

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

DOCKET FILE COPY ORIGINAL

To: The Commission

REPLY OF RURAL CELLULAR ASSOCIATION

The Rural Cellular Association ("RCA"),¹ hereby submits its Reply to Comments on the request filed by King County, Washington E-911 Program Office in the above-captioned proceeding.²

In its Second Memorandum and Order in this proceeding, the Commission amended the existing rules by eliminating a critical precondition for implementation of E-911 service, that a carrier cost recovery mechanism be in place.³ RCA filed petitions for reconsideration and stay of this decision demonstrating that reversal of this fundamental change in the rules is necessary to avoid unreasonable and undue burdens on small and rural carriers and their customers.⁴ Having

¹ RCA is an association representing the interests of small and rural wireless licensees providing commercial services to subscribers throughout the nation. Its member companies provide service in more than 100 rural and small metropolitan markets where approximately 13 million people reside. Formed in 1993 to address the distinctive issues facing rural cellular service providers, the membership of RCA currently includes rural PCS carriers, as well.

² *Wireless Telecommunications Bureau Seeks Comment on Phase I Implementation Issues: Public Notice*, CC Docket 94-102; DA 00-1875 (rel. Aug. 16, 2000).

³ 64 Fed. Reg. 72951 (Dec. 29, 1999).

⁴ *See Petition for Reconsideration of the Rural Cellular Association*, CC Docket 94-102; RM-8143 filed Jan. 28, 2000; *Reply of the Rural Cellular Association*, filed April 5,

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failed to act upon RCA's petition, the Commission now must determine whether an appropriate demarcation point exists in the E911 network that separates the responsibilities of carriers and PSAPs for providing various components or upgrades needed to implement Phase I technologies.

RCA supports the positions of Commenters who argue that the switch is the proper demarcation for mobile E-911 calls. *See, e.g.*, Sprint's Comments at iii ("[i]f the switch serving E911 callers is the proper demarcation point for landline calls, then the switch serving E911 callers is the proper demarcation point for mobile E911 calls"); Quest's Comments at 10 ("the division of costs between LECs and PSAPs in the provision of wireline services supports the Commission designation of a demarcation point at the interface between the wireless switch and the E911 network"); Verizon Wireless' Comments at 1 (FCC should "affirm that PSAPs remain financially responsible for the E911 network and that wireless carriers are not responsible for E911-related costs beyond the wireless switch"); VoiceStream Wireless' Comments at 6 ("in the wireless context, the Commission has consistently treated mobile telephone switching centers ("MTSOs") as the equivalent of a landline end office").

2000; *Petition for Stay* filed April 21, 2000.

In the context of this specific question regarding demarcation, equity demands that the Commission recognize that the responsibility of a wireless carrier is limited by the physical reach of its facilities. More generally, however, RCA is disappointed that the Commission has chosen to ignore its due process obligations by failing to rule on RCA's request to reconsider its decision to eliminate the requirement that a carrier cost recovery mechanism be in place.

Respectfully submitted,

RURAL CELLULAR ASSOCIATION

By: 

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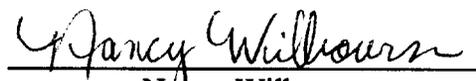
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CERTIFICATE OF SERVICE

I, Nancy Wilbourn, of Kraskin, Lesse & Cosson, LLP, 2120 L Street, NW, Suite 520, Washington, DC 20037, do hereby certify that a copy of the foregoing "Petition for Stay" of The Rural Cellular Association" was served on this 11th day of October 2000, by first class, U.S. Mail, postage prepaid to the following parties:


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