

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

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

To: Wireless Telecommunications Bureau

**ERRATA**

On September 18, 2001, Wireless Communications Venture ("WCV") filed with the Federal Communications Commission ("FCC" or "Commission") a petition for limited waiver of Sections 20.18(e) and (g) of the Commission's rules. The petition contains the following errors:

1. The Table of Contents incorrectly identifies the petitioner.
2. Page 2 of the petition contains factual errors regarding WCV's Phase II Carrier Implementation Report.
3. Footnote 15 incorrectly cites to AT&T's waiver petition.
4. In quoting the FCC's waiver standard as expressed in its *Fourth Memorandum Opinion and Order*, the petition at page 8 inadvertently omitted the word "clear."

Please find attached a replacement Table of Contents and replacement pages 2, 6 and 8 of WCV's Petition for Waiver, which contain the corrected text. We request that these pages be inserted in the document in place of the respective originals. We apologize for any inconvenience this has caused the Commission.

Respectfully submitted,

**WIRELESS  
COMMUNICATIONS VENTURE**

By: \_\_\_\_\_/s/\_\_\_\_\_

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Dated: September 26, 2001

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equipment, WCV will be unable to meet the October 1, 2001 deadline in most of its service area and respectfully requests an extension as outlined below.<sup>3</sup>

**I. WCV Is Unable to Meet the FCC's October 1 Handset Availability Deadline Due to Factors Outside of Its Control**

WCV is a small, broadband PCS carrier providing service in rural Minnesota (BTA 391 in St. Cloud, Minnesota). WCV has been working diligently with its main supplier, Nortel, to develop a Phase II solution for its service area. As WCV reported in its March 13, 2001 Phase II implementation report, WCV has selected a hybrid solution to achieve Phase II compliance. The Nortel CDMA technology, which WCV has selected, uses both cell sector identification and Global Positioning System ("GPS") technology. The location technology also uses a locating function within or as an overlay to the wireless network infrastructure using a combination of Time Difference of Arrival ("TDOA") and Angle of Arrival ("AOA") functions. WCV's Phase II solution will require a new software load in its switch, hardware upgrades, that it shares with Cellular Mobile Systems of St. Cloud, LLC, hardware changes consisting of a new processor for its switch and assorted cell site upgrades, as well as automatic location information ("ALI")-capable handsets. As discussed in detail below, vendor-associated delays in delivery of each of these elements will prevent WCV from meeting its relevant Phase II deadlines in the vast majority of its service area.

WCV has ordered an upgrade to its software in the form of the Nortel MTX09 feature addition and will add location center hardware in order to transmit Phase II data

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<sup>3</sup> WCV plans to use a network-based solution in the few areas of its rural network where cell site density might make a network-based solution technically possible. In such areas, WCV does not anticipate that a waiver will be necessary. WCV notes that it has yet to receive, nor does it expect to receive in the near future, a Phase II request from the Public Safety Answering Points ("PSAP") that it serves.

In addition to the Samsung product, WCV is aware of one other handset solution that may be commercially available. According to Airbiquity's testimony to Congress, its ALI product is commercially available. WCV has investigated the Airbiquity solution, and has ruled it out based on its cumbersome technical attributes. First, the Airbiquity product appears to be capable of working only with certain model Nokia products – products that WCV will most likely discontinue as it acquires new CDMA handsets. Second, the Airbiquity product is essentially a stand-alone GPS product that is about the same size as, and the same cost as, a regular handset that is attached/jerry-rigged to the Nokia product. Third, Airbiquity's solution uses exposed contacts on the bottom of the Nokia phone that will not work should Nokia alter the design of its product. Since sleek, consumer-friendly handsets will be available soon after WCV upgrades the network, software, and hardware components of its Nortel network, the outmoded Airbiquity product is not a practical solution.

WCV, like many carriers that serve rural areas, has ruled out a purely network-based Phase II solution.<sup>15</sup> WCV's investigation of network-based solutions has confirmed that triangulation-based location solutions do not work well in less densely populated rural areas, where cell sites are scarce. In fact, the Commission has confirmed the "distinct challenges" that rural carriers such as WCV face in implementing Phase II requirements.<sup>16</sup> WCV will use TDOA and AOA where it can,<sup>17</sup> but must rely heavily on ALI-capable handsets to meet the FCC's Phase II accuracy standards. In the WCV

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<sup>15</sup> See, e.g., Verizon Wireless Petition for Waiver at 33.

<sup>16</sup> See, e.g., *Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, CC Docket No. 94-102, Fifth Memorandum Opinion and Order, 15 FCC Rcd. 22810, ¶ 21 (2000) ("*Fifth MO&O*").

<sup>17</sup> As discussed above, WCV hopes to use a network-based solution where cell site density in WCV's rural network makes TDOA and AOA possible.

manufacturers to undertake a time-consuming series of complex steps.”<sup>24</sup> Manufacturers, although racing to meet carrier demand, have yet to overcome the technological complexities in order to make ALI-capable handsets available in time for carriers to meet the FCC’s deadlines. The requested waiver is consistent with the Commission’s recognition that compliance deadlines should be linked to the availability of manufacturer equipment.<sup>25</sup>

The Commission also indicated that a petition for waiver must be “specific, focused and limited in scope, and with a clear path to full compliance.”<sup>26</sup> WCV’s waiver petition is specific, narrow in scope, and provides the Commission with WCV’s past efforts and future plans to satisfy the FCC’s Phase II requirements. Moreover, as set forth below, the instant petition satisfies the applicable waiver standards.

Section 1.925(b)(3) of the Commission’s rules sets out the general standards for determining when a waiver should be granted in Wireless Telecommunications Bureau proceedings:

The Commission may grant a request for waiver if it is shown that:

- (i) The underlying purpose of the rule(s) would not be served or would be frustrated by application to the instant case, and that a grant of the requested waiver would be in the public interest; or
- (ii) In view of unique or unusual factual circumstances of the instant case, application of the rule(s) would be inequitable,

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<sup>24</sup> GARMIN International, Inc., *Order on Reconsideration*, DA 01-851 at ¶ 5.

<sup>25</sup> *See, e.g., Implementation of Section 17 of the Cable Television Consumer Protection and Competition Act of 1992; Compatibility Between Cable Systems and Consumer Electronics Equipment*, 9 FCC Rcd. 1981 ¶¶ 76-77 (1994) (modifying a proposed compliance deadline to account for the unavailability of necessary equipment).

<sup>26</sup> *Fourth MO&O* at ¶ 44.

**CERTIFICATE OF SERVICE**

I, Joy Barksdale, do hereby certify that on this 26<sup>th</sup> day of September 2001, a copy of the foregoing Errata was served by hand delivery to the following parties:

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