

**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)

Digital wireless TTY compatibility

COMMENTS OF NENA,
APCO and NASNA

The National Emergency Number Association (“NENA”), the Association of Public-Safety Communications Officials-International, Inc. (“APCO”) and the National Association of State Nine One One Administrators (“NASNA”) (collectively, “Public Safety Organizations”) hereby comment on the digital wireless TTY compatibility waiver requests that remain pending following the Commission’s Order of June 28, 2002.¹

In the Order, the FCC dealt with requests from all sizes, sorts and conditions of wireless carriers. Generally, it extended the deadlines for several months, up to a year or 18 months, depending on the individual carrier’s circumstances. The Order recognized differences between larger carriers who sought waiver for only relatively small portions of their systems and smaller carriers who needed system-wide relief. The Order also acknowledged difficulties for TDMA carriers who faced loss of manufacturer and vendor support for that technology.²

¹ DA 02-1540, by the Chief, Wireless Telecommunications Bureau.

² A summary table at Appendix A to the Order specially identifies “carriers migrating away from TDMA.”

It appears that the Order ruled on waiver requests or supplements dated as late as June 19, 2002, just nine days prior to the release of the document. Nevertheless, we count some 35 additional requests filed from June 20th through June 28th, the day of the Order. The explanations in the waiver documents range from conclusory statements which explain nothing to comprehensive analyses. Some waiver requests document continuing efforts to meet the deadline, up to the point of filing, while others appear to have been filed as a hasty afterthought.

Our point here is not to comment on the merits of these woefully tardy requests.³ The FCC has demonstrated in the Order that it can deal rationally and compassionately with present and future waiver applications. We note, however, as a matter of procedure, that the last time something like this happened to wireless 9-1-1 implementation deadlines, the two most tardy waiver filers, Cingular and AT&T Wireless, were referred to the Enforcement Bureau to explain their delays. We see no reason to avoid similar referrals of smaller carriers, particularly those whose late-filed requests are devoid of specific reasons for not acting earlier.

Absent an effort to build specific records on these pending waiver requests, it will look as if either the carriers or the FCC don't care about non-compliance by smaller carriers. The Public Safety Organizations are sure that is not the case. All carriers except those six with national service areas have been given special treatment already in the length of time which has elapsed prior to FCC action on their requests for waiver from the general Phase I and Phase II implementation obligations. We understand action is coming soon. It would be congruent with

³ We do not mean to excuse the lateness of those carriers who filed before June 20th -- and surely anyone who waited until June to file was late -- but simply to separate those tardy filers who were lucky enough to secure FCC action from those who were not. Clearly, the unlucky filers made their own bad luck.

that degree of closure to deal firmly and even-handedly with the digital TTY non-compatibility of smaller carriers who waited until 10 days prior to the June 30th deadline to seek relief.

For the reasons discussed above, the FCC should refer to the Enforcement Bureau any TTY waivers not decided in the June 28th Order. At a minimum, it should refer those requests which most egregiously fail to explain their tardiness.

Respectfully submitted,

NENA, APCO AND NASNA

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