

ORIGINAL

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of )  
)  
Revision of the Commission's Rules )  
To Ensure Compatibility with )  
Enhanced 911 Emergency )  
Calling Systems )  
)  
Request for Waiver of )  
Section 20.18(e) of the )  
Commission's Rules )

CC Docket No. 94-102  
RM-8143

DA 98-2631

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

To: Chief, Wireless Telecommunications Bureau

REQUEST FOR WAIVER

Pursuant to the Commission's Public Notice dated December 24, 1998,<sup>1</sup> CenturyTel Wireless, Inc. ("CenturyTel"), on behalf of itself and its subsidiaries, hereby requests a waiver of Section 20.18(e) of the Commission's Rules in order to keep available to it the option of a handset-based, as opposed to a network-based, approach to Phase II Automatic Location Identification ("ALI") requirements. While CenturyTel has not yet determined which technology it will use to comply with these requirements, CenturyTel requests this waiver in order to preserve the option of using a handset-based technology.<sup>2</sup>

<sup>1</sup> "Wireless Telecommunications Bureau Outlines Guidelines for Wireless E911 Rule Waivers for Handset-Based Approaches to Phase II Automatic Location Identification Requirements," *Public Notice*, DA 98-2631 (rel. Dec. 24, 1998) [hereinafter *Public Notice*].

<sup>2</sup> The *Public Notice* specifically contemplates requests for waiver in order to preserve such flexibility. *See id.* at 5 ("application for or grant of a waiver does not obligate the carrier to use the waiver; if a carrier wishes, it may decide to comply with the rules in effect rather than employ a granted waiver").

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As detailed below, CenturyTel requests a waiver in order to avail itself of a phased-in implementation schedule, rather than the flash-cut schedule contemplated by Section 20.18(e). As a condition of the waiver, CenturyTel would commit (1) to begin implementing Phase II ALI capabilities sooner than is required by Section 20.18(e), (2) to conduct a public awareness campaign on the availability and benefits of ALI-capable handsets, and (3) to explore providing more accurate location information, as long as such commitments are technically and economically feasible and such location information is capable of being received by the PSAP. Because grant of this waiver request would afford CenturyTel maximum flexibility to implement the most appropriate ALI technology, would facilitate the provision of ALI to public safety answering points (“PSAPs”) earlier than is currently required, and would encourage the provision of more accurate location information, this request is clearly consistent with the Commission’s objectives in the E911 proceeding as well as with the agency’s public interest mandate.

**I. THE REQUESTED WAIVER IS CONSISTENT WITH THE PUBLIC INTEREST AND SHOULD BE GRANTED**

Pursuant to Section 1.3 of the Commission’s Rules, “[a]ny provision of the rules may be waived by the Commission . . . on petition if good cause therefor is shown.”<sup>3</sup> Such good cause is clearly present in this case. Moreover, the Commission has expressly stated its willingness to consider waivers of Section 20.18(e).<sup>4</sup>

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<sup>3</sup> 47 C.F.R. § 1.3.

<sup>4</sup> *Public Notice* at 1. *See also Revision of the Commission’s Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Memorandum Opinion and Order*, 12 FCC Rcd 22,665, 22,725 (1997).

The requested waiver is essential to preserve flexibility for CenturyTel to select the ALI technology that best enables it to meet the public's needs. As indicated above, CenturyTel has not yet determined which technology it will use to meet the Commission's E911 Phase II requirements. Indeed, some of this technology is still being developed. Yet, the flash-cut implementation approach contained in Section 20.18(e) may preclude CenturyTel's ability to choose certain technologies that could be effectively used to implement these requirements. Indeed, the Commission has already recognized "that the effect of Section 20.18(e) might not be technologically and competitively neutral for some technologies that might be used to provide ALI, in particular handset-based technologies such as those using the GPS satellite system."<sup>5</sup> Affording CenturyTel flexibility to implement the most appropriate technology and adopting a technologically neutral framework for Phase II compliance is clearly in the public interest. Grant of the requested waiver would enable CenturyTel to make its Phase II technology decision based on the benefits to public safety, the merits of the particular technology, and relevant economic factors, rather than on the artificially limited technological options permitted by the current rules.

