

**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 ALASKA DIGITEL, 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

Alaska DigiTel, LLC (“Alaska DigiTel”) 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, Alaska DigiTel 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

Alaska DigiTel is a PCS Broadband licensee. Its service area presently consists of the Alaska Major Trading Area (MTA049). Alaska DigiTel presently serves over 14,000 subscribers in its market.

DISCUSSION

Alaska DigiTel 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, such as Alaska DigiTel.

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

Compliance with the June 30, 2002 would be unduly burdensome to small, rural carriers.³ The costs of upgrading its network are substantial and burdensome, especially for small, rural carriers that are transitioning to alternative technologies, such as the Petitioners. 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. Hence, any investment to upgrade its current network would be a lost investment.⁴ Although Alaska DigiTel does not intend on transitioning to GSM, it is upgrading its CDMA network to a certain extent in order to be more competitive and be able to provide advanced wireless services to its customers. Similar to Petitioners problem with respect to

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).

TDMA TTY compatible handsets, the hurdle Alaska DigiTel faces is the availability of CDMA TTY compatible handsets and obtaining them in a timely manner.

Petitioners' Request satisfies the Commission's waiver standard set forth above. In this instance, unique and unusual circumstances exist, such as the inability to obtain TTY compatible handsets in a timely manner 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..."⁵ This same standard should apply to the June 30, 2002 deadline by which digital wireless providers must be capable of transmitting 911 calls using TTY devices. In this instance, the Petitioners and other small, rural similarly situated carriers have met this standard.

³ See generally Petitioners 911-TTY Request.

⁴ Petitioners 911-TTY Request at 7.

⁵ 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).

CONCLUSION

For all the foregoing reasons, Alaska DigiTel urges the Commission to grant Petitioners
911-TTY Waiver Request.

Respectfully submitted,

ALASKA DIGITEL, LLC

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I, Steven McCord, do hereby certify that on this 08th day of April, I caused copies of the foregoing “ *Comments of Alaska DigiTel, 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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