

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

In the Matter of: )  
)  
Revision of the Commission's Rules )  
To Ensure Compatibility with ) CC Docket No. 94-102  
Enhanced 911 Emergency Calling Systems )  
)  
Qwest Wireless and TW Wireless Petition for ) DA 02-768  
Extension of Time or Waiver )  
  
To: The Commission

QWEST WIRELESS, LLC AND TW WIRELESS, LLC  
REPLY COMMENTS

Qwest Wireless, LLC and TW Wireless, LLC (together referred to as "Qwest") respectfully submit these Reply Comments addressing the comments of Ericsson Inc. ("Ericsson") and jointly, the Telecommunications for the Deaf, Inc. and the National Association of the Deaf (the "Organizations") on Qwest's Petition for a Limited Waiver ("Petition"), filed March 18, 2002.<sup>1</sup> Qwest has requested a six-month extension of the Federal Communications Commission's ("Commission") June 30, 2002 deadline for digital wireless carriers to "be capable of transmitting 911 calls from individuals with speech or hearing disabilities through means other than mobile radio handsets, *e.g.*, through the use of Text Telephone Devices (TTY)." As explained in its Petition, Qwest expects to meet the deadline in the vast majority of its markets. In a small portion of its service area, however, Qwest expects to require additional time to completely implement TTY functionality on Qwest's digital wireless network for TTY

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<sup>1</sup> See *Public Notice, Wireless Telecommunications Bureau Seeks Comment on Qwest Wireless Petition for Limited Waiver of Date by Which Digital Wireless Systems Must Be Capable of Transmitting 911 Calls from TTY Devices*, CC Docket No. 94-102, DA 02-768, rel. Apr. 5, 2002 ("Public Notice").

users calling 911.<sup>2</sup> Grant of Qwest's Petition remains in the public interest, and the comments submitted in response to the *Public Notice* underscore the uniqueness of Qwest's situation in that part of Qwest's network that consists of an open wireless architecture (the "Open A markets").

I. QWEST'S BASE STATION VENDOR ERICSSON CONFIRMS ITS TTY/DIGITAL-COMPLIANT SOFTWARE WILL BE GENERALLY AVAILABLE MAY 28, 2002

As Ericsson points out, Qwest and Ericsson have maintained an ongoing dialogue and continue to make progress in testing and deploying TTY/digital-compliant products and services. Nevertheless, some delays have occurred. Ericsson Release 8.628, the testable code that contains low-error rate TTY functionality, was available for testing in the Ericsson-Qwest ITC lab as of April 25, 2002.<sup>3</sup> Most importantly, however, Ericsson also confirms in its comments, and in its April 12, 2002 report, that its Code Division Multiple Access ("CDMA") solution for Qwest will be generally available ("GA") on May 28, 2002. As explained in Qwest's Petition, the May 28, 2002 GA date does not allow Qwest to implement TTY functionality throughout all of its Open A markets by June 30, 2002.

As Qwest previously advised the Commission, Qwest's proposed deployment schedule was based on August 27, 2001 correspondence from Ericsson, which established a GA date of February 2002.<sup>4</sup> Ericsson states that "Qwest may have confused Ericsson's date for making software generally available with its date for providing Full Carrier Acceptance Test Units" and that it stated in "meetings with Qwest engineers that [Ericsson] would provide *testable code* by

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<sup>2</sup> See Petition at 1.

<sup>3</sup> Ericsson states that the R8.6 software was delivered "to the Qwest ITC lab." Ericsson comments at 5. Qwest notes that the ITC lab is an Ericsson facility located on Qwest property. Furthermore, while R8.622, the software version delivered on February 8, 2002, contained TTY functionality, it produced an unacceptably high character error rate of 65%. Ericsson informed Qwest at the time of R8.622's delivery that an improved version R8.628 would be sent later.

<sup>4</sup> See letter to William F. Caton, Secretary, Federal Communications Commission from Floy H. Jeffares, dated Feb. 22, 2002 at 2.

February 8, 2002.”<sup>5</sup> There may indeed have been misunderstanding on this point. The fact remains, however, that Ericsson had expressly indicated a February 2002 GA date in correspondence to Qwest, and through January 2002 Qwest necessarily based its reports to the Commission on those representations – which, in fact, were consistent with Ericsson’s 4<sup>th</sup> quarter 2001 report to the TTY Forum. Qwest apprised the Commission of the new May 28, 2002 target GA date shortly after Qwest learned of the change in January 30, 2002 correspondence from Ericsson.<sup>6</sup>

In any event, Ericsson’s comments and Qwest’s Petition underscore that both parties have engaged in good faith, diligent efforts to develop and deploy TTY/digital compliant products and services. Ericsson also acknowledges the “unique circumstances of Qwest’s Open A markets” and the “inherent complexity of ensuring multiple vendor interoperability” in this environment.<sup>7</sup> Indeed, Ericsson recounts a number of instances in which technical problems arose requiring modifications. As Qwest’s Petition and Ericsson’s comments underscore, however, the development and testing of these technologies is a difficult, time-consuming process. Qwest continues to work aggressively in cooperation with Ericsson to complete testing and deployment.