Further, as a condition of the waiver, CenturyTel would commit (1) to begin implementing Phase II ALI capabilities sooner than is required by Section 20.18(e), (2) to conduct a public awareness campaign on the availability and benefits of ALI-capable handsets, and (3) to explore providing more accurate location information, as long as such commitments are technically and economically feasible and such location information is capable of being received by the PSAP (these conditions are discussed in the next section). The provision of ALI has already been determined by the Commission to enhance public safety and thus further the

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<sup>5</sup> *Public Notice* at 1.

public interest. Providing more accurate location information and providing it sooner would clearly amplify these benefits and further the agency's goals in the E911 proceeding.

## **II. CENTURYTEL WILL COMMIT TO CERTAIN CONDITIONS ON THE WAIVER**

As indicated above, as a condition of the waiver, CenturyTel would commit to begin implementing Phase II ALI capabilities sooner than is required by Section 20.18(e) and exploring the use of more accurate location information. Specifically, CenturyTel requests that the Commission consider CenturyTel to be in compliance with Section 20.18(e) if it:

- 1) begins to deploy ALI-capable handsets upon customer request no later than January 1, 2001;
- 2) deploys only ALI-capable handsets beginning on January 1, 2002, provided that all conditions for Phase II requirements have been met;
- 3) explores meeting a higher location accuracy standard; and
- 4) undertakes an active program to promote awareness of the availability and public safety benefits of ALI-capable handsets.

However, such conditions would apply only if technically and economically feasible and consistent with the technological capabilities of the local PSAP. These conditions, discussed more fully below, illustrate CenturyTel's commitment to achieving the goals of Section 20.18(e).

### **A. Phased-In Handset Deployment Schedule**

As a condition of the waiver, CenturyTel would commit to begin to deploy ALI-capable handsets earlier than is required by Section 20.18(e).<sup>6</sup> Currently, this provision directs carriers to provide this capability as of October 1, 2001. If the waiver is granted and used by CenturyTel,

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<sup>6</sup> If factors beyond CenturyTel's control (such as manufacturing or development delays) appear likely to prevent CenturyTel from meeting either the conditions of the requested waiver or the standard in the current rule, CenturyTel will notify the Commission as soon as possible and work with the agency to address such issues.

the company would commit to begin to deploy ALI-capable handsets upon customer request by January 1, 2001 – nine months earlier than the current implementation date – if technically and economically feasible and consistent with the technological capabilities of the local PSAP. If the waiver is granted promptly, CenturyTel believes it will be able to meet this earlier implementation date. The company believes the intervening period provides adequate time to consider the available ALI technologies, select the solution most appropriate for CenturyTel’s systems, and secure the necessary equipment.

As part of the requested waiver, CenturyTel would also commit to providing only location-enabled handsets by January 1, 2002, assuming all conditions for Phase II requirements have been met and that such deployment is technically and economically feasible and consistent with the technological capabilities of the local PSAP.<sup>7</sup> Because current estimates project a high turnover rate for handsets over the next few years, full deployment of ALI-capable handsets could be achieved only a few years after this date. At that time, if CenturyTel has determined to implement a more accurate location standard, the waiver would permit CenturyTel’s customers to enjoy improved location accuracy and the public safety benefits that provides.

CenturyTel strongly urges the Commission not to require carriers affirmatively to replace all non-ALI-capable handsets by a certain date, but rather to rely upon market forces and carrier promotional efforts to deploy ALI-capable handsets to customers. Mandating a flash-cut, non-market-based approach would impose substantial additional costs on both carriers and PSAPs (to the extent the PSAPs reimburse carriers) – costs that could be of such a magnitude as effectively to eliminate a handset-based alternative. Indeed, CenturyTel is aware of estimates projecting that it would cost in excess of \$3 billion to provide location-enabled handsets to just 20 percent of the

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<sup>7</sup> See *Public Notice* at 3.

nation's wireless customers. Particularly inasmuch as market forces will encourage customers to turn over their handsets rapidly,<sup>8</sup> thus minimizing any potential problems associated with non-ALI-capable handsets, requiring such a substantial outlay appears unwarranted and contrary to the public interest.

