

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 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)	
)	
)	
RSA 1 Limited Partnership d/b/a)	DA 98-2631
Cellular 29 Plus Petition For Limited)	
Waiver of Section 20.18(g) of the)	
Commission’s Rules)	

To: Wireless Telecommunications Bureau

**Amendment to Petition for Waiver
and Supplemental E911 Phase II Report
of RSA 1 Limited Partnership d/b/a Cellular 29 Plus**

RSA 1 Limited Partnership d/b/a Cellular 29 Plus (“Cellular 29”), by its attorneys and pursuant to Section 20.18(i) of the rules and regulations of the Federal Communications Commission (“Commission”),¹ and the Commission’s recent public notices,² hereby submits an amendment to its Petition for Waiver in the above captioned proceeding.

¹47 C.F.R. §20.18(i).

²“Commission Establishes Schedule for E911 Phase II Requests by Small and Mid-Sized Wireless Carriers, CC Docket No. 94-102,” *Public Notice*, FCC 01-302, rel. Oct. 12, 2001 (“*October 12 Public Notice*”); and “Wireless Telecommunications Bureau Provides Guidance on Filings By Small and Mid-Sized Carriers Seeking Relief From Wireless E911 Phase II Automatic Location Identification Rules, CC Docket No. 94-102,” *Public Notice*, DA 01-2459, rel. Oct. 19, 2001 (“*October 19 Public Notice*”).

On September 21, 2001, Cellular 29 filed a Petition for Limited Waiver of Section 20.18 of the Commission's rules.³ On October 12, 2001, the Commission ruled on five nationwide carriers' similar requests for waiver of the Commission's enhanced 911 Phase II implementation plans, set mandatory conditions,⁴ and gave small and mid-sized carriers until November 30, 2001 to file

³Revision of the Commission's Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, DA 98-2631, RSA 1 Limited Partnership d/b/a Cellular 29 Plus Petition for Limited Waiver of Section 20.18(g) of the Commission's Rules, filed September 21, 2001 ("*September 21 Petition*").

⁴See In the Matter of Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Request for Waiver by AT&T Wireless, CC Docket No. 94-102, *Order*, FCC 01-294, rel. Oct. 12, 2001; In the Matter of Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Request for Waiver by Nextel Communications, Inc., CC Docket No. 94-102, *Order*, FCC 01-295, rel. Oct. 12, 2001; In the Matter of Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Request for Waiver by Cingular Wireless LLC, CC Docket No. 94-102, *Order*, FCC 01-296, rel. Oct. 12, 2001; In the Matter of Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency

requests for waiver of E911 Phase II implementation requirements or to supplement or revise pending requests for waiver.⁵

As Cellular 29 indicated in its September 21 Petition, its proposed compliance schedule is based heavily upon the expected general availability date for Phase II-compliant handsets to major, nationwide carriers with a built-in “lead-time” of several additional months for the product to “trickle down” to small rural carriers like Cellular 29. In light of the recent extensions of time granted to nationwide wireless CDMA carriers, Cellular 29 now believes the earliest date by which the large, nationwide carriers will see delivery of CDMA-based, ALI-capable handsets is December 2001. Accounting for expected delays before such handsets reach a small carrier such as Cellular 29 and necessary testing, Cellular 29 does not expect to be capable of selling and activating handsets prior to October 1, 2002. Accordingly, Cellular 29 hereby amends the proposed implementation schedule contained in its September 21 Petition as follows:

October 1, 2002:	begin selling and activating ALI-capable handsets.
December 31, 2002	25 percent of activated handsets are ALI-capable.
June 30, 2003	50 percent of activated handsets are ALI-capable.
December 31, 2003	100 percent of activated handsets are ALI-capable.

Calling Systems, Request for Waiver by Sprint Spectrum L.P. d/b/a Sprint PCS, CC Docket No. 94-102, *Order*, FCC 01-297, rel. Oct. 12, 2001; and In the Matter of Revision of the Commission’s Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Request for Waiver by Verizon Wireless, CC Docket No. 94-102, *Order*, FCC 01-299, rel. Oct. 12, 2001.

⁵*October 12 Public Notice.*

December 31, 2006 95 percent penetration rate of ALI-capable handsets.

Further, if such equipment becomes commercially available earlier than expected, Cellular 29 will proceed to implement E911 Phase II promptly and will so advise the Commission of its progress related to this matter via its required quarterly report. By the same token, as indicated in the September 21 Petition, whether and when ALI-capable handsets are available is completely outside of Cellular 29's control. Therefore, if as Cellular 29's revised deadline approaches, Phase II-compliant handsets and necessary upgrades to cellular switching systems are still unavailable commercially, Cellular 29 will so advise the Commission.

Additionally, Cellular 29 has queried handset vendors regarding the anticipated cost of the yet unavailable ALI-capable handsets. It has received estimates for the cost of ALI-capable handsets varying anywhere from \$10.00 to \$200.00 more per telephone than that of currently utilized Cellular 29 handsets. This handset cost uncertainty makes it difficult to project whether consumers will be willing to spend extra money to purchase a handset with ALI capability; whether Cellular 29 will be able to absorb the cost difference without operating at a loss; and ultimately raises further questions related to Cellular 29's ability to meet the Commission's percentage thresholds for selling and activating ALI-capable handsets. If once ALI-capable handsets are generally available, and the cost of those handsets becomes known, Cellular 29 finds that it is unable to sell ALI-capable handsets in numbers which would meet the required penetration percentages, it reserves the right to request a further waiver of the Commission's rules at that time.

The foregoing, along with the information contained in the September 21 Petition satisfies both the general requirements to waive a Commission rule, as well as the more detailed standards

contained in the Commission's E911 *Fourth Memorandum Opinion and Order*,⁶ and the *October 19 Public Notice*. Accordingly, there is good cause to grant the limited waiver requested herein.

Respectfully submitted,

Cellular 29 CELLULAR

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⁶Revision 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 (2000) ("*E911 Fourth Memorandum Opinion and Order*").

CERTIFICATE OF SERVICE

I, LaWanda Y. Tyson, a secretary with the law firm of Kurtis & Associates, P.C., do hereby certify that I have this 8th day of November 2001, had copies of the foregoing “AMENDMENT to PETITION FOR WAIVER AND SUPPLEMENTAL E911 PHASE II REPORT of RSA 1 LIMITED PARTNERSHIP d/b/a CELLULAR 29 PLUS sent via First Class Mail, U.S. Postage paid to the following:

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