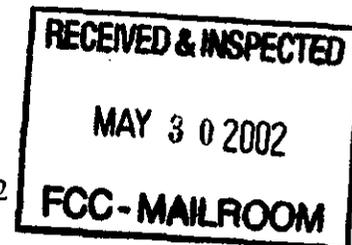


Before the
Federal Communications Commission
Washington, D.C. 20554

DOCKET FILE CCOPY ORIGINAL

In the Matter of)
)
)
Revision of the Commission's Rules to Ensure)
Compatibility with Enhanced 911 Emergency)
Calling Systems)
)
)
Cingular Wireless LLC)
Request for Waiver of Section 20.18(f))
)

CC Docket 94-102



Order

Adopted: May 17, 2002

Released: May 20, 2002

By the Chief, Wireless Telecommunications Bureau:

1. In this order, we dismiss as moot the Cingular Wireless LLC (Cingular) petition for waiver of the Commission's E911 Phase II rules with respect to its Time Division Multiple Access (TDMA), Advanced Mobile Phone Service (AMPS), and TDMA/AMPS networks.¹ As discussed below, the petition is rendered moot by the order approving a consent decree adopted on May 2, 2002, by the Commission.

2. On July 6, 2001, Cingular requested a waiver of the Commission's E911 Phase II rules to permit it to deploy Enhanced Observed Time Difference of Arrival (E-OTD) technology in its Global System for Mobile Communications (GSM) network and a switch-based location technology in its TDMA network.² On July 24, 2001, Cingular filed a notice withdrawing its request for waiver with respect to its TDMA network.³ On August 30, 2001, Cingular resubmitted a waiver request for its TDMA network, seeking permission to deploy a network-based location technology in its TDMA, AMPS, and TDMA/AMPS networks.

3. On October 2, 2001, the Commission adopted an order approving Cingular's request to deploy E-OTD technology in its GSM network.⁴ Because the timing of Cingular's proposal for its TDMA, AMPS, and TDMA/AMPS networks did not permit Commission consideration, discussions were initiated between Cingular and the Commission's Enforcement Bureau concerning a possible consent decree to resolve the issue of compliance with the E911 Phase II provisions of section 20.18 of the Commission's rules with respect to those portions of Cingular's network.

¹ Cingular Wireless LLC Petition for Limited Waiver of Section 20.18(f), CC Docket No. 94-102, (filed Aug. 30, 2001) (*Cingular TDMA Waiver Request*).

² Cingular Wireless LLC Petition for Limited Waiver of Sections 20.18(e)-(h) of the Commission's Rules, CC Docket No. 94-102 (filed July 6, 2001).

³ Cingular Wireless LLC - Withdrawal of TDMA Portion of its Petition for Limited Waiver of Sections 20.18 (e)-(h), CC Docket No. 94-102 (filed July 24, 2001).

⁴ *Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Request for Waiver by Cingular Wireless LLC*, CC Docket No. 94-102, Order, 16 FCC Rcd 18205 (2001).

4. On May 2, 2002, the Commission adopted an order, approving a consent decree between it and Cingular, that terminated the investigation into Cingular's compliance with section 20.18 with respect to its TDMA, AMPS, and TDMA/AMPS networks.⁵ The consent decree resolves all outstanding issues related to Cingular's deployment of E911 Phase II for its TDMA, AMPS, and TDMA/AMPS networks and sets a specific schedule for deployment of a Phase II compliant technology for these networks. Thus, no aspect of the August 30, 2001, waiver request requires further consideration or action by the Commission.

5. Accordingly, IT IS ORDERED THAT, pursuant to Sections 4(i) and 5(c) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 155(c), and the authority delegated pursuant to sections 0.131 and 0.331 of the Commission's rules, 47 C.F.R. §§ 0.131, 0.331, the Cingular petition for waiver of section 20.18(f) is DISMISSED AS MOOT.

FEDERAL COMMUNICATIONS COMMISSION


Thomas J. Sugrue
Chief, Wireless Telecommunications Bureau

⁵ *In the Matter of Cingular Wireless*, File No. EB-02-TS-003, Order, FCC 02-132 (rel. May 9, 2002).