



TELECOMMUNICATIONS

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New E911 Rules Take Effect Next Month

The [FCC](#) has published new rules, which take effect on November 28, 2011, in the [Federal Register](#) designed to more easily monitor an individual's location via their personal communications devices. The purpose of the location technology rules is to find an individual's location in an emergency situation. Some of the rules take effect immediately and require carriers to have a tougher testing process and better location-finding accuracy. However, other rules will be phased in over multiple years. The FCC is also seeking comment on a number of accuracy requirements related to the extent of the regulations and specifically how they relate to VoIP, cellular, and WiFi.

The new rules build upon rules established in 2010 in which the FCC made existing accuracy requirements more stringent for carriers who use GPS in the customer's handset ("handset solutions") or use triangulation of radio signals among cell towers ("network solution") to obtain an individual's location. The FCC wanted to ensure that highly accurate customer locations could be obtained in all parts of a carrier's service area, with the exception of areas with dense forests where triangulation would not be possible.

These requirements go into effect over eight years after which the FCC will eliminate the separate network-based accuracy standard, which means that locations will no longer be reported by triangulation. Instead, the FCC determined that because of the increasing

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prevalence of GPS technology it should become the exclusive standard for accurately establishing a customer's location by the end of the eight-year period.

The FCC's rules also require carriers to conduct periodic tests of their actual accuracy levels and report results to local authorities and to the FCC. The FCC chose to implement these rules in order to ensure that carriers were maintaining their location technology.

The FCC is seeking comment on a number of issues related to accuracy requirements including:

- whether it should extend the E-911 accuracy requirements to outbound-only interconnected voice services;
- whether it should extend this requirement incrementally to include one-way VoIP calling (a "Skype-out" only situation);
- how VoIP customers can be located without customers having to register themselves;
- how indoor calling locations can be more accurately pinpointed;
- whether WiFi hotspots can be used to help locate callers.

Comments on these issues are due 60 days after the September 28, 2011 publication in the Federal Register (November 27, 2011) with replies due 30 days later (December 27, 2011).

Consumers will not have the opportunity opt-out of the ability to have their location pinpointed under the FCC regulations. The FCC specifically addressed these privacy concerns stating that the consumers' privacy rights are statutorily waived in connection with the delivery of emergency services.

We welcome your thoughts! Please feel free to comment at our interactive [blog](#)! If you have questions about any of these issues, or if we may be of assistance to you on any other matter, please feel free to [contact us](#).

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