

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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In the Matter of)
)
Revision of the Commission's Rules to)
Ensure Compatibility with Enhanced 911)
Emergency Calling Systems)
)
Request for Waiver of Qwest)
Wireless, LLC and TW Wireless, LLC)

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

CC Docket No. 94-102

TRS Nos. 808439, 820852

AMENDED WAIVER REQUEST

Qwest Wireless Corporation, LLC and TW Wireless, LLC (collectively "Qwest Wireless"),¹ recently filed a Petition for Waiver ("Waiver Petition" or "Waiver") with the Federal Communications Commission ("FCC" or "Commission"). Qwest Wireless requested an extension of time to comply with the Commission's E911 Phase II rules regarding the provision of Automatic Location Information ("ALI") to Public Safety Answering Points ("PSAP") by October 1, 2001, as well as certain handset penetration benchmarks.²

Since that filing, Qwest Wireless has received information from Lucent Technologies ("Lucent") that requires Qwest Wireless to amend its requested extension dates included in the pending Waiver.³ Because Lucent will be unable to provide Qwest Wireless with the necessary

¹ Qwest Wireless, LLC, together with TW Wireless, LLC, a joint venture in which Qwest Wireless holds a majority equity and sole controlling ownership interest, provides broadband Personal Communications Services ("PCS") in a number of markets.

² Specifically an extension was sought of 47 C.F.R. §§ 20.18(e) and (g). See Waiver Petition at 2.

³ A copy of the Lucent Letter, dated August 10, 2001, is attached for the Commission's reference (Exhibit A). The letter is obviously a "generic" letter, containing no inside address to Qwest Wireless personnel. While dated August 10th, Qwest Wireless did not receive the letter until August 20, 2001. Qwest Wireless advised the Commission of the communication in its Reply to Comments on Qwest Wireless' Waiver Petition, filed herein on August 30, 2001, at 4 n.12 ("Waiver Petition Reply"). See also Comments of ALLTEL Communications, Inc., in *In the Matter of: Revision of the Commission's Rules To Ensure Compatibility with Enhanced 911*

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E911 Phase II software and hardware according to Lucent's previously-committed to date of September 20, 2001,⁴ Qwest Wireless must now seek additional time to comply with the Commission's E911 Phase II rules. Since the Lucent upgrades for Qwest Wireless' Mobile Switching Center ("MSC") will not be available until at least November 9, 2001,⁵ Qwest Wireless must modify its requested extension associated with the ALI delivery requirements of Phase II from that earlier requested, December 31, 2001, to March 31, 2002. To achieve the Commission's 25% penetration rate, Qwest Wireless will need to shift the previously proposed date of March 31, 2002 to June 30, 2002.

At the time of Qwest Wireless' Waiver filing, it was anticipating having the Lucent MSC switch upgrades available September, 2001. Accordingly, to accommodate installation and network testing, Qwest Wireless asked for a one quarter extension – until December 31, 2001 – to comply with Rule 20.18. In tandem with that request, Qwest Wireless asked for a one quarter extension, to December 31, 2001, to "begin selling and activating" handsets. These dates were the same because a Phase II-compliant handset will not work if the underlying E911 Phase II infrastructure is not in place.

Emergency Calling Systems; ALLTEL Communications, Inc. Petition for Waiver of Sections 20.18(e) And (g) of the Commission's Rules, filed Aug. 27, 2001, at 2 and Att. A (an identical letter sent to ALLTEL from Lucent).

⁴ Qwest Wireless asked Lucent for additional information explaining the delay of the Phase II switch upgrade. That request was met by Lucent with its providing Qwest Wireless a copy of a letter that Lucent filed with the Commission on August 30, 2001. See Letter from Diane Law Hsu, Corporate Counsel, Lucent Technologies, to Ms. Magalie Salas, Office of the Secretary, dated August 30, 2001. A copy of that letter is also attached to this filing (Exhibit B). No further information was made available, even though the request for additional information was pursued through executive channels.

⁵ Lucent refers to November 9, 2001 as the "new target . . . date". Qwest Wireless believes it is entirely possible that this date will slip further.

Because of the slippage in the MSC equipment Phase II upgrade, Qwest Wireless will not be in a position to begin selling and activating Phase II compliant handsets. Therefore, Qwest Wireless seeks an extension until March 31, 2002 to begin selling and activating such handsets.⁶ Qwest Wireless then needs to extend the 25% penetration benchmark it previously requested from March 31, 2002 to June 30, 2002, which would begin the 50% penetration benchmark timeframe. Modifications to the Lucent (or Nortel) deployment schedules could cause a further extension to be sought in the future.

Additionally, a possible shortage of handset supplies could result in future requests for additional extensions. Based on representations made by handset vendors, in its Waiver Petition Qwest Wireless asked the Commission for an extension of its 25% handset penetration benchmark only through the First Quarter of 2002. The request was aligned with the time at which Qwest Wireless believed the Phase II software would be installed and working in the MSCs. Stated differently, handset vendors had represented that Phase II compliant handsets would be available Fourth Quarter, 2001, thus complying with the network and handset requirements in tandem by December 31, 2001 did not seem problematic.

Above, Qwest Wireless requests an additional adjustment to the penetration benchmarks to align those benchmarks with the revised deployment dates for the MSC equipment. Once that equipment is deployed, however, Qwest Wireless' ability to comply with the handset penetration requirements could still be compromised if handsets are not available. Should that occur, Qwest Wireless will need to amend its Waiver Petition again.

