date prior to implementation, because the current analog Telematics system is scheduled to be replaced by a digital system for the 2001 auto model year. Motorola says that it ceased manufacturing non-compliant handsets used in Telematics systems as of February 13, 2000 and expects to exhaust its inventory by the middle of April.

4. Four parties filed comments on Motorola's request. Cellular Telecommunications Industry Association (CTIA) supports the waiver based on the benefit to the public of the Telematics system.⁷ The Wireless Consumer's Alliance, Inc. (WCA) and the Independent Cellular Services Association (ICSA) and its members support grant of the waiver subject to certain conditions. Both ICSA and WCA advocate that the Commission approve a waiver only for Telematics phones that may directly dial 911.⁸ WCA also suggests that the Commission require Motorola to ensure that the Telematics phones are programmed for automatic A/B or B/A operation.⁹ In opposition to the waiver, the National Emergency Number Association (NENA) states that the enhanced call completion methods for improving the possibility of reaching a PSAP should not be traded for "safety features" of seemingly secondary value.¹⁰

5. We conclude that it is in the public interest to grant the requested waiver, subject to certain conditions. We agree with NENA that public safety benefits of improved 911 call completion are important and should not be subordinated to safety features of secondary value, such as muting the radio during a call.¹¹ We find, however, that the Telematics system should provide several valuable public safety benefits. The system gives callers the choice of two separate methods of seeking emergency help, either through dialing 911 and being routed to the local 911 Public Safety Answering Point (PSAP) or by pushing a button on the handset to contact the automobile company's national emergency call center that can in turn send the call to the local PSAP or provide other assistance. This second method can thus provide help even in locations where there is no 911 PSAP. Most significantly, as Motorola points out, under the second method, the Telematics system can report the caller's location to the national emergency call center.¹² This is a valuable safety feature for the many instances when wireless callers do not know or cannot accurately report their locations in an emergency. The Commission's wireless E911 rules establish a schedule that requires wireless carriers to implement location capability for 911 calls to PSAPs but this capability is not widely available in stand-alone handsets.¹³ The fact that the Telematics system does provide location information, which can be transmitted to the PSAP in an emergency, thus adds a valuable public safety feature. Other features, such as hands-free operation, may also promote public safety.

⁷ See CTIA Comments at 2-3.

⁸ See WCA Comments at 4; Comments of the Independent Cellular Services Association, Celltek, MTC Communications and E911CELLULAR.COM at 2-3 (ICSA Comments).

⁹ See WCA Comments at 4.

¹⁰ See NENA Comments at 2.

¹¹ Id.

¹² Motorola Reply at 4.

¹³ 47 C.F.R. § 20.18.

6. Because of the costs and difficulties of modifying the current analog Telematics system within the few remaining months in which it is scheduled to be offered, and the commercial infeasibility of offering a system with known system malfunctions, a waiver is necessary to allow Ford and Jaguar customers to obtain these features. Denial of the waiver would, on the other hand, probably effectively prevent the Telematics system from being offered to these customers at all. This would deny these customers both the dual emergency calling protections of the system and its other safety features, including location information and hands-free operation, as well as convenience features. It seems likely that this outcome would, on balance, impair rather than foster public safety. It would also deny customers other features they might desire to purchase. Moreover, the waiver involves relatively few handsets among the many millions produced each year¹⁴ and the safety features offered by the Telematics system should largely offset any deleterious effect on public safety.

7. In addition, we grant Motorola's requested waiver subject to certain conditions intended to further minimize any deleterious effects. The first condition is that, as it proposed, Motorola must both include installation instructions to program the handsets in the A/B, B/A mode, which would allow calls to be routed to either analog cellular carrier in the calling area and explain the advantages of this mode in handset manuals.¹⁵ Use of the A/B, B/A mode should improve 911 call completion in ways similar to the approved 911 call completion modes, by routing calls to either cellular carrier as necessary. This mode does have limitations. For example, this mode would apply to all calls, not just 911 calls, and can be overridden.¹⁶ Use of the A/B, B/A mode should, however, help improve 911 call completion in handsets that have not been upgraded to comply with Section 22.921. The addition of instructional information in operating manuals should help discourage customers from switching to other modes that would be less effective in completing 911 calls.

8. In addition, as WCA proposes, we will require that all Telematics handsets subject to the waiver have the capability to dial 911 directly.¹⁷ Motorola says that the handsets it would use will have this capability, but it appears that at least some handset models used with Motorola Telematics systems may not be able to dial 911 directly but only to contact the automaker's national call center.¹⁸ To ensure that handsets subject to the waiver will be capable of placing both types of calls, and, in particular, will have unimpeded access to 911 PSAPs, we limit the waiver only to handsets that meet this condition. In addition, as Motorola requests, we will limit the waiver to a maximum of 30,000 handsets, which should allow Motorola, Ford, and Jaguar to meet customer demands for analog Telematics systems until upgraded, digital systems are available later this year.

9. We will not, however, impose the further condition proposed by ICSA, that handsets have a 911 button (or other method of direct access to 911) added at a future date (six months), to assure that

¹⁴ One industry group estimates that a total of 43.3 million cellular and PCS handsets were sold in the United States in 1999. *See* Strategis Group Press Release, dated January 17, 2000, at 2, which may be found at <<http://www.strategisgroup.com/press/pubs/wirehand.html>>.

¹⁵ Motorola Petition at 4; Motorola Reply at 3. *See also* WCA Comments at 4.

¹⁶ *See Second Report and Order*, 14 FCC Rcd at 10964-65.

¹⁷ *See* WCA Comments at 3-4.

¹⁸ *Compare* WCA Comments at 2-3 and Motorola Reply at 1-2.

the Telematics handset is not limited to calling the nationwide center.¹⁹ The condition that the handset be able to dial 911 directly should provide full 911 access. Moreover, handsets subject to the waiver will only be manufactured for the next three to four months at the most, so that adding a future design requirement would be meaningless for handsets covered by the waiver even if it appeared that such a mandate were necessary or appropriate.

10. Accordingly, IT IS ORDERED that Motorola's request for waiver of Section 22.921 of the Commission's Rules IS GRANTED subject to the conditions described herein.

Thomas J. Sugrue
Chief, Wireless Telecommunications Bureau

¹⁹ ICSA Comments at 3.