

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Revision of the Commission’s Rules)	CC Docket 94-102
To Ensure Compatibility with)	
Enhanced 911 Emergency Calling Systems)	

**COMMENTS OF EDGE WIRELESS LICENSES, LLC
IN RESPONSE TO PETITIONS FOR TEMPORARY WAIVER OF DEADLINE BY
WHICH DIGITAL WIRELESS SYSTEMS MUST BE CAPABLE OF TRANSMITTING
911 CALL FROM TTY DEVICES**

Edge Wireless Licenses, LLC (“Edge”) by its attorneys, and pursuant to the Commission’s Public Notice, hereby submits its comments in response to Enterprise Wireless PCS, Illinois Valley Cellular RSA 2-I Partnership, Illinois Valley Cellular RSA 2-II Partnership, Illinois Valley Cellular RSA 2-III Partnership, Missouri TSA No. 7, and Public Service Cellular (collectively “Petitioners”) Request for Waiver of the June 30, 2002 deadline by which digital wireless service providers must be capable of transmitting 911 calls using TTY devices (hereinafter “Petitioners 911-TTY Waiver Request”). As set forth below, Edge urges the Commission to grant Petitioners 911-TTY Waiver Request and any subsequent request for waiver of the June 30, 2002 deadline filed by similarly situated parties.

INTRODUCTION

Edge’s is a PCS Broadband licensee. Its service area presently consists of rural markets in Oregon, Idaho and Northern California. Edge is presently providing service in Idaho and is expeditiously building out its PCS system in the remainder of its service area. Like several other large carriers, Edge initially committed to use TDMA IS-136 technology for its network

but recently decided to transition its network from TDMA to GSM. Utilizing GSM will allow Edge's network higher speed data capabilities and its customers a wider array of mobile devices from the world's GSM vendors

The decision to transition to GSM was based on its determination that such action would expedite the provision of the next generation of advanced wireless services to customers, and thus serves the public interest.

DISCUSSION

Edge appreciates the public safety importance of ensuring 911 access by persons with hearing and speech disabilities using TTY devices. Nonetheless, there are several reasons that warrant a waiver and extension of the June 30, 2002 deadline, particularly with respect to small, rural carriers that currently utilize a TDMA network.

Waivers are appropriate whenever special circumstances warrant a deviation from the general rule, and such a deviation will serve the public interest.¹ Section 1.925(b)(3) of the Commission's rules explains that a waiver of the Commission's rules applicable to public mobile services is appropriate whenever a party demonstrates either (1) that the underlying purpose of the rule would not be served or would be frustrated by its application to the instant case, and that grant of a waiver would be in the public interest, or (2) in view of unique or unusual factual circumstances to the instant case, application of the rule(s) would be inequitable, unduly burdensome or contrary to the public interest, or the applicant has no reasonable alternative.²

¹ *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) *citing* *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969).

² 47 C.F.R. § 1.925(b)(3).

Compliance with the June 30, 2002 would be unduly burdensome to small, rural carriers.³ For carriers utilizing a TDMA network, 911-TTY compliance requires a software upgrade to MTX10. The costs of the upgrade are substantial and burdensome, especially for small, rural carriers that recently commenced commercial service, such as Edge. The end result is that the costs would ultimately be passed on to the consumer, an end result that would not serve the public interest. In addition, as indicated by Petitioners, there is uncertainty with respect to availability of TDMA TTY compatible handsets.⁴ Further, the business decision of large carriers, such as transitioning away from TDMA, has a direct impact on smaller carriers. In order to be more competitive, Edge, along with other small carriers, are transitioning to alternative technologies. Edge is currently in the process of transitioning to GSM. Hence, any investment to upgrade its TDMA network would be a lost investment.⁵

Petitioners' Request satisfies the Commission's waiver standard set forth above. In this instance, unique and unusual circumstances exist, such as the lack of available TDMA TTY compatible handsets and the rural nature of Petitioners markets. Further, enforcement of the June 30, 2002 deadline would be unduly burdensome to small, rural carriers, requiring them to spend substantial monies to upgrade a TDMA network at a time when most carriers are abandoning TDMA. Finally, with respect to the Commission's 911 Phase 11 rules, the Commission has indicated that a waiver would be granted in such "instances where technology-related issues or exceptional circumstances may mean that deployment of Phase II may not be possible..."⁶ This same standard should apply to the June 30, 2002 deadline by which digital

³ See generally Petitioners 911-TTY Request.

⁴ Petitioners 911-TTY Request at 6-9.

⁵ Petitioners 911-TTY Request at 7.

⁶ Revision of Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, *Report and Order and Further Notice of Proposed Rulemaking*, 11 FCC Rcd 18,710, 18,718 (1996).

I, Steven McCord, do hereby certify that on this 08th day of April, I caused copies of the foregoing “ *Comments of Edge Wireless Licenses, LLC in Response to Petitions for Temporary Waiver of Deadline by which Digital Wireless Systems must be Capable of Transmitting 911 Calls from TTY Devices*” to be served via hand delivery upon the following:

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