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

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Revision of the Commission's Rules)
To Ensure Compatibility with)
Enhanced 911 Emergency Calling Systems)

CC Docket No. 94-102
RM-8143

To: Chief, Wireless Telecommunications Bureau

**PETITION FOR WAIVER OF
CENTENNIAL CELLULAR CORP.**

Centennial Cellular Corp. ("Centennial"), by its attorneys and on behalf of its domestic cellular system operating companies ("Domestic Cellular Systems")¹, hereby requests a waiver of the Text Telephone Devices ("TTY") requirements of Section 20.18(c) of the Commission's Rules.² This petition is filed pursuant to Section 1.925(a) of the Commission's Rules and in accordance with the Order adopted by the FCC on November 13, 1998.³

I BACKGROUND

Centennial provides analog cellular radio service in 27 of its 29 cellular markets in the continental United States, and digital broadband PCS service in the Puerto Rico MTA.⁴

¹ The specific cellular systems that are the subject of this waiver request are listed in Attachment A.

² 47 C.F.R. § 20.18(c).

³ In the Matter of Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, *Order*, CC Docket No. 94-102, DA 98-2323 (released November 13, 1998) (the "*November 13 Order*").

⁴ Centennial previously filed TTY waiver requests for its Puerto Rico B Block PCS system (December 4, 1998) and two of its domestic cellular systems (April 22, 1999) - Bauce Communications of Beaumont, Inc. ("Bauce") and Lafayette Cellular Telephone Company ("LCTC"). Bauce is the licensee of Station KNKA454, which provides cellular service to the

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List A B C D E

Centennial intends to transition the majority of its Domestic Cellular Systems to digital technology over the next few weeks. As these transitions occur, Centennial's Domestic Cellular Systems will be subject to the TTY requirements of Section 20.18(c) of the Commission's Rules. Since compliance with the TTY requirements presently is not possible as a practical matter, Centennial is filing this waiver request.

Section 20.18(c) of the Commission's rules requires that, as of October 1, 1997, cellular licensees 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 TTY devices. In a Reconsideration Order adopted on December 1, 1997, the Commission suspended enforcement of this requirement until October 1, 1998.⁵ In the *November 13 Order*, the suspension of enforcement was further extended until December 31, 1998. In an Order adopted on December 30, 1998, the Commission granted a temporary waiver of Section 20.18(c) of the rules to all parties that filed waiver petitions as of December 30, 1998, in accordance with the waiver process established in the *November 13 Order*.⁶

Beaumont-Port Arthur, Texas MSA, and LCTC is the licensee of Station KNKA458, which provides cellular service to the Lafayette, LA MSA.

⁵ In the Matter of Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, *Reconsideration Order*, FCC 97-402, 12 FCC Rcd 22665 (1997) .

⁶ See In the Matter of Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, *Order*, FCC 98-345, released December 31, 1998 ("*December 30 Order*"). As noted above, Centennial timely filed a TTY waiver request on behalf of its PCS operations in Puerto Rico on December 4, 1998. The Commission tentatively granted that waiver request as part of the *December 30 Order*. Its waiver request for the Bauge and Lafayette systems remains pending.

II. REQUEST FOR WAIVER

Centennial submits this waiver petition in accordance with guidelines set forth in the *November 13 Order*.⁷ As explained below, waiver is also justified under Section 1.925(b)(3) of the rules.

Waiver is justified in this situation for both practical reasons and under the relevant legal standard. Like many other digital PCS and cellular licensees, Centennial has been working with and monitoring the efforts of its domestic TDMA equipment manufacturer, Nortel Networks, regarding the development of voice-based and data-based solutions to the problems associated with TTY access over digital wireless systems. Centennial has conveyed to Nortel its commitment and need to comply with the TTY access requirements of Section 20.18(c) of the rules. Furthermore, Centennial commits to the Commission that when an industry solution to the TTY access issue is developed, Centennial will incorporate that solution into its Domestic Cellular Systems as soon as is reasonably possible.