#### **B. More Accurate Location Information**

As an additional condition of the waiver, CenturyTel would commit to explore implementing a more accurate standard for ALI than is currently required by the Commission's Rules. The existing provisions mandate that carriers meet a standard of 125 meters RMS. If the waiver is granted and used by CenturyTel, the company would commit to explore adopting a higher location accuracy standard if technically and economically feasible and so long as such technology is consistent with that employed by the local PSAP.<sup>9</sup> Clearly, increasing the accuracy of the location information would greatly enhance public safety by enabling faster location of individuals in distress, including those facing life-threatening situations.<sup>10</sup>

#### **C. Public Awareness Program**

As a final condition of the waiver, CenturyTel would commit to undertake an active program to promote awareness of the availability and public safety benefits of ALI-capable handsets. Such a program could include advertisements in local newspapers and periodicals, billing inserts, and incorporation of such information in customer presentations by the company's

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<sup>8</sup> CenturyTel's commitment to conduct a public awareness program on the availability and public safety benefits of ALI-capable handsets (discussed below) should also encourage handset turnover.

<sup>9</sup> Obviously, there is no benefit, and thus no reason, to implement this more exacting standard if the ALI system of the local PSAP is unable to recognize it.

<sup>10</sup> See *Public Notice* at 3 (“[o]ne of the most critical factors in providing help to 911 callers in emergency situations is the accuracy of the location information”).

sales personnel. Some of these activities could be in conjunction with the local PSAP or public safety entities. These activities would be designed to make the public aware of the public safety benefits of ALI-capable handsets and the availability of these handsets for their use. CenturyTel believes such a program is an important component to maximizing the effectiveness of a market-based approach to handset replacement and minimizing any potential problems associated with non-ALI-capable handsets.

### **III. ANY ROAMER PROBLEMS WITH HANDSET-BASED ALI TECHNOLOGIES WILL BE MINIMAL**

In its *Public Notice* setting forth guidelines for requests for waiver of Section 20.18(e), the Bureau expressed concern as to whether carriers employing handset-based ALI technologies would be able to provide reliable ALI service to “roamer” customers whose home carrier adopts a network-based solution.<sup>11</sup> However, such problems are likely to occur only in limited situations. Indeed, a roamer should not experience any problems when roaming in the service area of a carrier with a network solution, regardless of the ALI capabilities of the roamer’s handset. Similarly, a roamer should not experience any difficulties if he or she has an ALI-capable handset and roams to the service area of a carrier that has adopted a compatible handset-based solution. Potential problems will thus generally exist only for roamers with a non-ALI-capable handset that roams in the service area of a carrier that employs a handset-based location solution.

Yet, even potential problems for this limited category of roamer appear likely to be short-lived. CenturyTel anticipates that manufacturers will include ALI-capable technology in virtually all handsets in an effort to enjoy the benefits of economies of scale. Further, as

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<sup>11</sup> *Public Notice* at 3-4.

discussed above, current estimates project a high turnover rate for handsets over the next few years. As handsets are replaced, there will be increasingly fewer handsets that are not ALI-capable, regardless of the ALI technology chosen by a particular carrier. Finally, if successful, various efforts by the wireless industry to standardize location technologies will substantially reduce or eliminate such roamer concerns.

#### **IV. CONCLUSION**

For the reasons discussed above, CenturyTel respectfully requests that the Commission grant the instant waiver request. CenturyTel is committed to achieving the goals of Section 20.18(e). However, in order to do so, the company believes the requested waiver of this provision is essential. Grant of the waiver would achieve technological neutrality and afford CenturyTel the flexibility to choose the technology that best allows it to meet the Commission's ALI requirements and address consumer needs -- including a handset-based alternative. As a condition of the waiver, CenturyTel would commit (1) to begin implementing Phase II ALI capabilities sooner than is required by Section 20.18(e), (2) to conduct a public awareness campaign on the availability and benefits of ALI-capable handsets, and (3) to explore providing more accurate location information, as long as such commitments are technically and economically feasible and such location information is capable of being received by the PSAP.

As such, the requested waiver is clearly consistent with the public interest and the Commission's objectives in the E911 proceeding.

Respectfully submitted,

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