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Office of the Secretary
Federal Communications Commission
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Washington, DC 20554

Attn: Patrick Forster, Senior Engineer
Room 3-A104
Policy Division
Wireless Telecommunications Bureau

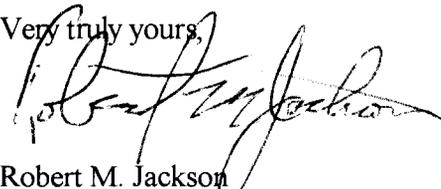
Re: Kankakee Cellular L.L.C.,
Request for Temporary Waiver of Section 20.18(f),
CC Docket No. 94-102.

Dear Ms. Salas:

On behalf of Kankakee Cellular L.L.C., we are transmitting herewith its request for a temporary waiver of the Commission's Rules for implementing E-911 Phase II service.

Please refer any inquiries or correspondence in connection with this matter to our offices.

Very truly yours,



Robert M. Jackson
Attorney for Kankakee Cellular L.L.C.

Attachment
cc(w/att): Raveesh K. Kumra

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: Chief, Wireless Telecommunications Bureau

REQUEST FOR RULE WAIVER

Kankakee Cellular L.L.C. ("KCL") hereby requests, for the reasons stated by Cingular Wireless LLC ("Cingular") in its "Petition for Limited Waiver of Section 20.18(f)" ("Cingular Petition") filed August 31, 2001 in this Docket, a temporary waiver of Section 20.18(f) of the Commission's Rules to allow it to delay deployment of TruePosition's network-based technology in the Kankakee MSA. The reasons in support of the Cingular Petition advanced by Cingular are incorporated herein by reference.

I) Background

1. KCL is the licensee of Cellular Radiotelephone Service Station KNKA668, the Frequency Block A cellular system serving the Kankakee, Illinois Metropolitan Statistical Area. KCL is a small carrier operating a stand-alone cellular system.

2. In its E-911 implementation report filed with the Commission in November 2000, CC noted: a) that its cellular service area is geographically adjacent to, and has an economic community of interest with, the Chicago, Illinois MSA ("the Chicago MSA"); b) that Southwestern Bell Mobile Systems, Inc. d/b/a Cellular One - Chicago (now part of Cingular) is the Frequency Block A cellular

carrier serving the Chicago MSA; and c) that switching functions for KCL's cellular system are performed by Cingular's Chicago MSA cellular switch. KCL's E-911 implementation report further stated that it intends "to utilize the same [Automatic Location Information ("ALI")] technology (be it handset-based or network-based) and the same brand of ALI equipment as deployed by [Cingular] for its Chicago MSA system," which Cingular has now identified as the TruePosition's network-based technology for its TDMA/AMPS markets.

3. As stated in the Cingular Petition, TruePosition has committed to deploying its solution on 2,000 of the TDMA/AMPS cell sites in 2002, which should be sufficient to satisfy all valid, outstanding PSAP requests for Phase II information. As the Cingular Petition further indicates, from that point forward, it will be capable of deploying its Phase II solution in its TDMA/AMPS markets within six months of a valid Public Safety Answering Point ("PSAP") request; and TruePosition's solutions will give Cingular the capability to be fully deployed by the late fourth quarter of 2004 or the early first quarter of 2005, depending on PSAP requests. As further noted in the Cingular Petition, the TruePosition solution is not yet ready for commercial deployment. KCL plans to upgrade its Kankakee system along with Cingular's upgrade of the Chicago system.

II) Commitment to Achieving Compliance

4. Since November 2000, KCL has been diligent in pursuing deployment of E-911 Phase II technology in a timely manner. As noted in the Cingular Petition, the TruePosition equipment needed

for network upgrades is not yet commercially available. Therefore, despite its best efforts and due to circumstances beyond its ability to control, KCL recognizes that it will not be able to meet the phase-in schedule for network-based ALI technology established in the Commission's Fourth Memorandum Opinion and Order, 15 FCC Rcd. 17442 (2000) and embodied in Section 20.18(f) of the Rules.

III) Waiver Request

5. Accordingly, KCL requests a waiver of Section 20.18(f) of the Rules to allow it to delay the provision of Phase II E-911 enhanced service, until such time as the necessary equipment is available from TruePosition and can be installed.

IV) Waiver Standards

6. In its Fourth Memorandum Opinion and Order, 15 FCC Rcd. 17442 (2000), the Commission indicated that the Phase II rules are intended to be applied in a manner that takes into account the practical and technical realities.¹ Recognizing that practical and technical realities might delay Phase II implementation, the Commission established a general approach to dealing with possible requests for waiver of the Phase II requirements.² Thus, the Commission provided that its rules may be waived for good cause shown, consistent with Section 1.3 of the Rules.³ It recognized, in the case of E-911, that there could be instances where technology-related issues or exceptional circumstances may mean that deployment of phase II may not be possible by October 1,

¹ 15 FCC Rcd. 17442 at Para. 22.

² Id. at Paras. 42-45.

³ Id.

2001.⁴ The Commission cautioned that waiver requests should be specific, focused and limited in scope, with a clear path to full compliance and should document the efforts aimed at compliance.⁵

V) KCL Has Met The Waiver Standards

7. As shown above, KCL has met the Commission's standards for obtaining the requested waiver of Section 20.18(f) of the Commission's Rules. While Section 20.18 of the Rules imposes E-911 Phase II obligations only on Commission licensees (by reason of limitations on the Commission's statutory authority), the Commission has repeatedly acknowledged the obvious, i.e., that achieving full compliance requires the cooperative efforts of carriers, equipment manufacturers and suppliers, and government officials responsible for public safety activities. As a service provider only, KCL would be unable to achieve compliance with the Commission's Phase II requirements without the availability of necessary equipment; and, as a small carrier, KCL lacks the economic leverage to influence the decisions of equipment manufacturers. The simple truth is that there is no technology currently available commercially that will satisfy the Commission's Phase II requirements within the established deadlines.⁶ It is only recently that ALI technology has advanced to the point where Phase II compliance can become a reality. However, once compliant equipment is available in the marketplace, it will undoubtedly be

⁴ Id.

⁵ Id.

⁶ See "Petition for Waiver" in this docket filed August 31, 2001 by Triton PCS License Company, L.L.C., pp. 4-5.

several more months before KCL will be able to obtain delivery of this equipment.

8. Grant of the limited request for waiver contained herein is in the public interest. KCL has been diligent in pursuing implementation of Phase II but is unable to do so entirely because of matters that are beyond its ability to control. The instant waiver request is specific and focused. It details the unavoidable delays that KCL has encountered through no fault of its own. It sets out a clear path to compliance once the necessary equipment becomes available.

WHEREFORE, good cause shown, KCL requests that the requested waiver be granted.

Respectfully submitted,
Kankakee Cellular L.L.C.

Dated: 9/27/2001

By: 
Raveesh K. Kumra
Manager

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