



Court Puts Brakes On PSAP-Level Accuracy Rule

Plus D-Block Obstacles ~ BY ROBERT GURSS

On March 25, the U.S. Court of Appeals for the District of Columbia Circuit granted a request that it “stay” the new FCC rules that require wireless E9-1-1 location accuracy be measured at the PSAP level. Although the court must still address the merits of the case, its order signaled that the matter is likely to be sent back to the FCC for further consideration and action.

FCC rules require wireless carriers to provide PSAPs with location information for 9-1-1 calls and that the information be accurate within a certain distance for a specified average number of calls. Until recently the rules did not describe the geographic area in which that averaging is to take place. Some wireless carriers argued that the averaging should be measured over states or even larger areas. That would mean that some PSAPs could get very poor levels of accuracy, so long as the results were offset in other portions of the relevant geographic area.

At APCO’s urging, the FCC voted in September 2007 to revise the wireless E9-1-1 rules to make carriers comply with the accuracy rules within each PSAP service area. The FCC allowed carriers five years to meet that PSAP-level requirement and

adopted interim benchmarks for one and three years following the order. The decision came as the first phase of a two-phase proceeding regarding wireless 9-1-1 issues.

Wireless carriers complained bitterly, at least in part because they did not expect deadlines to be attached to the PSAP-level requirement until the second phase of the proceeding, which is still pending. Most wireless carriers also claimed that PSAP-level accuracy could not be obtained in many geographic areas, at least not within five years (although AT&T Wireless had indicated that five years would be sufficient). Carriers were especially critical of the manner in which the FCC reached its decision, which they said violated various procedural requirements.

The FCC subsequently postponed the implementation of the rules for six months, but that was not sufficient for the court, which granted the carriers’ request to stay the rules pending further judicial review. Importantly, the stay was based on the procedural complaints about the FCC’s order and did not address the substance of the PSAP-level accuracy requirement. It remains to be seen whether the final court order will go further, but courts generally avoid substantive review of FCC orders if

there is a procedural basis for overturning the agency’s action.

What all of this means is that the PSAP-level accuracy rule is on hold for now and may need to be revisited by the FCC.

700-MHZ AUCTION REDUX?

As even casual observers of 700-MHz band issues probably know by now, the FCC’s so-called D-block auction did not yield a winner. For reasons yet to be determined, no entity was willing to bid the reserve price (\$1.3 billion) for the D block of spectrum, which carries with it an obligation to construct a nationwide wireless broadband network that would span both the D block and 10 MHz of public safety spectrum licensed to the Public Safety Spectrum Trust (PSST). The network would be shared by commercial customers and public safety users, who would have priority access.

Congress and the FCC will investigate the issue to determine next steps, which are likely to involve a re-auction sometime this year. Issues to be addressed include the reasons for the auction failure and what changes could make the D block more attractive without sacrificing public safety requirements. More specifically, there will probably be an examination of the network build-out and reliability requirements, whether greater certainty can be provided to bidders prior to a re-auction, and various matters concerning the PSST and its agent, Cyren Call Communications. **||PSC||**

FYI

Project LOCATE Releases Best Practices

In March, APCO’s Project LOCATE (Locate Our Citizens at Times of Emergency) released the *Wireless 9-1-1 Deployment and Management Effective Practices Guide*. The guide is designed to increase the PSAP manager’s understanding of technology and their ability to manage wireless calls in their jurisdictions.

The guide recommends PSAPs develop partnerships with wireless service providers in their areas and designate a wireless 9-1-1 deployment coordinator for each PSAP service area. The guide also addresses the management of public and first responder expectations, call rebids and re-queries, towers, performance testing methods and more.

~**DOWNLOAD** the guide at www.apcointl.org/new/documents/Project-LOCATE-Updated-Effective-Practices-Guide.pdf. Read more on Project LOCATE at www.locatemodelcities.org.



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