

**Before The  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Petition for Wavier of Rules Requiring	)	GN Docket No. 15-178
Support of TTY Technology	)	

**PETITION FOR WAIVER**

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## SUMMARY

Petitioners file this request for a waiver of the FCC's TTY-related requirements for IP-enabled networks to the same extent as those waivers granted to AT&T, Verizon, Cellular South, and the Competitive Carriers Association ("CCA"). Petitioners are small, rural wireless telecommunications carriers that provide wireless telecommunications services in their local communities in Iowa in connection with Iowa Wireless Services, LLC, d/b/a iWireless. iWireless and the ITCs focus on providing service in rural, historically underserved areas under the iWireless brand name. Due to the high degree of integration and coordination between the ITCs' networks and iWireless' network, customers do not perceive any differences in service whether they are on iWireless' network, or on an ITC network. From the customers' perspective, wireless service from iWireless and the ITCs are from one company operating under the iWireless brand name.

On April 20, 2016, the FCC released the *CCA TTY Waiver Order* in which the Commission granted a temporary waiver of the TTY rules to the CCA until December 31, 2017. CCA members may opt in to the CCA waiver if they meet certain criteria. Specifically, CCA members that seek the benefit of the waiver granted by the *CCA TTY Waiver Order* are required to identify themselves to the FCC no later than July 19, 2016, and to affirm that they are aware of the commitments stated in CCA's revised petition. iWireless is a CCA member, and the company intends to opt in to the CCA waiver. However, Petitioners are ineligible to opt in to the CCA waiver because they are not CCA members. The high annual cost of joining CCA is prohibitive in light of Petitioners' extremely small customer bases and operations. Accordingly, Petitioners file their request for waiver on a consolidated basis to request a temporary waiver of the FCC's TTY rules consistent with the waivers previously granted to AT&T, Verizon, Cellular South, and CCA.

As further detailed below, good cause exists to grant the requested waiver because of the severe difficulties faced by wireless carriers in complying with FCC's TTY rules for IP networks. Furthermore, it would be unduly burdensome and inequitable to require Petitioners, who are small carriers with limited resources, to comply with the FCC's TTY rules when similarly situated carriers have already been granted temporary waivers of the TTY requirements. Despite serving the same constituents, using the same network technologies, and having a high degree of coordination and cooperation in their operations, iWireless can opt in to the CCA waiver, while Petitioners cannot because they are not CCA members.

Petitioners agree to comply with the CCA waiver conditions, and request that, to the extent necessary, they be permitted to provide customer notification of the absence of TTY capabilities for 911 calling over IP-based networks, and inform customers of alternative means of reaching 911, through iWireless' website. Petitioners also request that they be permitted to rely on the reports submitted by iWireless through CCA because Petitioners and iWireless work in close coordination with each other, and any reports for Petitioners would be the same as those submitted by iWireless.

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**PETITION FOR WAIVER**

Amu-SkyLink, LLC, Baldwin Nashville Telephone Company, Inc., Bernard Communications, Inc., Cedar-Wapsie Communications, Inc., Center Junction Telephone Company, Inc. , CL Tel Wireless, Inc., Communications 1 Network, Inc., Cooperative Telephone Company, Dumont Wireless, Inc., East Buchanan Telephone Cooperative, FMTC Wireless, Inc., FWC Communications, Inc., Kalona Cooperative Telephone Co., Modern Communications, Inc., Olin Telephone Company, Inc., Onslow Cooperative Telephone Association, Radcliffe Telephone Company, Rockwell Cooperative Telephone Association, Sac County Mutual Telephone Co., Scranton Telephone Company, SEI Wireless, LLC, Sharon Telephone Company, SkyLink, LLC, Southeast Wireless, Inc., WCTA Wireless Inc., Wellman Cooperative Telephone Association, and Winnebago Cooperative Telecom Association (collectively, “Petitioners”), file this request for a waiver of the FCC’s TTY–related requirements for IP-enabled networks to the same extent as those waivers granted to AT&T, Verizon, Cellular South, and the Competitive Carriers Association (“CCA”).<sup>1</sup> As further detailed below, grant of the requested waiver, subject to

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<sup>1</sup> See *In the Matter of Petition for Waiver of Rules Requiring Support of TTY Technology*, Order, 30 FCC Rcd 10855 (2015) (*AT&T TTY Waiver Order*); Order, 30 FCC Rcd 12755 (2015) (*Verizon TTY Waiver Order*); Order, 30 FCC Rcd 14404 (2015) (*Cellular South TTY Waiver Order*), modified, Letter Order, 31 FCC Rcd 201 (2016) (*Cellular South TTY Waiver Modification Letter*); Order, DA 16-435, GN Docket No. 15-178 (rel. Apr. 20, 2016) (*CCA TTY Waiver Order*).

conditions similar to those required for waivers granted to other wireless carriers, is warranted and in the public interest.

