

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

In the Matter of)	
)	
Revision of the Commission's)	
Rules to Ensure Compatibility)	CC Docket No. 94-102
with Enhanced 911 Emergency)	
Calling Systems)	
)	

**COMMENTS OF THE
CELLULAR TELECOMMUNICATIONS & INTERNET ASSOCIATION**

The Cellular Telecommunications & Internet Association (“CTIA”),^{1/} pursuant to the Public Notice released July 12, 2001,^{2/} hereby submits its comments in support of the wireless E911 Phase II waiver request filed by Corr Wireless Communications, L.L.C. (“Corr”).^{3/} Corr has requested a waiver of the Commission’s Phase II E911 rules to permit it to deploy a network solution in its current Time Division Multiple Access (“TDMA”) network.

Corr’s request satisfies the Commission’s criteria for waivers of the Phase II E-911 rules. Consistent with the Commission’s stated position that its E911 rules should not “hamper the development and deployment of the best and most efficient ALI technologies and systems,”^{4/} the Commission should grant Corr’s waiver request.

^{1/} CTIA is the international organization of the wireless communications industry for both wireless carriers and manufacturers. Membership in the association covers all Commercial Mobile Radio Service (“CMRS”) providers and manufacturers, including cellular, broadband PCS, ESMR, as well as providers and manufacturers of wireless data services and products.

^{2/} Public Notice, “WTB Seeks Comment on E911 Phase II Waiver Request Filed by Corr Wireless Communications, LLC,” CC Docket No. 94-102, DA 01-1650 (rel. July 12, 2001).

^{3/} Corr Wireless Communications, LLC –Petition for Waiver of the E911 Phase II Location Technology Implementation Rules, filed June 22, 2001 (“Corr Waiver Request”).

^{4/} Revision of the Commission’s Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, Memorandum Opinion and Order, 12 FCC Rcd 22665, (continued on next page)

DISCUSSION

The wireless industry is committed to providing the best possible Phase II E911 service to subscribers, but carriers can only do as much as the currently available wireless location technology permits them to do. The Commission itself has recognized that during the transition to full Phase II deployment, there may be situations in which it is not possible for a carrier to satisfy the Commission's Phase II standards by the prescribed deadlines. It therefore established a process under which individual waivers could be granted. In addition to satisfying the Commission's traditional standards for a waiver by showing that "special circumstances warrant a deviation from the general rules, and such a deviation will serve the public interest,"^{5/} carriers must demonstrate that "technology-related issues" or "exceptional circumstances" make it impossible for them to deploy Phase II by October 1, 2001.^{6/} Moreover, the relief sought by the carrier must be "specific, focused and limited in scope."^{7/}

Corr's request clearly satisfies the standards established by the Commission for waivers of the Phase II E-911 rules. As Corr explains, it recently discovered that it is unable to rely on a handset solution for its TDMA system since no equipment manufacturer will develop such a configuration for a TDMA system.^{8/} Thus, Corr plans to fully implement Phase II service by

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22725 ¶ 124 (Dec. 23, 1997).

^{5/} Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, Fourth Memorandum Opinion and Order, 15 FCC Rcd 17442, 17457 ¶ 43 (rel. Sept. 8, 2000) ("Fourth MO&O") (citing Northeast Cellular Telephone Co. v. FCC, 897 F.2d 1164, 1166 (D.C. Cir. 1990) and WAIT Radio v. FCC, 418 F.2d 1153, 1159 (D.C. Cir. 1969)).

^{6/} Fourth MO&O at ¶ 43.

^{7/} Id. at ¶ 44.

^{8/} Corr Waiver Request at 7-8.

doing the following: 1) immediately order and install the switch-related infrastructure necessary to provide Phase II; 2) provide Phase II service to the top 35% of the cell sites of any requesting jurisdiction within 9 months of receiving a request; 3) provide service to the top 50% of the cell sites within 12 months of request; and 4) provide service to the top 75% of cell sites within 18 months of request.^{9/} Corr faces daunting financial and technical challenges as a service provider to rural and remote areas and its approach will conserve scarce resources by implementing Phase II in areas where Phase II is needed the most.

The relief Corr requests in order to implement the chosen technology is “specific and limited,” with a reasonable transition period. Because Corr has satisfied the requirements for a waiver of the Phase II E911 implementation rules, the Commission should grant Corr the relief it seeks.

Granting Corr a waiver of the Phase II rules is also consistent with the Commission’s policy of technological neutrality for E-911. As the Commission has explained, “there is no single perfect ALI solution. Each has its advantages and limitations. Each may be improved in the future. Under these circumstances, we believe that the public interest and public safety will best be served by allowing a broad range of technologies, including handset-based opportunities, a reasonable opportunity to compete in providing 911 ALI.”^{10/} Granting limited waivers of the Phase II rules to individual wireless carriers is simply a further extension of this policy, which recognizes that every wireless carrier will face unique circumstances as it transitions from Phase I to Phase II and no single Phase II solution will work in each of these situations.

^{9/} *Id.* at 8.

^{10/} Revision of the Commission’s Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket 94-102, Third Report and Order, 14 FCC Rcd 17388, 17404-05 ¶ 33 (Oct. 6, 1999).

CONCLUSION

For the reasons set forth above, the Commission should grant Corr's Phase II E911 waiver request.

Respectfully Submitted,

/s/

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