

**Before the
Washington Utilities and Transportation Commission
Olympia, Washington**

In the Matter of)
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TracFone Wireless ETC Designation) UT Docket No. 093012
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Comments from the Washington State E911 Program Office

The Washington State Enhanced 911 Program appreciates the opportunity to comment on the designation of TracFone as an Eligible Telecommunications Carrier (ETC).

FCC Wireless Rule Compliance

The primary issue for the Enhanced 911 Program (E911) is the capability for TracFone customers receiving ETC services under TracFone’s SafeLink program to be able to dial 911 and receive the same service level as that provided to other wireless customers. Because the underlying service that supports the SafeLink program is provided by existing carriers that have a long time history of providing 911 services we anticipate no technological issues with the SafeLink program. This includes receiving caller location information as provided for in the Federal Communications Commission (FCC) rulings under Docket 94-102.

The FCC has placed a requirement on TracFone that they receive certification from the Public Safety Answering Points (PSAPs) that their service complies with the 911 caller location requirements adopted by the agency. A refinement of that requirement permits TracFone to self-certify if PSAPs have not done so in 90 days. In some states this has created a contentious situation between TracFone and the 911 community. Given that Washington State has implemented the FCC requirements at all PSAPs with a high degree of cooperation with the wireless carriers the State E911 Program Office is hopeful that the certification requirement can be accomplished with an equally high degree of cooperation with TracFone.

Location Accuracy

It should be noted that the accuracy of the caller location information received for wireless phones such as those that will be supplied by TracFone can vary widely between carriers and even between different handsets.¹ This contrasts with wireline service where the location information is extremely accurate, identifying the callers location to the street address of the residential unit where the phone is located.

¹ 47CFR Ch. 1 sec 20.18(h)*Phase II accuracy*. Licensees subject to this section shall comply with the following standards for Phase II location accuracy and reliability: (1) For network based technologies: 100 meters for 67 percent of calls, 300 meters for 95 percent of calls; (2) For handset-based technologies: 50 meters for 67 percent of calls, 150 meters for 95 percent of calls.

Because of the additional convenience of a wireless phone, and because customers of the SafeLink service will not be permitted to also have a subsidized wireline phone, it is anticipated that most SafeLink customers will discontinue wireline service. This move to a lesser quality of 911 location information is of general concern to the 911 community as a reality of the move to wireless service. However, in this case it is of greater concern because of the forced abandonment of wireline service for Lifeline customers with a high probability that the SafeLink customer will not understand the 911 implications associated with the wireless service. Public safety authorities frequently advise the public to keep the landline telephone for use in emergencies. This option will not be available to those who avail themselves of the existing Lifeline service and request a SafeLink phone, unless they install a non-subsidized landline service.

The situation of lesser location accuracy when calling 911 is not unique to the implementation of the SafeLink program. It occurs with many segments of the population who are moving to wireless as their primary or sole telephone service. The need to educate the public concerning the need to provide accurate location information when calling 911 from wireless devices is now a major public education program element of the State E911 Program and the Statewide E911 Advisory Committee. A responsible implementation of the SafeLink would include TracFone collaborating with the State E911 Program to include 911 information in both the promotional materials for SafeLink and in information supplied to the program participants.

Non-Initialized Handsets

It has been indicated that all TracFone sets in the SafeLink program will be fully initialized and will be retained in that status for the length of the contract plus up to six months after the contract specifically for assuring 911 capabilities. Maintaining these handsets in the initialized status will mean that a call to 911 will provide the caller's phone number and will permit the PSAP to return a call to the set as well as receive location information. This is commendable and often not a capability offered with prepaid service. In order to assure that maintaining the handset in an initialized state functions as intended, it is proposed that TracFone work with the State E911 Program to verify the functionality in a controlled test environment utilizing handsets from each of their contracted network providers.

Data Delivery Complications

The TracFone/SafeLink offering appears to have somewhat unique interactions with the supplied handset and with the carriers' networks. It is anticipated that there are no issues at hand with these data interactions as the State's E911 network is migrated over the next few months from the current Legacy telephone system to the Emergency Services Information Network (ESINet) platform which utilizes Voice Over Internet Protocol. However, TracFone is encouraged to join the conversion efforts to ensure that there are no deficiencies in their data delivery process when using the ESINet.

Taxes

TracFone has maintained in its ongoing debates with Washington State over payment of 911 excise taxes that their prepaid service model does not lend itself to collecting the State E911 excise tax. Although that discussion is not directly linked to the implementation of the SafeLink program, the description of the program appears to include a billing process that creates an

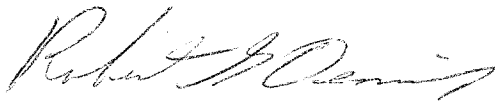
opportunity for the tax collection. Where SafeLink is displacing the existing lifeline service such a collection would maintain 911 support equal to that currently collected.

Summary

SafeLink is a somewhat dramatic departure from the existing Lifeline subsidized telephone service for purposes of 911 in that the capabilities for 911 location accuracy are far less. It is also a direct reflection of a general move to wireless services with the one caveat that in this case, where the customer is served by an existing Lifeline program, the elimination of the traditional wireline service is nearly certain. Consumer education is critical to ensure that those taking advantage of the SafeLink offering understand its limitations when 911 is dialed and understand the steps they can take to mitigate for the degraded location accuracy. It is hoped that TracFone will adopt a corporate position to collaborate to the highest degree in working with the 911 community in Washington State to educate consumers and other wise assure that SafeLink provides the best possible access to emergency assistance when 911 is dialed.

Respectfully Submitted

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