## **I. BACKGROUND**

Petitioners are small, rural wireless telecommunications carriers that provide wireless telecommunications services in their local communities in Iowa in connection with Iowa Wireless Services, LLC, d/b/a iWireless.<sup>2</sup> iWireless is a Tier III PCS and AWS licensee providing service in Iowa and western Illinois. iWireless provides mobile voice and data services in conjunction with over 100 other small companies, including Petitioners, which are primarily small, rural independent telephone companies, or affiliates of those companies (the “ITCs”).

iWireless and the ITCs focus on providing service in rural, historically underserved areas. Petitioners each hold their own PCS and AWS licenses, and operate their own networks that are separate from iWireless. Petitioners serve small geographic areas that are limited to the towns and communities in which they are located because their missions are to provide advanced, high quality telecommunications services to their rural, local subscribers. Because the ITCs generally serve low population areas that have no more than a few hundred subscribers, iWireless and Petitioners work together to ensure that their networks work smoothly to provide their customers with seamless coverage throughout Iowa. iWireless provides switching, billing, and other back office services to Petitioners as necessary to ensure that customers have a high quality and unified wireless telecommunications experience throughout the state of Iowa. Due to the high degree of integration and coordination between the ITCs’ networks and iWireless’ network, customers do not perceive any differences in service whether they are on iWireless’ network, or on an ITC

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<sup>2</sup> iWireless provides service through its operating company, Iowa Wireless Services, LLC. Iowa Wireless Services Holding Corporation is the entity that holds the company’s wireless licenses.

network. From the customers' perspective, wireless service from iWireless and the ITCs are from one company operating under the iWireless brand name.

As the Commission is aware, several Commercial Mobile Radio Services ("CMRS") providers have requested a waiver of the FCC's TTY rules, which contain requirements for wireless services to be compatible with TTY technology. For example, Section 20.18(c) of the Commission's rules requires covered CMRS providers to be capable of transmitting 911 calls from individuals who are deaf, hard of hearing, or speech disabled, through means other than mobile radio handsets, such as TTY technology.<sup>3</sup> Section 64.603 requires common carriers, including voice over Internet protocol ("VoIP") providers, to offer 711 abbreviated dialing access to traditional telecommunications relay services (TRS) via a voice telephone or TTY.<sup>4</sup> Additionally, Sections 6.3(b), 7.3(b), and 14.21(d) generally require that telecommunications services and equipment and advanced communication services and equipment be capable of TTY connectability and TTY signal compatibility.<sup>5</sup>

On April 20, 2016, the FCC released the *CCA TTY Waiver Order* in which the Commission granted a temporary waiver of the TTY rules to the CCA until December 31, 2017. CCA members may opt in to the CCA waiver if they meet certain criteria. Specifically, CCA members that seek the benefit of the waiver granted by the *CCA TTY Waiver Order* are required to identify themselves to the FCC no later than July 19, 2016, and to affirm that they are aware of the commitments stated in CCA's revised petition.<sup>6</sup> iWireless is a CCA member, and the company intends to opt in to the

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<sup>3</sup> 47 C.F.R. § 20.18(c); *see also*, *CCA TTY Waiver Order* ¶ 4.

<sup>4</sup> 47 C.F.R. § 64.603, *see also* *CCA TTY Waiver Order* ¶ 4 (citations omitted).

<sup>5</sup> 47 C.F.R. §§ 6.3(b), 7.3(b), 14.21(d); *see also* *CCA TTY Waiver Order* ¶ 4 (citations omitted), and Sections 6.5, 7.5, and 14.20 of the Commission's rules. 47 C.F.R. §§ 6.5, 7.5, 14.20.

<sup>6</sup> *CCA TTY Waiver Order* ¶ 17.

