

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Public Safety and Homeland Security)	PS Docket No. 07-114
Bureau Seeks Comment on Cordova)	
Wireless Communications, LLC)	
Petition for Temporary Waiver of)	
Section 20.18(i) of the Commission’s)	
Rules Regarding Indoor Location)	
Accuracy Reporting and Benchmarks)	

**COMMENTS
OF
NTCA–THE RURAL BROADBAND ASSOCIATION**

NTCA–The Rural Broadband Association (“NTCA”)¹ hereby submits these Comments in response to the Public Notice released by the Public Safety and Homeland Security Bureau (the “Bureau”)² seeking comment on the above-referenced Petition.³ Cordova Wireless, LLC (“Cordova”) has requested a temporary waiver from the Commission’s “indoor location accuracy rules for 911” and related location requirements of Section 20.18(i), including the various reporting requirements associated with that provision.⁴ As Cordova states in its Petition, the waiver is requested because the single Public Safety Answering Point (“PSAP”) served by

¹ NTCA represents more than 800 independent, community-based telecommunications companies. All NTCA members are full service local exchange carriers and broadband providers, and many of its members provide wireless, cable, satellite, and long distance and other competitive services to their communities.

² *Public Safety and Homeland Security Bureau Seeks Comment on Cordova Wireless Communications, LLC Petition for Temporary Waiver of Section 20.18(i) of the Commission’s Rules Regarding Indoor Location Accuracy Reporting and Benchmarks*, PS Docket No. 07-114, DA 17-233, Public Notice (rel. March 8, 2017) (“Public Notice”).

³ Petition of Cordova Wireless Communications, LLC for Temporary Waiver, PS Docket No. 07-114 (filed Feb. 3, 2017) (“Petition”).

⁴ NTCA has standing to comment on the petition at issue herein as Cordova Wireless and Cordova Telephone are members of NTCA.

Cordova currently is incapable of receiving and using indoor location data and Phase II Enhanced 911 (“E911”) location data.

Good cause exists to grant a waiver of the requirement at issue herein. Section 1.3 of the Commission’s rules states that “rules may be waived by the Commission on its own motion or on petition if good cause therefor is shown.”⁵ The “good cause shown” standard has been interpreted to grant the Commission discretion to waive application of its rules in situations where strict compliance would not be in the public interest.⁶ Generally, waiver of the Commission’s rules is granted when both (i) special circumstances warrant a deviation from the general rule and (ii) such deviation will serve the public interest.⁷ In addition, the waiver meets Section 1.925(b)(3) of the Commission’s Rules, which specify general standards for determining when a waiver should be granted in Wireless Telecommunications Bureau proceedings. In addition, Cordova’s request meets the unique circumstances for a waiver as further defined for 911 issues specified in the Commission’s E911 proceeding.⁸

Special circumstances exist necessary to warrant a deviation from Section 20.18(i), and thus the Commission should grant Cordova’s Petition. The local PSAP in question cannot currently receive or process the location data at issue herein, and thus Cordova would be forced to expend limited resources to provide the PSAP such data before it can even be utilized. It must also be noted that grant of the request would in no way be detrimental to public safety because the PSAP will not have an improved ability to provide 911 services to the community until it too has made the necessary upgrades at some undetermined point in the future to utilize

⁵ 47 C.F.R. § 1.3.

⁶ Cellular Telephone Co. v. FCC, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (Northeast Cellular).

⁷ NetworkIP, LLC v. FCC, 548 F.3d 116, 125-128 (D.C. Cir. 2008); Northeast Cellular, 897 F.2d at 1166.

⁸ *Revision of the Commission’s Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Petitions for Waiver of Section 20.18(g)(1)(v) of the Commission’s Rules*, Order, 22 FCC Rcd 8927, at ¶ 7 (2007).

the location data. Grant of the waiver is also in the public interest, as enforcement of the rule at this time and prior to the PSAP gaining such ability would require Cordova to expend resources that could be spent today on more urgent needs, including the maintenance and operation of their facilities in difficult to serve rural Alaska. As such, NTCA requests that the Commission promptly grant the Petition for waiver until the single PSAP in Cordova's service territory is capable of receiving and using the relevant data.

As detailed in its Petition, Cordova is a small, rural wireless telecommunications provider, operating in the remote city of Cordova on the southern coast of Alaska, an area that is intrinsically remote and extremely challenging to serve. Cordova relies upon the Commission's high cost funding programs to build and maintain vital wireless telecommunications services in an area where the provision of such services is inherently costly and technologically difficult due to the vast distances served, low population density, and extreme weather conditions. Despite these operational challenges, Cordova strives to provide its users with advanced services equivalent to its urban competitors; for instance, the carrier recently began providing VoLTE service.

Similarly, the PSAP for the City of Cordova—the one 9-1-1 call center that operates within Cordova's service territory—provides essential services to the community on an extremely limited operating budget. However, the PSAP currently is unable to receive and use Phase II E911 location data. Therefore, the PSAP has not requested that Cordova provide Phase II E911 service and, consistent with the Commission's rules, Cordova has not implemented Phase II E911 service. Similarly, the PSAP for the City of Cordova is not yet capable of receiving, processing, or using indoor location accuracy data, and Cordova has not yet implemented the required technological solutions to provide the PSAP with a indoor location call

data. However, while compliance with the Phase II E911 requirements is triggered by a valid PSAP request for Phase II E911 service,⁹ the Commission’s indoor location rules appear to operate independently of a PSAP request. As such, Cordova is thereby requesting a waiver.

