

Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C.

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In the Matter of)

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Revision of the Commission's Rules)

)

To Ensure Compatibility with)

)

Enhanced 911 Emergency)

)

Calling Systems)

)

CC Docket No. 94-102

RM-8143

ORDER

Adopted: December 30, 1998; **Released:** December 31, 1998

By the Commission:

1. In an Order released on November 13, 1998,¹ the Wireless Telecommunications Bureau (Bureau) extended through December 31, 1998, the suspension of enforcement of Section 20.18(c) of the Commission's Rules,² as that section relates to the transmission of 911 calls made from TTY devices using digital wireless systems,³ and also established procedures

¹ Revision of the Commission's Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, Order, DA 98-2323 (Wireless Telecom. Bur.), released Nov. 13, 1998 (*November 13 Order*).

² 47 C.F.R. § 20.18(c), *adopted in* Revision of the Commission's Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Report and Order and Further Notice of Proposed Rulemaking, 11 FCC Rcd 18676 (1996) (*E911 First Report and Order*), *recon.*, FCC 97-402, 12 FCC Rcd 22665 (1997) (*E911 Reconsideration Order*), *further recon. pending*.

³ The rule requires that all covered carriers must be capable of transmitting 911 calls from individuals with speech or hearing disabilities through means other than mobile radio handsets, *e.g.*, through the use of text telephone (TTY) devices. *See id.* Recognizing the technical difficulties associated with transmitting TTY calls on *digital* wireless systems, the Commission suspended enforcement of this requirement until October 1, 1998, for all TTY/911 calls made on digital systems. *E911 Reconsideration Order*, 11 FCC Rcd at 22695 (para. 59). In making this decision, the Commission indicated that the additional time would "allow the wireless industry — working with organizations representing individuals with hearing and speech disabilities — to overcome technical barriers and compatibility problems involved in implementing solutions for TTY users on digital wireless systems." *Id.* The Commission, in its decision, also delegated to the Bureau the authority to grant up to a three-month extension of the October 1, 1998, deadline (*i.e.*, through December 31, 1998). *Id.*

under which wireless carriers subject to the requirements of Section 20.18(c) could petition the Commission for waiver of those requirements for their digital systems.⁴

2. The Bureau indicated that, if such waivers were granted, they would take effect on January 1, 1999, after the suspension of enforcement of the rule expires. Under the waiver procedures established in the *November 13 Order*, carriers were required to provide specific information regarding their plans to comply with the requirements of Section 20.18(c).⁵

3. The parties listed in the Appendix have filed petitions seeking waiver of Section 20.18(c). A number of these waiver requests have provided detailed analyses of the problems and difficulties associated with achieving TTY compatibility on digital wireless systems, and have discussed various solutions that could be explored in attaining such compatibility. The Commission has concluded that it is most important that all waiver requests be examined thoroughly and carefully before a determination is made as to whether such requests should be granted. With the petitions having been pending only since December 4, and with the volume of information provided in those petitions, the Commission has determined that additional time is necessary to complete the review, evaluation, and disposition of the pending waiver requests.

4. Consequently, in order to maintain the status quo during this additional period of time, we find that it is in the public interest to grant a temporary waiver of Section 20.18(c) of the Commission's Rules to all parties that filed waiver petitions as of the adoption date of this Order. The waiver will take effect on January 1, 1999. Any carrier subject to the requirements of Section 20.18(c) who has not filed a petition for waiver of the rule is not covered by the waiver we are granting in this Order, and must be in compliance with the rule as of January 1, 1999.

5. The waiver we are granting in this Order to each party listed in the Appendix shall expire upon our subsequent disposition of the individual waiver petitions filed by each such party. We note that the waivers granted to such parties may be extended, subject to any conditions and requirements we may deem to be appropriate, in cases in which we conclude that the party has presented a sufficient case justifying a waiver.

6. Accordingly, IT IS ORDERED that the petitions for waiver of Section 20.18(c) of the Commission's Rules, filed by the parties listed in the Appendix, ARE GRANTED, to the extent such petitions relate to the transmission of 911 calls made from TTY devices using digital wireless systems.

⁴ Carriers were required to file waiver petitions not later than December 4, 1998.

⁵ See *November 13 Order* at paras. 10-11.

7. IT IS FURTHER ORDERED that all such waivers of Section 20.18(c) of the Commission's Rules SHALL BE TERMINATED upon subsequent action by the Commission, or upon subsequent action by the Wireless Telecommunications Bureau pursuant to authority hereby delegated, with regard to the individual petitions associated with such waivers.