CCA waiver. However, Petitioners are ineligible to opt in to the CCA Waiver because they are not CCA members.

Although iWireless brand partners can join CCA in order to opt in to the waiver, that option is not feasible for many ITCs, including Petitioners, because they are generally very small, rural carriers that serve just a few hundred customers.<sup>7</sup> The high annual cost of joining CCA is prohibitive in light of Petitioners' extremely small customer bases and operations. Accordingly, Petitioners now file the subject petition on a consolidated basis to request a temporary waiver of the FCC's TTY rules consistent with the waivers previously granted to AT&T, Verizon, Cellular South, and CCA.

## **II. DISCUSSION**

### **A. Standard for Waiver**

The standard for waiver of the FCC's rules is familiar. The Commission's rules may be waived for good cause shown.<sup>8</sup> A waiver is appropriate where the particular facts make strict compliance inconsistent with the public interest.<sup>9</sup> In addition, the FCC may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.<sup>10</sup> Such a waiver is appropriate if special circumstances warrant a deviation from the general rule, and such deviation will serve the public interest.<sup>11</sup> As demonstrated below, these requirements are met for the requested waiver.

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<sup>7</sup> After the release of the *CCA TTY Waiver Order*, there were some ITCs that decided that their operations justified joining CCA.

<sup>8</sup> 47 C.F.R. § 1.3.

<sup>9</sup> *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

<sup>10</sup> *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969), *cert. denied*, 409 U.S. 1027 (1972); *Northeast Cellular*, 897 F.2d at 1166.

<sup>11</sup> *Northeast Cellular*, 897 F.2d at 1166.

**B. There is Good Cause for the FCC to Grant the Requested Waiver.**

On June 12, 2015, AT&T filed a petition requesting that the Commission initiate a rulemaking proceeding to authorize the substitution of a newer form of text communication, real-time text (“RTT”), as an alternative accessibility solution to TTY technology for use in the IP-based environment.<sup>12</sup> AT&T also requested the FCC to temporarily waive the Commission’s requirements to support TTY technology over an IP network until RTT is fully deployed because “packet loss, distortion caused by echo cancellation and compression techniques, and bandwidth issues” can impede or prevent the delivery of TTY messages on IP-based networks.<sup>13</sup> The FCC granted AT&T’s waiver request on October 6, 2015 based on the technical challenges to reliable TTY transmissions over IP networks, the history of declining TTY use with wireless services, and the long-term benefits of allowing the development and deployment of VoIP services using wireless technologies, together with new IP-based accessibility solutions that can enable the use of those technologies by people with disabilities.<sup>14</sup>

Subsequently, on November 13, 2015, the FCC granted Verizon a waiver of wireless TTY requirements, with conditions similar to those imposed by the *AT&T TTY Waiver Order*. The FCC also required Verizon to file a preliminary report describing its initial plans for meeting its commitment to develop and deploy RTT or an alternative text-based solution.<sup>15</sup> On December 18, 2015, in response to a request from Cellular South for a similar waiver, the Commission granted Cellular South a waiver with conditions that were virtually the same as those in the *Verizon TTY*

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<sup>12</sup> *Petition of AT&T Services, Inc. for Rulemaking*, PS Docket Nos. 11-153 and 10-255, WC Docket No. 04-36, CG Docket Nos. 03-123 and 10-213 (filed June 12, 2015).

<sup>13</sup> *Id.* at 5.

<sup>14</sup> *AT&T TTY Waiver Order*, 30 FCC Rcd at 10858-62, ¶¶ 9-16.

<sup>15</sup> *Verizon TTY Waiver Order*, 30 FCC Rcd at 12759, ¶ 13.

*Waiver Order*.<sup>16</sup> On April 20, 2016, the FCC granted the CCA a waiver conditioned on similar requirements as those in the prior waivers, and also permitted CCA members to opt in to the CCA waiver provided that members identified themselves to the FCC, and affirmed that they are aware of the commitments stated in CCA's revised petition.<sup>17</sup>

iWireless is a CCA member, and iWireless will be opting in to the CCA waiver. As a condition to opting in to the CCA waiver, iWireless, like all CCA members that choose to opt in to the CCA waiver, will be required to meet the requirements set out in the *AT&T TTY Waiver Order*. As discussed above, Petitioners and iWireless work closely together in order to provide wireless telecommunications service throughout Iowa. As iWireless works to meet the obligations set forth in the *AT&T TTY Waiver Order*, as a requirement for opting in to the CCA waiver, Petitioners will also be required to meet the *AT&T TTY Waiver Order* requirements. The integration of Petitioners' and iWireless' networks and operations pursuant to their service and branding relationship will necessitate compatible IP-based accessibility solutions.

