

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)	
)	
Public Service Cellular, Inc.)	DA 98-2631
Petition For Limited Waiver of Section)	DA 01-2459
20.18(g) of the Commission's Rules)	

To: The Wireless Telecommunications Bureau

**PETITION OF ENTERPRISE WIRELESS PCS, LLC
FOR LIMITED WAIVER OF SECTION 20.18(g) OF THE COMMISSION'S RULES**

Enterprise Wireless PCS, LLC ("Enterprise"), by its attorneys and pursuant to Section 20.18(i) of the rules and regulations of the Federal Communications Commission ("FCC" or "Commission"),¹ and the Commission's recent public notices in the above-captioned proceeding,² hereby submits an amendment to its Petition for Waiver in the above captioned proceeding, and a supplement to its E911 Phase II Report.

In its November 9 Report, Enterprise stated its intent to begin selling ALI-capable handsets on October 1, 2001 and to begin providing handset information to public safety answering points ("PSAPs") by December 31, 2001. In a Petition for Limited Waiver of Sections 20.18(g) of the Commission's Rules, 47 C.F.R. §20.18(g), filed September 20, 2001

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; 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*")

(“September 20 Petition”), Enterprise requested an extension of time up to and including July 31, 2002 in which to begin selling Phase II-compliant handsets and to complete corresponding upgrades to its cellular switch; and (2) approval of the following revised deadlines for implementing Phase II-compliant handset activations: 25% of new activations by October 31, 2002; 50% of new activations by April 30, 2003, 100% of new activations by December 31, 2003; and 95% of embedded base by December 31, 2005. However, because ALI-capable TDMA/analog handsets are not yet available for large, nationwide carriers, Enterprise does not expect to be able to obtain ALI-capable handsets in time to meet its originally proposed deadline; Enterprise does not expect to be capable of selling and activating handsets prior to December 31, 2002. Accordingly, Enterprise has developed the following revised implementation schedule:

- December 31, 2002: begin selling and activating ALI-capable handsets.
- March 31, 2003: 25 percent of activated handsets are ALI-capable.
- October 31, 2003: 50 percent of activated handsets are ALI-capable.
- April 30, 2004: 100 percent of activated handsets are ALI-capable
- December 31, 2006 95 percent penetration rate of ALI-capable handsets.

Further, if such equipment becomes commercially available earlier than expected, Enterprise 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 its originally-filed petition for waiver, whether and when ALI-capable handsets are available is completely outside of Enterprise’s control. Therefore, if as Enterprise’s revised deadline approaches, Phase II-compliant handsets and necessary upgrades to cellular switching systems are still unavailable commercially, Enterprise will so advise the Commission.

Additionally, Enterprise has been unable to receive any estimates for the anticipated cost of the yet unavailable ALI-capable handsets. The cost of ALI-capable handsets may vary anywhere from \$10.00 to \$200.00 more per telephone than that of currently utilized Enterprise 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 Enterprise will

be able to absorb the cost difference without operating at a loss; and ultimately raises further questions related to Enterprise'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, Enterprise 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 20 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*,³ and in the *October 19 Public Notice*. Accordingly, there is good cause to grant the limited waiver requested herein.

Respectfully submitted,

ENTERPRISE WIRELESS PCS, LLC

By:



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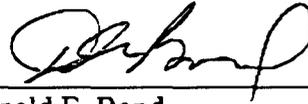
Dated: November 30, 2001

³Revision 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*").

DECLARATION

Donald E. Bond hereby declares, under penalty of perjury, under the laws of the United States, that he is President of Public Service PCS, Inc., which is the sole member of Enterprise Wireless PCS, LLC; that he has read the foregoing Petition; and that, except for those facts of which the Commission may take official notice, all of the facts stated therein are true and correct to the best of his knowledge, information and belief..

Dated, this 30 day of November, 2001.



Donald E. Bond