

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

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Revision of the Commission's Rules)
To Ensure Compatibility with)
Enhanced 911 Emergency Calling Systems)
)
Cascade Wireless, LLC)
Petition for Limited Waiver of)
Section 20.18(c) of the Commission's Rules)

CC Docket No. 94-102

**Petition for Waiver and Extension of
Digital Wireless 911 TTY Requirements**

Pursuant to Section 1.3 of the Commission's Rules,¹ Cascade Wireless, LLC ("Cascade"), requests a limited waiver of the June 30, 2002 deadline for digital wireless systems to be capable of transmitting 911 calls from text telephone ("TTY") devices.² Specifically, Cascade requests an extension for compliance until September 30, 2002, for only its GSM markets because its infrastructure vendor only recently experienced fatal errors in the software release containing the TTY solution. The three-month extension will allow the vendor to correct the error and Cascade to install and fully test the solution prior to deployment in its operational GSM markets.

¹ 47 C.F.R. § 1.3.

² Section 20.18(c) of the Commission's rules provides as follows:

TTY Access to 911 Services. Licensees . . . must 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).

A Note to this section, also codified in the C.F.R., indicates that operators of digital wireless systems must comply with this requirement on or before June 30, 2002. 47 C.F.R. § 20.18(c).

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Cascade just recently commenced commercial service in certain markets. In the markets set forth in Exhibit 1, its network utilize TDMA technology whereby it is TTY compliant. In the markets set forth in Exhibit 2, its network was constructed using GSM technology. In all of its operational markets, Cascade does not have any subscribers, but provides service only to non-subscribers roaming into its service areas. At this time, Cascade does not own its own switches but receives switching services from a third party, pursuant to a switch sharing agreement; thus, compliance with TTY is dependent upon the third party's TTY implementation schedule. Specifically, Cascade seeks a limited extension for only the GSM markets set forth in Exhibit 2 because it was informed by the third party that there were multiple, persistent fatal errors in its vendor's software release during filed testing conducted just prior to full deployment.

When the public interest requires, the Commission has authority to temporarily waive application of a regulation, such as Section 20.18(c). Section 1.3 provides that the Commission may suspend or waive its rules, in whole or in part, for "good cause shown." In turn, the courts have found that waiver is appropriate "if special circumstances warrant a deviation from the general rule and such deviation will serve the public interest."³ Importantly, the Commission has consistently concluded that waiver of a regulatory deadline is appropriate when noncompliance "is due to circumstances beyond the licensee's control."⁴ In the context of other Section 20.18 regulation governing deployment of 911 location identification capabilities, the Commission has specifically

³ *Northeast Cellular Tele. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

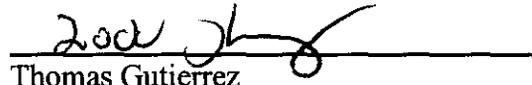
⁴ *E.G., Order, McElroy Electronics Corp.; Request for Clarification of the commission's Rules Regarding Section 22.91(a) in Relation to Construction of Cellular System for Market No. 15-A2*, 13 FCC Rcd. 7291, 7295, ¶ 8 (WTB 1998).

recognized that “technology-related issues” delaying implementation could warrant grant of a waiver to allow for their resolution.⁵

Accordingly, because the necessary TTY software was found to have numerous errors, Cascade hereby requests an extension until September 30, 2002 to allow the equipment vendor to complete any necessary repairs to its software.

Respectfully submitted,

CASCADE WIRELESS, LLC



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Its Attorneys

July 1, 2002

⁵ See Fourth Memorandum Opinion and Order, *Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, FCC 00-326, 15 FCC Rcd. 17422. 17459, ¶ 43 (2000) (“In the case of E911, we have recognized that there could be instances where technology-related issues or exceptional circumstances may mean that deployment of Phase II may not be possible by October 1, 2001, and indicated that these cases could be dealt with through individual waivers as these implementation issues are more precisely identified.”)

