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September 20, 2001

Magalie Roman Salas, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Room TW-A325
Washington, DC 20554

Re: CC Docket No. 94-102/DA 01-1836
Notice of Permitted *Ex Parte* Presentation
Verizon Wireless Request for Limited Waiver of the Commission's Phase II Rules

Dear Ms. Salas:

Cellco Partnership d/b/a Verizon Wireless ("Verizon Wireless" or the "Company"), by its attorney, hereby notifies the Commission of permitted *ex parte* discussions between the undersigned and Thomas Navin, Deputy Chief of the Wireless Telecommunications Bureau's Policy Division. These discussions took place yesterday September 19, 2001, and Tuesday, September 18, 2001. An original and two copies of the instant filing are submitted pursuant to Section 1.1206(b) of the Commission's rules.

The subject of the discussions was Verizon Wireless' pending Phase II waiver request and, in particular, confirmation of the Company's commitment to comply with its obligations to transition its embedded base of subscribers, including analog subscribers, to ALI-capable handsets. The Commission imposed both interim benchmarks accounting for *all* new handset activations and a requirement to achieve 95 percent penetration of location-capable handsets among its embedded base of subscribers by December 31, 2005.[1] Verizon Wireless' reply comments of August 31, 2001 discussed the extent to which Verizon Wireless provides analog cellular service. To confirm, Verizon Wireless' digital coverage is expected to reach nearly 100 percent of its service areas by the end of 2003, its number of customers with analog-only handsets is steadily declining, and the Company will introduce and marketing and targeted

[1] *See* Verizon Wireless, Updated Phase II E911 Report and Request for Limited Waiver, CC Docket No. 94-102, filed July 25, 2001, at 14, 20; 47 C.F.R. §§ 20.18(g)(1)(ii)-(iii) (the "interim benchmarks") and (g)(1)(v) (the "2005/95 percent requirement").

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incentives encouraging customers to acquire ALI-capable handsets.[2] These implementation efforts and market trends discussed in its reply comments will assist in ensuring that Verizon Wireless will meet the interim benchmarks and, ultimately, the prescribed 95 percent penetration level.

Verizon Wireless' manner of addressing non-ALI capable handsets is as the Commission intended. The Commission "recogniz[ed] that handset-based solutions present problems in achieving universal coverage, because callers without ALI-capable handsets, such as roamers and those using older handsets, might not receive Phase II ALI" but nevertheless determined "that concerns associated with non-ALI-capable handsets and roamers can be addressed and minimized or eliminated within a reasonable time."[3] In adopting the 2005/95 percent requirement the Commission sought to "ensure that the public safety goals of this proceeding are achieved within a reasonable period *regardless of normal handset churn*" and ensure "that Phase II extends to all wireless callers as quickly as is reasonably possible."[4] In fact, the 100 percent new activation benchmark of the Commission's rules applies only to *digital* handsets, thus underscoring the Commission's expectation that the embedded base of analog handsets would be phased out over time.

Thus, in adopting interim benchmarks and the 2005/95 percent requirement, the Commission directly addressed concerns that handset-based solutions might not adequately account for a carrier's non-ALI capable handsets. The Commission's treatment of comments in this proceeding further underscores this point. Opponents of handset-based solutions argued that handset-based solutions should not be allowed because of their inability to immediately provide Phase II capabilities for the embedded base of handsets, and the Commission expressly acknowledged these concerns.[5] In spite of these arguments, the Commission concluded that "the benefits of a reasonable a phase-in approach for handset-based ALI solutions justify and outweigh the drawbacks, including any possible additional delays in ALI deployment."[6] As a related matter, proponents of handset-based solutions argued that handset churn would ensure expeditious deployment of ALI-capable handsets among a carrier's embedded base of subscribers.[7] The Commission struck a balance between these two approaches by adding a

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[2] *See* Reply Comments of Verizon Wireless, CC Docket No. 94-102, filed August 31, 2001, at 7, 9.

[3] *See Revision of the Commission's Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Third Report and Order*, 14 FCC Rcd 17388, 17404 ¶ 31 (1999).

[4] *See Third Report and Order*, 14 FCC Rcd at 17412 ¶ 52 (emphasis added), *modified in relevant part, Fourth Memorandum Opinion and Order*, 15 FCC Rcd 17442, ¶ 36 (2000) (extending requirement one year from December 31, 2004 to December 31, 2005).

[5] *See Third Report and Order* at 17399 ¶ 20, 17404 ¶ 31; Comments of TruePosition in CC Docket No. 94-102, filed June 17, 1999, at 5-6 and n.10.

[6] *See Third Report and Order* at 17399 ¶ 21.

[7] *See* Comments of SnapTrack in CC Docket No. 94-102, filed June 17 1999, at 16.

2004/100 percent embedded base requirement (later amended to 2005/95 percent) as a "backstop" approach.[8]

Please contact the undersigned should you have questions regarding this matter.

Respectfully submitted,

WILKINSON BARKER KNAUER, LLP

By: Kathryn A. Zachem

cc: Kris Monteith
Thomas Navin
Dan Grosh
Jane Phillips
Martin Liebman

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8 *See id.*