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April 16, 2001 APR 16 2001

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DIRECTOR OF ENGINEERING  
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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

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WRITER'S DIRECT DIAL NUMBER  
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Magalie R. Salas, Secretary  
Office of the Secretary  
Federal Communications Commission  
455 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Re: **Emery Telecommunications & Video, Inc.**  
**CC Docket No. 94-102**  
**Broadband Personal Communications Service**

**Station WPOK951**  
**BTA 168 (Grand Junction, Colorado), Channel Block E**

**Station WPOK952**  
**BTA 399 (Salt Lake City - Ogden, Utah), Channel Block E**

**First Quarterly Report**

Dear Ms. Salas:

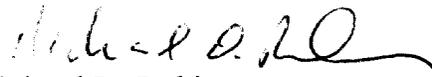
On behalf of Emery Telecommunications & Video, Inc. (Emery Tel), we are submitting herewith its TTY implementation report pursuant to the Commission's *Fourth Report and Order*, in CC Docket No. 94-102, released December 14, 2000, even though it is not certain whether we are required to make this filing at this time. A copy of the report, bearing a facsimile signature, is being filed in order to comply with the April 16, 2001 filing deadline since the signed original report was not received in time to permit its filing. Upon receipt, the signed-original report will be filed with the Commission.

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As indicated in its report, Emery Tel has not constructed the referenced stations in the Broadband Personal Communications Service and, therefore, is not offering “real-time, two way switch voice service that is interconnected with the public switched telephone network and utilize[s] an in-network switching facility which enables the provider to reuse frequencies and accomplish seamless hand-offs of subscriber calls.” See Section 20.18(a) of the Commission’s Rules, 47 C.F.R. 20.18(a). Emery Tel is filing the instant report for informational purposes only, and in accordance with Rule Section 20.18(a), is otherwise not required to submit this report. Accordingly, Emery Tel will not be filing any additional quarterly reports until after it constructs the above-referenced stations and commences service to the public.

Please direct any questions or correspondence regarding this filing to our office.

Very truly yours,



Richard D. Rubino  
Attorney for Emery  
Telecommunications & Video, Inc.

cc: Kris Moneith, Chief, Policy Division, Wireless Telecommunications Bureau  
Pam Gregory, Chief, Disabilities Rights Office  
International Transcription Service

**EMERY TELECOMMUNICATIONS & VIDEO, INC.**  
**P.O. Box 550**  
**Orangeville, Utah 84537**

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**APR 16 2001**

**FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY**

Magalie Roman Salas, Secretary  
Federal Communications Commission  
Washington, D.C. 20554

**Re: CC Docket No. 94-102**  
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**First Quarterly Report**

Dear Ms. Salas:

This report is filed pursuant to the Commission's *Fourth Report and Order*, in CC Docket No. 94-102, released December 14, 2000, even though it is not certain whether we are required to make this filing at this time.

Emery Telecommunications & Video, Inc. is the licensee of the referenced stations in the Broadband Personal Communications Service. The licensed facilities have not yet been constructed and our first buildout showing is not due to be filed until June 26, 2002.

Reading together the *Fourth Report and Order* and Sections 20.18(a) and (c) of the Commission's Rules, it appears that the quarterly report filing requirement applies only to wireless systems that are already in operation, by stating that these requirements are applicable only to "service providers" and "carriers operating digital wireless systems." Since we are not yet providing service, it appears that we are not required to file this report. Accordingly, we are filing this report to preclude any inquiry from the Commission that might otherwise be forthcoming.

We wish to assure the Commission, nevertheless, that we will comply with the requirements of Section 20.18 of the Commission's Rules once our licensed facilities have been constructed and are providing service.

Very truly yours,

**EMERY TELECOMMUNICATIONS &  
VIDEO, INC.**

By:

  
\_\_\_\_\_  
Officer

Dated: April 16, 2001