iWireless and Petitioners serve the same constituents, use the same network technologies, and have a high degree of coordination and cooperation in their operations. Indeed, iWireless provides Petitioners with all mobile switching capabilities, all billing functions, and other network and support functions. The only material difference between iWireless and Petitioners with respect to the CCA waiver is that iWireless is a CCA member, while Petitioners are not CCA members.<sup>18</sup> The FCC has already determined that there is good cause to grant a temporary waiver of the TTY rules to CCA members that commit to meeting the conditions in the *CCA TTY Waiver Order*.

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<sup>16</sup> *Cellular South TTY Waiver Order*, 30 FCC Rcd 14404.

<sup>17</sup> *CCA TTY Waiver Order* ¶ 17.

<sup>18</sup> Although Petitioners could join CCA to opt in to the CCA waiver, Petitioners cannot justify the cost to join CCA in light of Petitioners' small operations. In order to provide a more cost effective way to obtain a temporary waiver of the TTY rules, Petitioners have joined together in order to obtain their own waiver from the FCC.

Petitioners, who are in the same situation as iWireless, but unable to opt in to the CCA waiver because they are not CCA members, commit to meeting the same conditions as that applicable to iWireless for opting in to the CCA waiver. Accordingly, good cause exists to grant the requested waiver.

**C. A Waiver is Appropriate Because it Would be Onerous, Unduly Burdensome, and Inequitable for Petitioners to Comply with the TTY Rule.**

As the Commission is aware, there are major technical barriers to reliably supporting TTY transmissions over IP networks.<sup>19</sup> The FCC has previously acknowledged consumers' belief that TTY technology is "an antiquated technology with technical and functional limitations, including its slow speed and half duplex mode ... and its Baudot text encoding standard used in the United States that does not include all of the characters used in modern text communication."<sup>20</sup> When used with IP networks, these problems are multiplied, due in part to "the inability of TTY tones to travel well using IP audio compression, transmission, and packet loss repair techniques without introducing text errors."<sup>21</sup> Moreover, as the CCA noted in its revised petition, the Commission has acknowledged that the technical barriers to supporting TTY transmissions of wireless IP networks are almost insurmountable, and even if they could be solved, would result in little to no benefit to the deaf and hard of hearing community.<sup>22</sup>

In light of the difficulties faced by wireless carriers to implement TTY over IP-based networks, it would be extremely onerous and burdensome to require Petitioners, who are small, rural carriers with limited resources, to comply with the TTY rules. Petitioners do not have the

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<sup>19</sup> *AT&T TTY Waiver Order*, 30 FCC Rcd at 10858.

<sup>20</sup> *Id.* (quoting *Facilitating the Deployment of Text-to-911 and Other Next Generation 911 Applications, Framework for Next Generation 911 Deployment*, Notice of Proposed Rulemaking, 26 FCC Rcd 13615, 13624 ¶ 26 (2011)).

<sup>21</sup> *Id.*

<sup>22</sup> *CCA Petition for Waiver* (citing *AT&T TTY Waiver Order* ¶ 12).

resources available to larger Tier I carriers, such as AT&T and Verizon. Despite their vastly larger capital, technical, and market resources, Tier I carriers are unable to meet the TTY requirements for IP networks, and have been granted waivers by the FCC for good cause shown. Although Petitioners have deployed IP-based data networks and have made available to customers equipment that have Wi-Fi capabilities, Petitioners have not yet implemented Wi-Fi calling and voice over LTE-only (VoLTE-only) wireless networks.<sup>23</sup>

It would also be inequitable for Petitioners to be required to comply with the FCC's TTY rules for IP-based networks when similarly situated carriers that are members of CCA can opt in to the CCA's waiver, while Petitioners cannot do so. As discussed above, iWireless is a CCA member, and will be opting in to the CCA waiver. iWireless and Petitioners work closely together to ensure that they deploy the same technology and standards throughout their networks because they are providing service to rural customers under a unified brand name. It would be patently unfair, and be arbitrary and capricious, for the FCC to grant iWireless a waiver through the CCA waiver opt in process, but deny Petitioners a substantially similar waiver simply because Petitioners are not CCA members.

