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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

In the Matter of	)	
	)	
Revision of the Commission's Rules	)	CC Docket No. 94-102
To Ensure Compatibility with	)	RM-8143
Enhanced 911 Emergency	)	
Calling Systems	)	

PETITION FOR WAIVER

Larsen Cellular Communications, Ltd. ("Larsen"), by its attorneys and pursuant to the Commission's Order in the above-referenced docket, DA 98-2323, released November 13, 1998 ("November 13 Order"), hereby requests a waiver of the enforcement deadline of Section 20.18(c) of the Commission's rules, effective January 1, 1999. That section requires cellular radio telephone service licensees to have the capability of transmitting 911 calls from individuals with speech or hearing disability through means other than mobile radio handsets, e.g., through the use of Text Telephone Devices ("TTY"), no later than December 31, 1998. The basis for this request is that equipment necessary to allow for compliance with Section 20.18(c) does not yet exist, nor is it expected to exist in the near future. Thus, it is impossible for Larsen to comply with Section 20.18(c) by the referenced deadline.

ARGUMENT

Larsen operates a cellular radio telephone system in Florida bearing the call sign of KNKQ382. Since 1996 Larsen has operated a digital system, employing TDMA technology.

As the FCC is well aware, the requisite equipment that is necessary for TDMA digital wireless carriers such as Larsen to be in compliance with Section 20.18(c) is not yet available. As Larsen understands it, the equipment is still being developed by the wireless manufacturing

industry. According to the Cellular Telecommunications Industry Association, this equipment will not be available in the foreseeable future. On this basis, the Commission proposed in the November 30 Order to extend the suspension of enforcement of Section 20.18(c) past the December 31, 1998 deadline. However, the Commission conditioned this suspension on the submission by each affected wireless carrier of a petition seeking waiver of the rules. Larsen is now seeking this waiver.

Good cause exists to grant this request. Larsen is a very small wireless carrier that cannot afford to implement TTY for 911 service unless the necessary equipment is available from third party vendors. This means that whether Larsen complies with the rule is a matter essentially outside of its control. Until the equipment is available, Larsen cannot comply with the rule. In addition, Larsen has taken steps to partially comply with Section 20.18(c). In particular, it advises its customers in writing of the fact that TTY for 911 service is not yet available, and will continue to do so.

In addition, the November 13 Order requires all carriers that obtain a waiver to file reports every three months reporting on their progress in implementing TTY for 911 service. Larsen hereby commits to submitting such reports.

In the November 13 Order, the Commission set forth three issues which it is requiring waiver petitioners to address in their petitions. Set forth below are Larsen's responses to these issues.

(1) What steps the carrier is taking or intends to take to provide users of TTY devices with the capability to operate such devices in conjunction with digital wireless phones.

Answer: Larsen is following the results of the Workplan of the Wireless TTY Forum ("Forum"). The Workplan calls for the development of standards to allow for the implementation of both short-term and long-term solutions. Once those standards are developed and solutions are implemented, Larsen will be in a position to comply with the rules.

(2) When the carrier intends to make this capability available to TTY users. This information should include well-documented timetables and milestones from the carrier regarding the implementation of this capability.

Answer: Larsen cannot offer any timetables or milestones, other than those specified by the Forum. Larsen does not know when the necessary equipment will be available in order for Larsen to comply with the rules. However, Larsen shall make TTY-compatible digital service available to those requiring it as soon as the product/service becomes generally available and delivery schedules permit.

(3) What reasonable steps the carrier will take to address the consumer concerns referenced in the September 30 Order.[1]

Answer: All existing customers are provided with information about the status of TTY compatibility in their bills on at least a quarterly basis. In addition, Larsen provides this information to customers at all points of sale, including both direct and agent sales locations.

In sum, Larsen cannot comply with Section 20.18(c). The equipment simply is not available. It would be wholly unfair for the Commission to take significant action against Larsen when compliance is an impossibility at this time.

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[1] Revision of the Commission's Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 98-1982 (Wireless Telecom. Bur.), released Sept. 30, 1998.

WHEREFORE, for the foregoing reasons, Larsen respectfully requests that the Commission grant this waiver request, which would temporarily extend the suspension of enforcement of Section 20.18(c), and hereby agrees to submit progress updates every three months.

Respectfully submitted,

LARSEN CELLULAR COMMUNICATIONS, LTD.

By: _____

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