In order to respond to the specific questions posed by the Commission in paragraph 11 of its *November 13 Order*, Centennial asked Nortel to provide it with an assessment of where

⁷ Centennial requests that, to the extent necessary, the Commission also waive its *November 13 Order* requirement that all TTY waiver requests be filed by December 4, 1998. Centennial did not make the decision to convert its Beaumont and Lafayette analog cellular systems to digital technology until well after the December 4 filing deadline. Consequently, as of December 4, 1998, Centennial did not require a TTY waiver for any of its domestic cellular systems. Because conversion of analog cellular systems to digital technology is a desirable goal and better serves the public interest, clearly, good cause exists for this waiver.

Nortel's technology stands, from a TTY access compliance standpoint. The attached response from Nortel responds to the Commission's three questions necessary to justify a waiver.⁸

However, given the fact that presently, compliance with this rule is impossible for virtually the entire digital wireless industry, waiver is also justified under the FCC's general waiver rule for wireless telecommunications services. Specifically, under Section 1.925(a) of the rules, waivers may be granted upon request by the wireless telecommunications service licensee or by the Commission on its own motion. Further, the Commission may grant a request for waiver if it is shown that:

- (i) The underlying purpose of the rule(s) would not be served, or would be frustrated by application to the instant case, and that a grant of the requested waiver would be in the public interest; or
- (ii) In view of unique or unusual factual circumstances of the instant case, application of the rule(s) would be inequitable, unduly burdensome or contrary to the public interest, or the applicant has no reasonable alternative.⁹

Finally, the rule also provides that if "the information necessary to support a waiver request is already on file, the applicant may cross-reference the specific filing where the information may be found."¹⁰

In the present situation, a waiver of the Section 20.18(c) TTY requirement is justified not only for Centennial but the entire digital wireless service provider industry until such time as a voice-based or data-based solution to TTY access is developed for digital wireless carriers. Centennial clearly is entitled to a waiver of the Section 20.18(c) requirement under the Section 1.925(b)(3)(ii) test, that application of the rule here would be unduly burdensome

⁸ See Attachment B.

⁹ 47 C.F.R. § 1.925(b)(3).

¹⁰ 47 C.F.R. § 1.925(b)(2).

since a technical solution to this industry-wide problem has not been developed. Furthermore, due to the fact TTY access is still an industry-wide problem, Centennial has no reasonable alternative other than to seek a waiver of this rule. Finally, Centennial also notes that the most current and complete information concerning industry TTY access implementation timetables already is on file with the Commission (i.e., the October 30, 1998 Workplan of the Wireless TTY Forum). Therefore, the Commission already has sufficient information upon which it can assess whether an industry-wide waiver is justified.

III. CONCLUSION

For the reasons set forth above, Centennial requests that the Commission grant this Petition for Waiver.

Respectfully submitted,
CENTENNIAL CELLULAR CORP.

By: 
Theresa A. Zeterberg
Its Attorney

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May 12, 1999

ATTACHMENT A

List of Centennial Cellular Licenses Covered By This Request

Licensee	Market	Call Sign
Alexandria Cellular License Corp.	MSA 205A- Alexandria, LA	KNKA813
Centennial Beauregard Cellular LLC	RSA 5 - Beauregard, LA	KNKQ374
Centennial Benton Harbor Cellular Corp.	MSA 193A - Benton Harbor, MI	KNKA809
Centennial Caldwell Cellular Corp.	RSA 4- Caldwell, LA	KNKN548
Centennial De Soto Cellular Corp.	RSA 3 - De Soto, LA	KNKN478
Centennial Hammond Cellular LCC	RSA 7 - West Feliciano, LA	KNKQ380
Centennial Jackson Cellular Corp.	MSA 207A- Jackson, MI	KNKA823
Centennial Morehouse Cellular LLC	RSA 2 - Morehouse, LA	KNKN475
Centennial Randolph Cellular LLC	RSA 6 - Randolph, IN	KNKN440
Centennial Cellular Tri-State Operating Partnership	RSA 1- Newton, IN	KNKQ373
Centennial Cellular Tri-State Operating Partnership	RSA 2- Kosciusko, IN	KNKQ349
Centennial Cellular Tri-State Operating Partnership	RSA 9 - Copiah, MS	KNKQ350
Centennial Cellular Tri-State Operating Partnership	RSA 1- Williams, OH	KNKN854
Century Indiana Cellular Corp.	RSA 4 - Miami, IN	KNKN509