FEDERAL COMMUNICATIONS COMMISSION



Magalie Roman Salas
Secretary

APPENDIX

Parties Filing Petitions for Waiver

Advantage Cellular Systems, Inc.
Aerial Communications, Inc.
Airtouch Communications, Inc.
Alaska DigiTel, LLC and Anchorage PCS, LLC
Alaska-3 Cellular, LLC
Aliant Cellular Inc.
Aliant Communications Co.
ALLTEL Corporation
Alpine PCS, Inc.
American Rural Cellular, Inc.
Ameritech Wireless Communications, Inc., Ameritech Mobile Communications, Inc., and
Related Licensees
AT&T Wireless Services, Inc.
Bell Atlantic Mobile, Inc.
BellSouth Corporation
Brookings Municipal Utilities d/b/a Swiftel Communications
Cal-One Cellular L.P.
Caprock Cellular
Carolina PCS I Limited Partnership
Cellular Communications of Puerto Rico, Inc.
Cellular Mobile Systems of St. Cloud
Cellular Pacific
Cellular Phone of Kentucky, Inc. d/b/a Ramcell of Kentucky
Cellular XL Associates, L.P.
Celulares Telefónica
Centennial Cellular Corp.
Central Wireless Partnership
CenturyTel Wireless, Inc.
CGKC&H No. 2 Rural Cellular Limited Partnership
Chase Telecommunications, Inc.
Cincinnati Bell Wireless, LLC
Comcast Cellular Communications, Inc.
Commercial Mobile Radio Service Carriers (Appalachian Cellular LLC, et al.)
ComScape Telecommunications of Charleston License, Inc.
Conestoga Wireless Co.
CT Cube, Inc.
D&E Wireless, Inc.

DiGiPH PCS, Inc.
Dobson Cellular Systems, Inc.
Eastern Sub-RSA Limited Partnership
EJM Cellular, L.L.C. and WWC Holding Co., Inc.
ENMR Telephone Cooperative, Inc., Texas RSA 3 Limited Partnership, New Mexico
RSA 6-II Partnership, and New Mexico RSA 4 East Limited Partnership
Enterprise Communications Partnership
GTE Wireless Incorporated
Highland Cellular, Inc.
Horizon Personal Communications, Inc.
Hudson Valley Cellular Partnership
Illinois Valley Cellular RSA 2-I
Illinois Valley Cellular RSA 2-II
Illinois Valley Cellular RSA 2-III
Kokomo CellTelCo
Larsen Cellular Communications, Ltd.
Litchfield County Cellular, Inc. d/b/a Ramcell of Oregon
McElroy Electronics Corporation
Mid-Tex Cellular, LTD.
Minnesota Southern Cellular Telephone Company
Missouri RSA No. 7 Limited Partnership
MobileTel, Inc.
Montana Wireless, Inc.
New Mexico RSA 6-III Partnership
Nextel Communications, Inc.⁶
North Alabama Cellular, LLC
North American Cellular
North Carolina RSA 1 Partnership d/b/a Ramcell of North Carolina
North Dakota Network Company
North Dakota PCS Limited Partnership
Northcoast Communication, LLC
Northwest Missouri Cellular
Omaha Cellular Limited Partnership
Omnipoint Corporation
Panhandle Telecommunications Systems, Inc.
Poka Lambro PCS, Inc.
Powertel, Inc.

⁶ Pursuant to Section 0.459 of the Commission's Rules, Nextel Communications, Inc. submitted a Request for Non-Disclosure of the information contained in Attachment A of its waiver petition. The instant Order makes no decision with regard to this request.

PrimeCo Personal Communications, L.P.
Public Service Cellular, Inc.
RSA 1 Limited Partnership
RT Communications, Inc.
SBC Wireless Inc.
South Central Utah Telephone Association
Southern Company
Southern Illinois RSA Partnership
Sprint Spectrum, L.P., d/b/a Sprint PCS
TeleCorp PCS, Inc.
Texas RSA 1 Limited Partnership d/b/a XIT Cellular
Texas RSA 15B2 Limited Partnership
3 Rivers PCS, Inc.
Tritel, Inc.
Triton Communications, L.L.C.
Triton PCS License Company L.L.C.
Union Telephone Company
United States Cellular Corporation
Upstate Cellular Network
US Unwired Inc., Louisiana Unwired, LLC and Meretel Communications Limited Partnership
U.S. West, Inc.
Valley Telecommunications Company
Vanguard Cellular Systems, Inc.
Washington RSA No. 8 Limited Partnership
Western Wireless Corporation
Wireless Communications Venture
Wireless One Network, L.P.