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January 4, 1999

Magalie Roman Salas
Federal Communications Commission
The Portals
445 Twelfth Street, S.W.
Washington, DC 20554

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JAN - 4 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Attention: Elizabeth Lyle

**Re: New Mexico RSA 6-III Partnership, Request for Waiver Pursuant to
Section 20.18(c) of the Commission's Rules; CC Docket No. 94-102**

Dear Ms. Salas:

On behalf of New Mexico RSA 6-III Partnership ("Licensee") and pursuant to §1.3 of the Federal Communications Commission's ("Commission") rules, we hereby submit the original signature page for Licensee's Petition for Waiver of the December 31, 1998 deadline ending the suspension of enforcement of Section 20.18(c) of the Commission's rules, as that section relates to the transmission of 911 calls made from TTY devices using digital wireless systems. The original signature page was not available for filing on December 29, 1998. We have attached a date-stamped copy of the submission which bears a facsimile signature as proof of timely filing.

Should you have any questions concerning this matter, please communicate directly with the undersigned.

Sincerely,



Michael R. Bennet

MRB/jmb
Enclosures

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For the foregoing reasons, Licensee submits that the limited waiver requested is in the public interest.

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Respectfully submitted,

New Mexico RSA 6-III Partnership

By John Smith et
John Smith
General Manager

December 29, 1998

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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

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

To: Wireless Telecommunications Bureau

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DEC 29 1998
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

**New Mexico RSA 6-III Partnership, Request for Waiver
of Section 20.18(c) of the Commission's Rules**

I. Introduction

New Mexico RSA 6-III Partnership ("Licensee"), pursuant to § 1.3 of the Rules and regulations of the Federal Communications Commission ("FCC" or "Commission"),¹ hereby requests a limited waiver of the December 31, 1998 deadline ending the suspension of enforcement of Section 20.18(c) of the Commission's Rules, as that section relates to the transmission of 911 calls made from TTY devices using digital wireless systems as set forth in the Commission's November 13, 1998 *Order*.²

Licensee is a small, rural cellular carrier operating in the New Mexico RSA 6. Licensee's wireless network is both digital and analog and its users have either analog phones or dual-mode analog/digital phones. All of Licensee's phones automatically transmit 911 data over the analog

¹47 C.F.R. § 1.3 (1996).

²In the Matter of Revision of the Commission's Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, Order, RM-8143 (rel. November 13, 1998) ("*Order*").

network. Accordingly, Licensee believes that it is in full compliance with Section 20.18(c). However, because Licensee is incapable of transmitting 911 calls made from TTY equipment over the digital portion of its network (even though the analog capability on all Licensee phones renders such transmission unnecessary), Licensee, out of an abundance of caution, is requesting a waiver of Section 20.18(c).

II. Background

On November 13, 1998, the Wireless Telecommunications Bureau released an *Order* extending through December 31, 1998, the suspension of enforcement of Section 20.18(c) of the Commission's Rules regarding the transmission of 911 calls made from TTY devices using digital wireless systems. While the Commission recognized the difficulties the industry (represented by the Wireless TTY Forum) was experiencing in achieving TTY compatibility with digital systems, the Commission was also concerned about "the significant benefits the requirements established in Section 20.18(c) will provide to individuals who are deaf, hard-of-hearing, or who have speech disabilities" and pushed for an interim solution that included this waiver process in order to continue "the process of achieving carrier compliance."³ In the *Order*, the Commission established specific procedures under which wireless carriers subject to the requirements of Section 20.18(c) may petition the Commission for a waiver of those requirements. In accordance with these procedures, what follows are the steps Licensee is taking to provide users of TTY devices with the capability to operate such devices in conjunction with digital wireless phones.

III. Compliance Efforts

³*Order* at p. 3.

