

WILKINSON ) BARKER ) KNAUER ) LLP

2300 N STREET, NW  
SUITE 700  
WASHINGTON, DC 20037  
TEL 202.783.4141  
FAX 202.783.5851  
www.wbklaw.com  
WILLIAM J. SILL  
202-383-3419  
wsill@wbklaw.com

January 15, 2002

Magalie Roman Salas  
Secretary of the Commission  
Federal Communications Commission  
445 - 12th Street, S.W., Room TW-A325  
Washington, DC 20554

Re: *Cellular Phone of Kentucky, Inc.*  
*Quarterly TTY Status Report -- CC Docket No. 94-102*

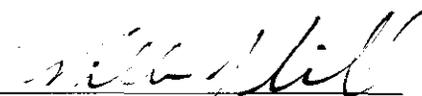
Dear Ms. Salas:

Cellular Phone of Kentucky, Inc. ("CPK") hereby submits its TTY Quarterly Status Report.

Please do not hesitate to contact the undersigned with any questions that you may have at (202) 783-4141.

Very truly yours,

WILKINSON BARKER KNAUER, LLP

By: 

William J. Sill

Attachment

cc: Kris Monteith, Chief, Policy Division  
Wireless Telecommunications Bureau  
Pam Gregory, Chief, Disabilities Rights Office  
Consumer Information Bureau

**Cellular Phone of Kentucky, Inc.**  
**Quarterly TTY Report**  
**January 15th, 2002**  
**CC Docket No. 94-102**

In response to the Federal Communications Commission's ("FCC"), Fourth Report and Order,<sup>1</sup> in its Enhanced 911 proceeding in which it established new deadlines for digital wireless carriers to be capable of transmitting 911 calls made using TTY devices, Cellular Phone of Kentucky, Inc. ("CPK"), the licensee in the Kentucky 6 – Madison RSA (Block B1), hereby submits its TTY Quarterly Status Report ("Report").

CPK continues to work diligently with its infrastructure vendor, to ensure timely TTY access to E911 for all its customers. The absence of firm commitments and definite standards from both infrastructure and handset vendors became a major obstacle in meeting the December 31, 2001 deadline for obtaining all software upgrades and equipment necessary to make CPK's system capable of transmitting TTY 911 calls. Despite CPK's best efforts, this major obstacle proved to be insurmountable as CPK's vendor remains unable to provide the necessary software and equipment.

CPK believes that the reporting process, rather than a waiver process, is the appropriate mechanism to update the FCC concerning the December 31 deadline for two reasons. First, the disparate regulatory treatment afforded the two deadlines indicates that the Commission did not intend the December 31, 2001 deadline to have the same force of law as the June 30, 2002 deadline. Unlike the June 30, 2002 deadline, the December deadline appears only in an *Order*, rather than being codified in the FCC's regulations.<sup>2</sup> The Commission clearly has carved the June 30, 2002 deadline into regulatory 'stone' whereas the December deadline is more in the nature of an expectation. Second, the Commission created its Reporting Process so it could learn "useful information concerning equipment development and deployment, as well as actions taken by carriers."<sup>3</sup> CPK believes that information concerning the carriers' inability to meet the deadline is exactly the type of information the FCC seeks. In the event that the FCC notifies CPK that it deems a waiver necessary, CPK will file such a waiver request with the Commission.

CPK will continue to press their vendor for the necessary software upgrades and equipment necessary to meet the June 30, 2002 deadline. CPK is committed to take all necessary actions so that it is prepared to transmit TTY 911 service to its customers by June 30, 2002.

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<sup>1</sup> Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, *Fourth Report and Order*, 15 FCC Rcd. 25216 (2000) [hereafter "*Order*"].

<sup>2</sup> The Commission explicitly amended Section 20.18(c) to include the June 2002 deadline but opted not to amend its rules to include the December 31, 2001. *Order*, at 25230 App. C.

<sup>3</sup> *Order* at 25221.