Exhibit 1

Cascade Wireless, LLC	Cascade Wireless, LLC	KNLH286	F	10	BTA422	Sioux Falls, SD
Cascade Wireless, LLC	Cascade Wireless, LLC	KNLF557	C	10	BTA024	Atlanta, GA
Cascade Wireless, LLC	Cascade Wireless, LLC	KNLG944	F	10	BTA435	Stroudsburg, PA
Cascade Wireless, LLC	Indiana Acquisition, LLC	WPQY739	B	10	BTA047 & BTA309	Bloomington-Bedford, IN & Muncie, IN
Cascade Wireless, LLC	Indiana Acquisition, LLC	KNLG261	F	10	BTA204	Indianapolis, IN
Cascade Wireless, LLC	Indiana Acquisition, LLC	KNLG259	F	10	BTA235	Lafayette, IN
Cascade Wireless, LLC	Indiana Acquisition, LLC	KNLF307	C	15	BTA280	Marion, IN
Cascade Wireless, LLC	Royal Wireless, LLC	KNLF456	C	20	BTA114	Dodge City, KS
Cascade Wireless, LLC	Sabre Wireless, L.L.C.	KNLG243	F	10	BTA007	Albany-Schenectady, NY
Cascade Wireless, LLC	Sabre Wireless, L.L.C.	KNLH720	F	10	BTA063	Burlington, VT
Cascade Wireless, LLC	Sabre Wireless, L.L.C.	KNLH723	F	10	BTA388	Rutland-Bernington, VT
Cascade Wireless, LLC	Southwest Wireless, L.L.C.	KNLG207	F	10	BTA008	Albuquerque, NM
Cascade Wireless, LLC	Southwest Wireless, L.L.C.	KNLH381	F	10	BTA130	Enid, OK
Cascade Wireless, LLC	Southwest Wireless, L.L.C.	KNLH383	F	10	BTA191	Hobbs, NM
Cascade Wireless, LLC	Southwest Wireless, L.L.C.	KNLH384	F	10	BTA244	Las Cruces, NM
Cascade Wireless, LLC	Southwest Wireless, L.L.C.	KNLH386	F	10	BTA407	Santa Fe, NM

Exhibit 2

Cascade Wireless, LLC	ABC Wireless, L.L.C.	KNLH391	F	10	BTA256	Lincoln, NE
Cascade Wireless, LLC	Cascade Wireless, LLC	KNLG251	F	10	BTA151	Ft. Myers, FL
Cascade Wireless, LLC	Cascade Wireless, LLC	KNLG846	F	10	BTA313	Naples, FL
Cascade Wireless, LLC	Cascade Wireless, LLC	KNLH387	F	10	BTA420	Sierra Vista-Douglas, AZ
Cascade Wireless, LLC	Royal Wireless, L.L.C.	KNLF994	F	10	BTA322	Nogales, AZ
Cascade Wireless, LLC	THC of Melbourne Inc.	KNLH627	F	10	BTA289	Melbourne-Titusville, FL
Cascade Wireless, LLC	THC of Orlando Inc.	KNLH630	F	10	BTA336	Orlando, FL
Cascade Wireless, LLC	THC of Tampa Inc.	KNLH631	F	10	BTA440	Tampa-St. Petersburg-Clearwater, FL
Cascade Wireless, LLC	Wireless Acquisition, LLC	KNLG224	F	10	BTA212	Jacksonville, FL

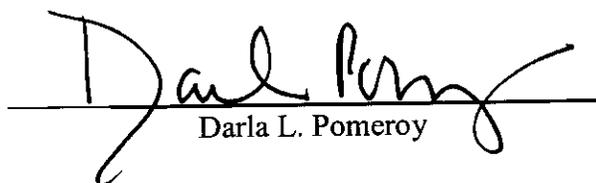
DECLARATION

I, Darla Pomeroy, hereby state and declare:

1. I am Vice President and Secretary of Cascade Wireless, LLC.
2. I am familiar with the facts contained in the foregoing "Petition For Waiver And Extension of Digital Wireless 911 TTY Requirements" and I verify that those facts are true and correct to the best of my knowledge and belief, except that I do not and need not attest to those facts which are subject to official notice by the Commission.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 28th day of June, 2002.



Darla L. Pomeroy

CERTIFICATE OF SERVICE

I, Steven A. McCord, a legal assistant in the law offices of Lukas, Nace Gutierrez & Sachs, Chartered, do hereby certify that I have on this 1st day of July, 2002, sent by Hand-Delivery, copies of the foregoing Petition For Waiver And Extension Of Digital Wireless 911 TTY Requirements to the following:

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