Century Indiana Cellular Corp.	RSA 4 - Miami, IN	KNKN509
Century Michigan Cellular Corp.	RSA 9 - Cass, MI	KNKN857
Elkhart Metronet, Inc.	MSA 223A - Elkhart, IN	KNKA741
Iberia Cellular Telephone Company, LLC	RSA 6 - Iberville, LA	KNKQ339
Mega Comm, LLC	RSA 3 - Huntington, IN	KNKN296
Michiana Metronet, Inc.	MSA 0096A - Fort Wayne, IN	KNKA472
Michiana Metronet, Inc.	MSA 177A - Battle Creek, MI	KNKA487
Michiana Metronet, Inc.	MSA 132A - Kalamazoo, MI	KNKA428
South Bend Metronet, Inc.	MSA 129A - South Bend, IN	KNKA656
Centennial Claiborne Cellular Corp.	RSA 8- Claiborne, MS	KNKN636

ATTACHMENT B



Tom Cogar
Centennial Communications
6302 Constitution Dr.
Fort Wayne, IN 468041

Dear Tom,

This letter is in response to your request for Nortel Networks to provide support information for Centennial Communications to file a waiver request with the FCC regarding the E911/TTY rules. This response is intended to give you insight into our direction on this issue. It is based on the best technical information we have available and upon what may be required by the FCC rule.

With regard to digital calls through Nortel Networks equipment using the IS-136 TDMA air interface, the equipment, in the short term, may be capable of transmitting the 911 calls with sufficient error free text to elicit proper 911 response, depending upon the type of vocoder used in the system, the type of text message equipment used, and the type of handset used.

Industry standards to support TTY operation in digital mode are not currently defined. Nortel Networks is working with other equipment manufacturers and carriers to define the required design standards needed to develop this service. History tells us that it typically takes twelve to eighteen months from the adoption of standards to the commercial availability of product. However, in this instance, if the TTY is to be a part of the phone path to send text messages for people with hearing or speech disabilities, then TTY manufacturers must work sincerely and cooperatively with wireless manufacturers to develop a workable standard. As technical TTY considerations must be considered for a good standard, the wireless industry cannot develop a good standard without technical assistance from TTY manufacturers. Nortel

Networks consequently cannot project when a design standard will be in place. In the interim, consumers may wish to test placing text calls over the digital path, or set their handsets to transmit only in analogue mode for text message calls.

If the 911 call content is corrupted by the TTY consumer devices used by speech or hearing disabled users, Nortel Networks system equipment will not be able to correct the errors. Nortel Networks is aware that the vast majority of TTYs are not designed to connect to wireless handsets, and such lack of good connection frequently corrupts messages before they reach the system networks. There are some TTY equipment models that have connections that facilitate properly connecting handsets and the TTY, but we believe few are in use. As you are aware, Nortel Networks does not currently manufacture wireless handsets, and is unable to resolve this connectivity problem. In addition, Nortel Networks is not aware of any TTY that has been designed for its tones to be carried error free over digital vocoders designed for human speech. Therefore, the digital audio path is more prone to create text errors more frequently than text messages over analogue audio paths.

Complicating the task of providing text-messaging capability for those with hearing and speech disabilities, is the lack of standards in the TTY industry. The TTY has been the most used text message system for the hearing and speech disabled users covered by the FCC's 911 rule, but there does not appear to be a single solution that would work for all TTY devices in use. In addition to the TTY, consumers are using the Internet for sending and receiving text messages. Nortel Networks is aware that people with hearing and speech disabilities, increasingly use the Internet for communication, and the Internet may become a method for placing 911 calls into the future.

The wireless industry has been working with consumer representatives and TTY manufacturers in the TTY Forum for almost two years. Nortel Networks is hopeful that information sharing from this group and comprehensive testing will identify practical solutions that manufacturers can incorporate into system solutions. However at this time Nortel Networks believes that a person with hearing or speech disabilities may find it difficult to place a wireless 911 call with the TTY equipment that they use for wireline calls, and a solution for all TTY users is not achievable by 12-31-98.

Sincerely,



Tonna Kenedi