To conclude and summarize, Qwest Wireless herein amends its pending Waiver Petition in the following particulars:

⁶ The Commission's current rules require the selling and activation to begin by

- At pages iii, 5, 12 and 16, where Qwest Wireless references Lucent switch upgrades as beginning to be available to it by September, 2001, it amends the Petition to state that such upgrades will not occur until November, 2001 at the earliest.
- At pages 4, 5, 16, where Qwest Wireless requests until December 31, 2001, to begin providing E911 Phase II in Lucent markets, it amends the Petition to state that the request should now be until March 31, 2002.
- At pages iv, 4, 17, where Qwest Wireless states that it will begin selling and activating E911 Phase II compliant handsets by December 31, 2001, it amends the Petition to state that it will begin selling and activating such handsets by March 31, 2002.
- At pages iv, 4, 17, where Qwest Wireless states that it will achieve a 25% handset penetration for Phase II by March 31, 2002, it amends the Petition to state that the 25% penetration benchmark be moved to June 30, 2002.

As previously stated, in the time between October, 2001, and Qwest Wireless' complete deployment of E911 Phase II, Qwest Wireless is committed to providing the broadest E911 Phase I service reasonably achievable, with its proven public safety benefits.⁷ Phase I service has already been fully implemented in approximately 60 PSAPs covering nearly 460,000 customers.

Qwest Wireless remains fully committed to working with the Commission, equipment suppliers and public safety officials to expeditiously deploy E911 Phase II services to the public. However, due to factors outside of Qwest Wireless' control, realization of that commitment must

December 31, 2001.

⁷ See Waiver Petition Reply at 15.

proceed along a slightly modified timeline from that currently reflected in the Commission's rules and previously requested by Qwest Wireless. The Commission should grant Qwest Wireless' Petition with the amended dates contained herein.

Respectfully submitted,

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Its Attorneys

September 17, 2001

Exhibit A

Lucent Technologies
Bell Labs Innovations



Michael Iandolo
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Lucent Technologies Inc.
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August 10, 2001

Lucent Technologies is aware that many carriers have filed extension requests of the E911 Phase II deadlines with the FCC. Accordingly, we are providing you with up-to-date information regarding the availability of our E911 Phase II network compliance features.

While Lucent originally estimated that our E911 network features would be Generally Available (GA) in early September, due to changes in mobile software, limited access to over-the-air test facilities and the availability of Assisted-GPS mobiles, final testing has been delayed. These issues have been resolved and we are now proceeding with the First Office Application (FOA).

The FOA will be conducted using CDMA Software Release 17.1. The new target GA date for the following E911 Phase II compliance features is November 9, 2001:

- **FID 3581.0:** E911 Phase II compliance (j-std-036)
- **FID 3581.1:** CDMA Enhancements for E911 Phase II
- **FID 4403.0:** Flexant Position Determination Equipment (PDE)
- **FID 3581.2:** More CDMA Enhancements for E911 Phase II (This feature helps refine the location of mobiles when a pure GPS fix is not possible.)

Lucent recognizes that E911 Phase II is a vital service for wireless subscribers, enabling quick location identification of a mobile phone user in an emergency. We are committed to providing the appropriate network compliance features in the most expedient manner possible. The new GA date will ensure our solution is well tested, fully integrated with handsets and other components, and standards-compliant before making it available to wireless operators.

Sincerely,

cc: M. Chan

Exhibit B

Lucent Technologies
and
Bell Laboratories

August 30, 2001

Ms. Magalie Salas
Office of the Secretary
Federal Communications Commission
The Portals
445 Twelfth Street, S.W., Room TW-A325
Washington, D.C. 20554

Re: Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911
Emergency Calling Systems, CC Docket 94-102

Dear Ms. Salas:

Lucent Technologies supports the Commission's decision to impose 911 location information requirements, because we share the Commission's belief that the provision of 911 location information for wireless callers to public safety agencies may save lives. Accordingly, Lucent is committed to developing E911 solutions that provide accurate location information as expeditiously as possible.

However due to the complexity of the solutions and the need for complete testing between handset, switch and other vendor software and equipment, no manufacturer, including Lucent, has an E911 solution that will be commercially available in time for carriers to meet the current phase ii deadline. Several of Lucent's customers, including Alltel, AT&T Wireless, Cingular, Corr Wireless, Nextel, Qwest Wireless, Sprint PCS, Telcorp, USC, and Verizon Wireless have recently requested extensions of the E911 phase ii deadlines. Their filings present a consistent message; no manufacturer currently has a generally available E911 phase ii solution, so carriers cannot deploy them in time to meet the deadline.

In light of the realities of the marketplace, Lucent strongly supports all of its carrier customer's requests for extension. A carrier simply cannot implement a solution before it is available. Therefore, Lucent urges the Commission to grant individual extensions that take into account the planned availability dates and the carriers' ability to test and deploy solutions once they become available. Any such extension must also provide some flexibility in the event targeted availability dates are compromised. Lucent reiterates, however, that it will continue to work diligently to make available its E911 solutions as quickly as possible and will keep its customers apprised of our progress.

Sincerely,



Diane Law Hsu
Corporate Counsel

CERTIFICATE OF SERVICE

I, Doree Cordoviz, do hereby certify that I have caused the foregoing **AMENDED WAIVER REQUEST** to be 1) filed with the Secretary of the FCC (original and nine copies), 2) served (one copy), via hand delivery, on the FCC staff members marked with an asterisk on the attached service list, and 3) served (one copy), via First Class United States Mail, postage prepaid, on the remaining parties listed on the attached service.


Doree Cordoviz

September 17, 2001

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