Cordova’s request is consistent with NTCA’s advocacy and with prior Commission action. As NTCA has asserted in multiple proceedings related to public safety technology upgrades, small, rural wireless providers should not be required to meet new accuracy standards if the relevant PSAPs are unable to make use of that information.¹⁰ Rather, an operator’s technology upgrades should be triggered by a PSAP’s readiness to receive and use the data provided by the wireless operator. These small carriers—particularly those operating in Alaska—operate under very difficult conditions and do so with very limited resources and profit margin (if any). Operating in such conditions requires prioritizing network and other investment and directing resources to only where they are urgently needed. Requiring carriers like Cordova to invest in providing location data to PSAPs that cannot at present utilize it would direct resources away from other needs and in effect “strand” the investment in providing the location data at issue until such time as the local PSAP has completed its own upgrades. Such a result will strain Cordova’s ability to provide the very best level of service to end-users today. A more efficient use of Cordova’s resources would be to invest in providing the PSAP with the required

⁹ See 47 C.F.R. § 20.18(f).

¹⁰ See Comments of the National Telecommunications Cooperative Association, *In the Matter of Wireless E911 Location Accuracy Requirements; Revision of the Commission’s Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems; Association of Public-Safety Communications Officials-International, Inc. Request for Declaratory Ruling; 911 Requirements for IP Enabled Service Providers*, PS Docket No. 07-114, CC Docket No. 94-102, WC Docket No. 05-196, filed Aug. 20, 2007. Also see Comments of NTCA-The Rural Broadband Association, *In the Matter of Facilitating the Deployment of Text-to-911 and Other Next Generation 911 Applications*, PS Docket No. 11-153 and No. 10-255, filed Mar. 11, 2013. And see Comments of NTCA-The Rural Broadband Association, *In the Matter of Facilitating the Deployment of Text-to-911 and Other Next Generation 911 Applications Framework for Next Generation 911 Deployment*, PS Docket No. 11-153 and 10-255, filed Apr. 4, 2014.

location data at such time as the PSAP can utilize it and direct current network investment (in upgrades and maintenance) to where it is needed today.¹¹

Unfortunately, if Cordova is forced to comply with the Commission's indoor location accuracy mandates now, it will expend significant funds to upgrade its network needlessly early, and the financial burden associated with system upgrades would ultimately be borne by end users – but without any resulting, accruing benefits to the PSAP or consumers at this time. As Cordova states in its Petition, the equipment needed to satisfy the requirements would reach into the tens of thousands of dollars – a substantial investment for a carrier of Cordova's size and resources. And this financial outlay does not make sense when the PSAP is unable to accept or use the data derived from the wireless carrier's E911 and location accuracy upgrades.

Public safety stakeholders recognize the pressures placed upon small, rural wireless providers, and the tradeoffs inherent in technology upgrades. As noted in the text-to-911 proceeding, “NENA is conscious of the need to ensure that network changes occasioned by the imposition of new rules do not displace so much capital as to adversely impact a carrier's ability to maintain acceptable coverage, capacity, and reliability for its subscribers.”¹² Indeed, given the unique circumstances surrounding Cordova's petition, forcing Cordova to upgrade its network at

¹¹ In addition, NTCA has routinely advised the Commission of existing PSAPs which are not yet E911 Phase II capable, as now evidenced by Cordova's petition, and asserted that before the Commission issues a new regulation to further upgrade 911 services, the Commission should ensure that all PSAPs throughout the nation are able to accept E911 information, and an adequate, sufficient, and long-term funding model is in place to assist PSAPs with implementation costs. See Comments of NTCA-The Rural Broadband Association, *In the Matter of Facilitating the Deployment of Text-to-911 and Other Next Generation 911 Applications*, PS Docket Nos. 11-153 and 10-255, filed Mar. 13, 2013, at 6-7.

¹² Comments of NENA with Respect to Sections III(B) and (C), *In the Matter of Facilitating the Deployment of Text-to-911 and Other Next Generation 911 Applications, Framework for Next Generation 911 Deployment, Further Notice of Proposed Rulemaking, FCC 12-149*, PS Docket Nos. 11-153 and 10-255, filed Mar. 12, 2013, at 6-7.

this point in time would create an undue economic hardship which displaces resources better used to serve customers in Cordova's isolated and vast terrain.

To be clear, NTCA strongly supports the public safety goals associated with the Commission's indoor location accuracy and other 911 rules and does not seek herein to undermine such rules. Indeed, grant of the Cordova petition would in no way produce such a result given that the PSAP in question lacks the ability to receive or process indoor location accuracy data at this time. Thus, grant of the waiver will not run counter to the public safety goals of the Commission or prevent the local PSAP from providing improved 911 service to residents and businesses.

For the foregoing reasons, NTCA respectfully requests that the Commission and the Bureau find "good cause" exists for grant of the waiver sought by the Petition.

Respectfully submitted,



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