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February 22, 2002

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**BY HAND DELIVERY**

William F. Caton, Acting Secretary  
Federal Communications Commission  
445 12th Street, SW  
TW-A325  
Washington, DC 20554

**Re: Informational Filing of Report for Virgin Mobile USA, LLC on  
Plans for Implementation of Wireless Enhanced 911 Phase II  
Automatic Location Identification (ALI)  
CC Docket No. 94-102**

Dear Mr. Caton:

On behalf of Virgin Mobile USA, LLC ("Virgin"), we hereby provide this informational filing to notify the Commission of Virgin's plans for implementation of wireless Enhanced 911 ("E911") Phase II Automatic Location Identification ("ALI").

Virgin does not have its own wireless network facilities and is not a licensee of the Commission. Rather, through resale of services provided by Sprint Spectrum L.P. d/b/a Sprint PCS ("Sprint"), Virgin intends to operate as a Mobile Virtual Network Operator ("MVNO"). Virgin intends to commence operations during the second quarter of this year.<sup>1</sup>

The Commission's 911 service requirements for wireless carriers can be found in Section 20.18 of its rules. These rules, including Section 20.18(g) which governs the phase-in of handset-based location technologies and Section 20.18(i) which calls for reports on Phase II plans, by their terms apply to licensees only. Because Virgin is not a licensee of the Commission, Section 20.18 does not apply to Virgin. Nevertheless, as a

<sup>1</sup> Because Virgin has not yet commenced service, Virgin has not applied for and does not have a TRS number.

demonstration of its good faith interest in providing E911 Phase II ALI to its customers, Virgin is voluntarily providing this report to the Commission for informational purposes.

Virgin is a reseller and will be utilizing Sprint's underlying network, and Virgin's ability to provide E911 Phase II location services is dependent upon the network modifications and Public Safety Answering Point ("PSAP") connections implemented by Sprint. These issues are addressed by the Commission in the *Sprint Waiver Order*.<sup>2</sup> Sprint has chosen an ALI system that is dependent upon customers obtaining new handsets with assisted Global Positioning System ("A-GPS") capability. Therefore, Virgin will need to provide to its customers A-GPS-enabled handsets if those customers are to have ALI capability.

As mentioned earlier, Virgin will be commencing operations in the second quarter of this year. As a new wireless service provider in the United States targeting the low-end prepaid customer, Virgin will need to offer extremely competitive pricing of both service and customer equipment in order to develop market share and name recognition. Yet, as a new product, A-GPS-enabled customer units are among the most expensive customer units on the market. Moreover, at this time, A-GPS-enabled customer units are not available to Virgin.

Before Virgin can offer A-GPS-enabled handsets, such units need to be more plentiful and the price needs to be reduced so that there is not a tremendous price differential between units with and without A-GPS. This will take time. In addition, because the larger carriers are ordering all of the available early production A-GPS-enabled-units, such units are not available to Virgin at this time. Based on its best projections, Virgin envisions that it can phase-in A-GPS-enabled units that meet the Commission's E911 Phase II requirements according to the following schedule.

February 15, 2003:	Virgin will begin selling and activating A-GPS-enabled handsets;
June 30, 2003:	Virgin will ensure that at least 25% of all new handsets activated after this date are A-GPS-enabled;
September 30, 2003:	Virgin will ensure that at least 50% of all new handsets activated after this date are A-GPS-enabled;
March 31, 2004:	Virgin will ensure that all new handsets activated after this date are A-GPS-enabled;

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<sup>2</sup> *Request for Waiver by Sprint Spectrum L.P. d/b/a Sprint PCS*, CC Docket No. 94-102, Order, FCC 01-297, released October 12, 2001.

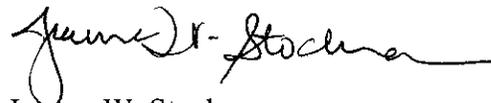
December 31, 2005: 95% of all subscriber handsets in service will be A-GPS-enabled.

This schedule is not significantly different from the schedule granted by the Commission to Verizon Wireless in the *Verizon Waiver Order*.<sup>3</sup> Although the benchmark dates are somewhat later than Verizon Wireless's benchmark dates, the March 31, 2004 date for ensuring that all new handsets activated are A-GPS-enabled is only three months behind the December 31, 2003 date granted by the Commission in the *Verizon Waiver Order*. Moreover, Virgin does not alter the December 31, 2005 date for achieving 95% of all subscriber handsets in service having ALI capability, as required by Section 20.18(g)(1)(v) of the Commission's rules.

As mentioned earlier, Section 20.18 of the Commission's rules does not apply to Virgin, because the language of Section 20.18 applies to licensees only, and Virgin is not a licensee of the Commission. Nevertheless, on a voluntary basis, the handset phase-in timetable for Virgin, as discussed above, is specific, focused, and limited in scope with a clear path to full compliance, as specified by the Commission's recent Public Notice.<sup>4</sup> It is focused because it varies the intermediate implementation benchmarks, but does not vary any other aspect of the Commission's E911 Phase II rules. It is specific because it provides specific benchmark dates for the phase-in of ALI-capable handsets. It is limited in scope because it does not result in any extraordinary delays in implementation, and as mentioned above, the timetable follows by several months the schedule already accepted by the Commission in the *Verizon Waiver Order*. It demonstrates a clear path to full compliance because it does not alter the final compliance benchmark of December 31, 2005, when 95% of all embedded handsets must have ALI capability.

An original and four (4) copies of this filing are enclosed. Please date-stamp and return the enclosed extra copy of this filing. Please refer any inquiries regarding this matter to the undersigned at (202) 295-8392.

Very truly yours,



Jeanne W. Stockman

cc: Patrick Forster (FCC)  
Peter Lurie (VMU)  
Qualex

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<sup>3</sup> *Request for Waiver by Verizon Wireless*, CC Docket No. 94-102, Order, FCC 01-299, released October 12, 2001.

<sup>4</sup> *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, released October 19, 2001.