

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

In the Matter of)	
)	
Implementation of 911 Act)	WT Docket No. 00-110
)	
The Use of N11 Codes and Other Abbreviated)	CC Docket No. 92-105
Dialing Arrangements)	
To:	Chief, Wireless Telecommunications Bureau	
	Chief, Wireline Competition Bureau	

ALLTEL CORPORATION
PETITION FOR LIMITED EXTENSION
OF THE SEPTEMBER 26, 2002 REPORTING DEADLINE

Pursuant to Sections 1.3 and 1.925 of the Commission’s rules, 47 C.F.R. §§ 1.3, 1.925, ALLTEL Corporation (“ALLTEL”) hereby requests a limited, short-term extension of the September 26, 2002 reporting deadline set forth in the *Order* and, to the extent necessary, Section 64.3002 of the rules.¹ For the reasons discussed below, grant of the requested extension would be in the public interest. The instant request applies to ALLTEL’s wireless and wireline markets.

BACKGROUND

Sections 64.3002(a), (b) and (d) require that telecommunications carriers complete all translation and routing necessary to deliver 911 calls to a PSAP, a statewide default answering

¹ See 47 C.F.R. § 64.3002; *Implementation of the 911 Act, The Use of N11 Codes and other Abbreviated Dialing Arrangements*, CC Docket No. 92-105, WT Docket No. 00-110, *Fifth Report and Order, First Report and Order, and Memorandum Opinion and Order on Reconsideration*, 16 FCC Rcd. 22264, ¶¶ 42-45 (2001) (“*Order*”). The report is due 15 days following the end of the transition period ending September 11, 2002. Public Notice, *Carrier Transition Reports for Implementation of the 911 Abbreviated Dialing Code Pursuant to the* (continued on next page)

point, or local emergency authority, as appropriate, by September 11, 2002.² ALLTEL has diligently worked to ensure its compliance with Section 64.3002 of the Commission's rules for all of its wireline and wireless markets. ALLTEL has been able to confirm that 911 calls are routed to a PSAP for all of its markets and believes that all 911 calls are routed to the appropriate PSAP as well. The process of confirming and compiling this information for the second transition report, however, has proven more time-consuming than anticipated.

Complicating matters further, ALLTEL acquired control of a number of cellular and broadband PCS licenses for markets previously served by CenturyTel Wireless ("CenturyTel") on August 1, 2002 -- just over one month prior to the September 11, 2002 deadline of Section 64.3002 of the rules.³ Since that August 1, 2002 date, ALLTEL has diligently endeavored to assess the status of the 911 Act transition in the former CenturyTel markets. Like ALLTEL's other markets, has confirmed that all 911 calls are being routed to a PSAP.

Nevertheless, additional time is needed beyond the September 26, 2002 reporting deadline for ALLTEL to (1) confirm the accuracy of and compile the information the Commission requested in the *Order* and Public Notice and (2) be able to certify, in accordance with the *Order*, that all translation and routing necessary to deliver 911 calls to the appropriate points were completed by September 11, 2002 in accordance with Section 64.3002 of the

Wireless Communications and Public Safety Act of 1999 (911 Act), CC Docket No. 92-105, WT Docket No. 00-110, DA 02-507, at 1 (rel. March 1, 2002).

² 47 C.F.R. §§ 64.3002(a), (b), (d).

³ See Public Notice, *Wireless Telecommunications Bureau Grants Consent for the Transfer of Control of Licenses from CenturyTel, Inc. to ALLTEL Communications, Inc.*, WT Docket No. 02-85, DA 02-1366 (rel. June 12, 2002). The parties consummated the transaction August 1, 2002. See ALLTEL Press Release, *ALLTEL completes local telephone, wireless purchases*, http://www.alltel.com/news/news_releases/02/aug/n411aug0102a.html, rel. Aug. 1, 2002. CenturyTel previously reported on March 11, 2002 that it was in the process of working with various state governments to ensure proper routing of 911 calls. CenturyTel did not identify any
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Commission's rules. It is also possible (though ALLTEL believes unlikely) that in very few markets, 911 calls are not being routed to the appropriate PSAP, in which case ALLTEL would need to take the minor steps necessary to make the appropriate upgrades.

REQUEST FOR RELIEF

Extension of September 26, 2002 Filing Deadline through October 11, 2002. ALLTEL does not believe that a significant extension of time is necessary to confirm the information and seeks only a limited, 15-day extension of the September 26, 2002 reporting date *through October 11, 2002*. (Indeed, ALLTEL believes that all necessary translation and routing is *already* complete and that it will be able to make the necessary certification well before that date.)