#### **D. Grant of a Waiver is in the Public Interest.**

Rural subscribers have few choices for wireless service providers that focus on their unique needs due to the low population densities and associated low returns on investment. Even if Petitioners and iWireless could develop a custom TTY solution that works with IP technology, which they could not given their small sizes and limited resources, it would make no sense to require Petitioners to do that when the wireless industry is working on an RTT solution as a TTY

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<sup>23</sup> The Commission noted in the CCA waiver that while the FCC believed that service providers that have been granted waivers to date have not implemented Wi-Fi calling and VoLTE-only wireless networks before being granted waivers of the TTY connectivity rules, the Commission had not received such assurances from the members of CCA. *CCA TTY Waiver Order* ¶ 15.

alternative. The public interest would not be served by requiring Petitioners to make significant capital expenditures on such a system that would be of limited use in light of the impending transition to RTT. Rather, the public interest is better served by granting a limited waiver of the FCC's TTY rules until December 31, 2017, with substantially the same conditions as those required in the waiver granted to the CCA.

**E. A Waiver is Appropriate Because Petitioners Agree to Comply with Substantially the Same Conditions as those in the CCA Waiver.**

In granting a waiver to CCA and to its members that decide to opt in to that waiver, the FCC conditioned the waiver on the following conditions: First, at least 20 days prior to the date that a provider's provision of IP-based wireless calling services commences, or within 60 days after the date of the Order, whichever is later, CCA's participating members will commence providing customer notification of the absence of TTY capabilities for 911 calling over IP-based networks, and inform customers of alternative means of reaching 911, which will continue throughout the waiver period. Such notification will be made through effective and accessible channels of communication, including via the service provider's website, billing statements, promotional materials, communications with national consumer organizations, and other effective means of communications. The notice will be prominently placed and in plain language on the CCA member's website and in the materials described above. Second, once every six months, CCA will file with the Commission on behalf of its members, and members will make available to their participating members' customers using the same channels described above, reports detailing participating members' progress toward implementing RTT. Third, CCA will file on behalf of its participating members a preliminary report with the FCC describing each member's initial plans for meeting the commitment to develop and deploy RT or an alternative text-based

solution that is accessible, interoperable with other carriers' accessibility solutions, and backward compatible with TTY technology.

Petitioners agree to comply with the CCA waiver conditions with certain appropriate modifications. Petitioners are small carriers, and some have only rudimentary websites regarding the wireless services offered under the iWireless brand name. In such cases, some Petitioners may rely on iWireless for certain aspects of their wireless operations, including reliance on iWireless' website to provide customers with detailed information regarding the wireless services and equipment (handsets) available to customers. To the extent that Petitioners rely on iWireless' website to disseminate information to customers, Petitioners request that they be permitted to provide customer notification of the absence of TTY capabilities for 911 calling over IP-based networks, and inform customers of alternative means of reaching 911, through iWireless' website. Petitioners will comply with the notification requirement in the *CCA TTY Waiver Order* in all other respects.

With regard to the preliminary and ongoing reports required to be filed by CCA, Petitioners request that they be permitted to rely on the reports submitted by iWireless through CCA. Because Petitioners and iWireless work in close coordination with each other, any reports for Petitioners would be the same as those submitted by iWireless and be duplicative. To the extent that iWireless fails to file a report with CCA, Petitioners will be responsible for submitting reports directly to the Commission.

### **III. CONCLUSION**

The Commission has acknowledged the severe difficulties faced by wireless carriers in complying with FCC's TTY rules for IP networks. The wireless industry has committed to implementing RTT as an alternative to TTY, and the FCC has deemed it appropriate and necessary to grant temporary waivers to AT&T, Verizon, Cellular South, and CCA members provided that

they comply with notice and reporting conditions, and work towards deploying an RTT solution. In light of the waivers previously granted to other wireless carriers, and the waiver granted to iWireless by virtue of its status as a CCA member opting in to the CCA waiver, Petitioners request a temporary waiver of the FCC's TTY rules until December 31, 2017. Petitioners also request that the waiver conditions be modified to permit Petitioners, to the extent necessary, to rely on the website of and reports submitted by iWireless.

Respectfully submitted,

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