Licensee is currently working with its wireless switch manufacturer, Nortel, on a viable solution to digital 911 for TTY users. Unfortunately, for the time being, it is technically impossible for Licensee to offer TTY access to 911 over the digital wireless portion of its dual-mode system until Nortel makes the appropriate equipment commercially available. While Nortel's equipment is capable of transmitting analog 911 calls, Nortel has yet to develop the equipment necessary to connect with digital wireless handsets and the 911 text message may be corrupted by the consumers' equipment.

Nortel's IS-95 CDMA air interface equipment, in the short term, is incapable of transmitting a 911 call with sufficient error-free text to elicit a proper emergency response. Nortel's IS-136 TDMA air interface equipment is also incapable, in the short term, of transmitting error-free text messages depending upon the type of vocoder used in the system, the type of text message, and the type of handset. In addition, Nortel maintains that industry standards to support TTY operation in digital mode are not currently defined. Nortel has informed Licensee that Nortel Networks is working with other equipment manufacturers to define the standards needed to make the digital service work. A timely compliance solution depends not only upon Nortel's equipment, but also the makers of TTY equipment. Unfortunately, the only impact Licensee has on this process is creating a demand for functional 911/TTY equipment.

Licensee has made quite clear to Nortel the importance of timely compliance with the FCC's rules. However, Nortel has informed Licensee that it may take as long as twelve to eighteen months for a finished product that can accommodate digital TTY use.⁴ Licensee will

⁴See *Order* at ¶ 5, footnote 4.

continue to work with Nortel to develop a system that can work for Licensee's customers. Licensee will keep the Commission informed about its progress. If the equipment manufacturers could be more definite about their solutions, Licensee could provide the Commission with a more definite date when it will be capable of transmitting TTY signals over the digital portion of its network.

In the meantime, Licensee's analog network is fully capable of sending 911/TTY calls although, at the moment, Licensee has no TTY customers. Licensee will certainly inform any future TTY customers of their options concerning public safety network access over Licensee's network.

Licensee is committed to the safety of its customers who are deaf, hard-of-hearing, or who have speech disabilities and will work with these customers to provide them with any technically feasible telecommunications features or information such as ANI or volume control that will allow these users to access the network. Nevertheless, Licensee is in the position of transporting and terminating the signal, not in the position of manufacturing the equipment that carries the signal or the end user equipment. Licensee appreciates the FCC's commitment to solving this industry-wide incompatibility as soon as possible and believes the deadline and subsequent waiver procedure will speed industry compliance. Licensee is aware of its obligation to file a submission every three months if it is unable to implement digital TTY capability and, if granted this waiver, will keep the FCC informed of the progress it has made with its equipment manufacturers toward making digital 911/TTY a reality.

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page 2

FROM : LEACO LOVINGTON

12/29/98 16:48

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PHONE NO. : 5053985350
BENNET & BENNET

Dec. 29 1998 02:59PM P2
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For the foregoing reasons, Licensee submits that the limited waiver requested is in the public interest.

Respectfully submitted,

New Mexico RSA 6-III Partnership

By John Smith
John Smith
General Manager

December 29, 1998

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December 29, 1998

Magalie Roman Salas
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445 Twelfth Street, S.W.
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Attention: Elizabeth Lyle

**Re: New Mexico RSA 6-III Partnership, Petition for Waiver Pursuant to
Section 20.18(c) of the Commission's Rules; CC Docket No. 94-102**

Dear Ms. Salas:

Transmitted herewith, on behalf of New Mexico RSA 6-III Partnership, and pursuant to §1.3 of the Federal Communications Commission's ("Commission") rules, are an original and four copies of New Mexico RSA 6-III Partnership's Petition for Waiver of the December 31, 1998 deadline ending the suspension of enforcement of Section 20.18(c) of the Commission's rules, as that section relates to the transmission of 911 calls made from TTY devices using digital wireless systems. The petition contains a facsimile signature. The original signature will be filed with the Commission as soon as it is available.

Should you have any questions concerning this matter, please communicate directly with the undersigned.

Sincerely,



Michael R. Bennet

cc: Martin Liebman
Enclosure

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