Importantly, the minimal extension requested herein will not undermine the Commission's objective for the second transition report – “ensuring that the transition has been completed in all relevant areas in a timely fashion consistent with the Commission's rules.”⁴ As ALLTEL seeks only a short-term extension of the filing deadline, the Commission will shortly be able to ensure that ALLTEL has completed the transition in the relevant geographic areas. In light of the short period of time in which ALLTEL has exercised control over the CenturyTel facilities, the short amount of time beyond September 26, 2002 required to complete the second report, and the Commission's interest in ensuring a complete and accurate report, grant of the instant request is warranted.⁵

implementation problems it had encountered, and ALLTEL was not apprised of any in the course of the transaction.

⁴ *Order* at ¶ 45.

⁵ *See* 47 C.F.R. § 1.925(b)(3)(ii) (waiver appropriate where unique or unusual factual circumstances render application of the rule “inequitable, unduly burdensome or contrary to the public interest”); *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (waiver appropriate when “particular facts would make strict compliance inconsistent with the public interest”); Letter to Ms. Michelle Thomas, Executive Director – Federal Regulatory, SBC Telecommunications, Inc., from Carol E. Matthey, Deputy Chief, Common Carrier Bureau, 16 (continued on next page)

Extension of Section 64.3002 Deadline through October 11, 2002. Again, ALLTEL believes that all necessary translations were complete by September 11, 2002 and that it will be able to certify full compliance with Section 64.3002 of the rules for all of its markets. Nevertheless, out of an abundance of caution ALLTEL also seeks a limited extension of Section 64.3002 (also through *October 11, 2002*), to the extent necessary, in the off chance it learns that 911 calls are not being routed to the appropriate PSAP in any particular market.⁶ Congress intended that the Commission take into account “service area-specific circumstances and capabilities”⁷ Congress thus intended that the 911 Act be implemented flexibly. Moreover, the Commission itself acknowledged that difficulties may arise for wireless carriers in completing the necessary translations, including coordination with multiple PSAPs.⁸ Grant of the requested relief will not undermine the underlying purpose of the rule or the statute and, indeed, is consistent with the Commission’s obligations under the 911 Act.⁹ ALLTEL will apprise the Commission of any additional material information as it becomes available. For the reasons discussed above, this limited waiver is also warranted.

FCC Rcd 20159 (Com. Car. Bur. 2001) (granting 1-month extension of reporting date to ensure accuracy of data submitted); Letter to Mr. James W. Callaway, Group President – SBC Services, from Carol E. Matthey, Deputy Chief, Common Carrier Bureau, 15 FCC Rcd 15001 (Com. Car. Bur. 2000) (granting 3-month extension due in part to “significant, and unanticipated, additional work” necessary to complete report).

⁶ To the extent the Wireless Telecommunications Bureau deems necessary, temporary relief from Section 20.18(b) of the rules, 47 C.F.R. § 20.18(b), is also requested.

⁷ See H.R. Report No. 106-25, at 13-14 (1999).

⁸ *Order* at ¶ 20.

⁹ See 47 C.F.R. § 1.925(b)(3)(i) (waiver appropriate if the underlying purpose of the rule would not be served and if grant would be in the public interest). The limited relief requested herein is also consistent with the Commission’s obligation to waive its rules where necessary in the public interest. See *Aeronautical Radio, Inc. v. FCC*, 928 F.2d 428, 445 (D.C. Cir. 1991); *Telocator Network of America v. FCC*, 691 F.2d 525, 550 n.191 (D.C. Cir. 1982).

CONCLUSION

For the foregoing reasons, grant of the requested extension of the September 26, 2002 reporting deadline and, to the extent necessary, the Section 64.3002 deadline, through October 11, 2002, is consistent with the public interest. ALLTEL's requested relief is temporary, limited in scope, and will not undermine Congress' and the Commission's statutory and public interest objectives of implementing 911 expeditiously throughout the United States.¹⁰

Respectfully submitted,

ALLTEL CORPORATION

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¹⁰ See *Order* at ¶ 17 (citing 911 Act § 2(a)(2)); *Order*, CC Docket No. 94-102, DA 02-1540, ¶ 18 (WTB rel. June 28, 2002) (granting limited 911-related extensions of 3-12 months to complete software upgrades as “reasonable in scope and duration”).