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<sup>5</sup> See Ericsson comments at 5, n.8 (emphasis in original); TTY Forum’s Aggregate Report of Carriers for 1<sup>st</sup> Quarter 2002, filed Apr. 12, 2002, CC Docket No. 94-102, at 71 (Ericsson report). While there also appear to be differences with respect to the extent of Ericsson’s commitments at the earlier dates, Qwest notes that in correspondence dated August 27, 2001, Ericsson stated that “A System release of 8.6 will be available in December [2001] for testing in the ITC” and that the GA date would be February 15, 2002. In any event, the extent of Ericsson’s commitment to Qwest at these earlier dates is immaterial to Qwest’s waiver request, however, as it is undisputed that the GA date is now May 28, 2002.

<sup>6</sup> See Supplemental Fourth Quarter TTY Status Report of Qwest Wireless, LLC and TW Wireless, LLC, CC Docket No. 94-102, filed Feb. 22, 2002 at 1-2.

<sup>7</sup> Ericsson comments at 2.

In this regard, Qwest is pleased to report to the Commission that Qwest has begun testing of the Ericsson testable code, and the results so far have been encouraging. Qwest is, therefore, hopeful that the interoperability and functionality problems that it anticipated may be minimal or may be easily resolved. Nevertheless, given Qwest's previous experience in resolving interoperability problems, Qwest continues to seek the six-month extension originally requested, even though it is possible that Qwest may be fully TTY compliant in all of its Ericsson markets in advance of December 31, 2002. Qwest commits to undertaking all steps necessary to achieve compliance on the earliest possible date, and will continue to apprise the Commission of its progress in this regard.

II. QWEST HAS DILIGENTLY WORKED IN GOOD FAITH TO DEPLOY DIGITAL/TTY CAPABILITY AND FACES UNIQUE CIRCUMSTANCES

The Organizations oppose Qwest's Petition. The Organizations premise their opposition on two fundamental assertions: (1) that Qwest did not exercise necessary diligence to come into compliance; and (2) that Qwest does not face unique circumstances. The record in this proceeding contradicts the Organizations' arguments on both counts, and Qwest must therefore respectfully disagree with the Organizations' assertions.

As demonstrated herein and in its Petition, Qwest has exercised diligent, good-faith efforts to obtain and deploy TTY/digital-capable products into its network. As the direct result of these efforts, Qwest will achieve full TTY/digital compliance by the established deadline in all Qwest markets served by Lucent equipment – thereby covering the vast majority of the company's subscribers. Moreover, Qwest Wireless initiated its digital broadband PCS service in late 1997/early 1998. As early as 1998, Qwest began participating in internal and industry efforts to develop solutions, systematically and frequently querying vendors, including Ericsson, regarding anticipated dates for availability of TTY/digital compliant products, assessing the

requirements for deploying and testing the capability, and developing project implementation teams and plans. Qwest also has been involved in the TTY Forum, consulted with representatives of the TTSI Incubator, and availed itself of ATIS' technical information since the spring of 2000. Qwest, in short, has devoted significant personnel and monetary resources to meet the Commission's mandate. Qwest has continually apprised the Commission and the public, through the filing of quarterly status reports, of its progress.<sup>8</sup> In light of this history, Qwest's efforts are hardly tantamount to "delay," "lack of devotion of sufficient resources," or "lack of sufficient effort."<sup>9</sup>

Contrary to the Organizations' assertions, moreover, Qwest's circumstances in the affected markets are indeed unique. As stated in the Petition and as Ericsson now confirms in its comments, Qwest faces compliance difficulties with respect to a single vendor's products, applicable to a particular network component (base stations), for a limited number of its markets, and for a limited amount of time.<sup>10</sup> As Qwest stated in its Petition, "no other carrier employs this Open A architecture, and only one other carrier, Leap, requires the particular version of the 8.6 release software upgrade that Qwest is awaiting."<sup>11</sup> Moreover, and as Qwest has made clear throughout this proceeding, Qwest is dependent on its vendors for obtaining compliant hardware and software to deploy in its network. Qwest's influence over its vendors' business decisions is

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<sup>8</sup> Qwest specifically apprised Commission staff of developments relating to the Open A markets since last year once the delay in availability of Ericsson's base station products became known. *See* Qwest Wireless, LLC and TW Wireless, LLC Fourth Quarter 2001 Digital TTY Status Report, CC Docket No. 94-102, filed Jan. 15, 2002. And *see* note 4 *supra* and associated text, at 1-2.

<sup>9</sup> Organizations' comments at 6.

<sup>10</sup> The fact that all carriers are subject to a particular rule cannot possibly lead to the Organizations' conclusion that Qwest does not face unique and unusual circumstances with respect to the Open A markets. *See id.* Otherwise, there would never be a basis for waiver of any of the Commission's rules – which, by definition, have general applicability.

very limited, and its inability to deploy digital/TTY-compatible products in the Open A markets is due to circumstances beyond its control. The Organizations make no effort to refute the accuracy of Qwest's statements, and the Commission should reject their request that the Petition be denied.

III. CONCLUSION

For the foregoing reasons and those stated in the Petition, Commission grant of Qwest's requested six-month extension remains in the public interest.

Respectfully submitted,

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May 6, 2002

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<sup>11</sup> Petition at 6.

CERTIFICATE OF SERVICE

I, Richard Grozier, do hereby certify that I have caused the foregoing **QWEST WIRELESS, LLC AND TW WIRELESS, LLC REPLY COMMENTS** to be 1) filed with the FCC via its Electronic Comment Filing System; 2) served via email on the parties listed below; and 3) served via first-class United States Mail, postage pre-paid, on the parties identified on the attached list.

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May 6, 2002

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