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

In the Matter of	)	
	)	
Revision of the Commission's Rules	)	CC Docket No. 94-102
To Ensure Compatibility with	)	
Enhanced 911 Emergency Calling Systems	)	
	)	
Illinois Valley Cellular RSA 2-I Partnership	)	
Illinois Valley Cellular RSA 2-II Partnership	)	DA 02-1540
Illinois Valley Cellular RSA 2-III Partnership	)	
Missouri RSA No. 7 Limited Partnership	)	
d/b/a Mid-Missouri Cellular	)	
Public Service Cellular, Inc.	)	
Joint Petition for Reconsideration	)	

**COMMENTS OF THE RURAL CELLULAR ASSOCIATION**

The Rural Cellular Association ("RCA"),<sup>1</sup> by counsel, hereby responds to the Commission's Public Notice inviting comment on a joint petition of five small, rural wireless carriers requesting that the Commission reconsider its decision to require that the carriers implement a Time Division Multiple Access ("TDMA")-text telephone ("TTY") solution if they are still operating a TDMA network on December 31, 2003.<sup>2</sup> RCA supports the Petitioners and

<sup>1</sup> RCA is an association representing the interests of small and rural wireless licensees providing commercial services to subscribers throughout the nation. Its member companies provide service in more than 135 rural and small metropolitan markets where approximately 14.6 million people reside. RCA was formed in 1993 to address the distinctive issues facing rural wireless service providers.

<sup>2</sup> *Wireless Telecommunications Bureau Seeks Comment on Joint Petition for Reconsideration Regarding Digital Wireless Transmission of 911 Calls Using TTY Devices: Public Notice*, DA 02-2095 (rel. Aug. 27, 2002). The joint petitioners are Public Service Cellular, Inc., Missouri RSA No. 7 Limited Partnership dba Mid-Missouri Cellular, Illinois Valley Cellular RSA2-I Partnership, Illinois Valley Cellular RSA 2-II Partnership, and Illinois Valley Cellular RSA 2-III Partnership ("Petitioners").

joins in their pursuit of an efficient and rational solution to serving the public interest.

The Petitioners had sought temporary waiver of the June 30, 2002 deadline for transmitting 911 calls using TTY devices (the “TTY Rule”) due to their respective plans to migrate to another digital technology in the near future. In granting their request, however, the Commission established December 31, 2003 as the date by which these and other similarly situated carriers must either transition all of their subscribers to the new technology or proceed with implementing a TDMA-TTY solution. The decision to require a date certain for the transition is both unnecessary and extremely burdensome, and completely arbitrary. Accordingly, this requirement should be eliminated.

**I. Mandating an Outside Termination Date is Unnecessary and Extremely Burdensome**

In its TTY Order, the Commission responded to Petitioners’ requests for temporary waiver of the TTY Rule by granting a “conditional extension of time for carriers that are migrating away from TDMA until December 31, 2003.”<sup>3</sup> Accordingly, within a period of only eighteen months, each carrier must either move its entire customer base to a new technology and “turn off” their respective TDMA networks, or spend significant funds to make the soon-to-be-obsolete TDMA network TTY-compliant.<sup>4</sup> The Commission reasoned that it had to impose such a “conditional extension” because the Petitioners were seeking “complete waivers of the TTY

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<sup>3</sup> *In the Matter of Revision of the Commission’s Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems: Order*, CC Docket No. 94-102, DA 02-1540 at para. 22 (rel. June 28, 2002) (“TTY Order”).

<sup>4</sup> *Id.* at n.52.

rule for their digital TDMA networks.”<sup>5</sup> According to the Commission, “complete waivers would allow the carriers deploying a separate digital network to continue to operate the TDMA network indefinitely without providing a TTY solution for their TDMA subscribers.”<sup>6</sup>

The Commission reached this conclusion, however, by ignoring record evidence that the TDMA networks will be, in fact, phased out within normal business cycles. As the Commission itself noted in the TTY Order, the Petitioners must eventually abandon TDMA technology “[b]ecause of recent developments related to larger carriers moving away from TDMA and the resulting loss of vendor support for these systems . . . .”<sup>7</sup> In reaching this conclusion, the Commission also ignored record evidence that these small and rural carriers with limited resources have a strong incentive to migrate their subscribers to the new technology. Maintenance of two digital switches, and in some cases a third analog switch, is extremely expensive and duplicative. Accordingly, the Commission’s assertion that the Petitioners will continue to operate their TDMA networks “indefinitely” is baseless.

The Commission also ignored the Petitioners’ representations that, upon initiation of service on the new digital technology, all of their respective TDMA subscribers that have TTY digital devices will be migrated onto the new technology.<sup>8</sup> Accordingly, the Petitioners will be

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<sup>5</sup> *Id.* at para. 21 (emphasis supplied). The Commission noted that the Petitioners and four of five other carriers that were requesting waivers under similar circumstances failed to estimate how long they were planning to continue to operate their TDMA networks. Based upon this finding, the Commission concluded that these carriers were thus seeking “complete waivers.” *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *See, e.g., Joint Petition of Illinois Valley Cellular RSA 2-1 Partnership, et.al*, CC Docket No. 94-102, filed December 21, 2002 at 8; Joint Petition for Reconsideration at 3.

in compliance with the FCC's requirement that digital wireless carriers have the capability to transmit 911 calls using TTY devices. Accordingly, it serves no purpose to require the Petitioners to transition all of their remaining TDMA subscribers to the new technology by a date certain because all remaining subscribers have and will continue to have access to 911 services as required by the FCC's rules.<sup>9</sup> Accordingly, the Commission should abandon its requirement that the Petitioners turn off their TDMA networks or make their TDMA networks TTY-compatible by a date certain.

## **II. The Selection of December 31, 2003 as the "End Date" is Arbitrary and Capricious**

If the Commission determines that a date certain for completion of the transition must be established, the arbitrary date of December 31, 2003 should be replaced with a date that establishes a rational timetable. If a "firm end date" for the Petitioners to complete the transition of all of their customers from TDMA to the new technology is preferable to the inevitable transition promoted by market forces,<sup>10</sup> a reasonable period of time for the transition, must be determined. Instead, the Commission ignored record evidence and arbitrarily chose December 31, 2003 as the "firm end date."<sup>11</sup> This date was the one projected by the Petitioners as the date by which they could begin the transition, and has no relevance to the end of a transition period.

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<sup>9</sup> See, e.g., 911 Transition Reports filed on March 11, 2002 by Public Service Cellular, Inc., Illinois Valley Cellular RSA2-I Partnership, Illinois Valley Cellular RSA 2-II Partnership, and Illinois Valley Cellular RSA 2-III Partnership certifying that the carriers has completed the steps necessary to properly route 911 calls in their service areas.

<sup>10</sup> TTY Order at para. 22 ("[c]arriers simply will not be excused from their regulatory obligations with respect to their TDMA systems with no firm end date for completing the transition").

<sup>11</sup> *Id.*

In decreeing this deadline, the Commission ignored the fact that another small carrier, which has already begun its transition from TDMA to an alternative digital technology, has projected that it will not be able to complete the migration away from TDMA technology until at least 2007.<sup>12</sup> Further, the Commission ignored its own findings that even the large carriers that have already overlaid a significant part of their TDMA network with an alternative digital technology do not anticipate turning off their TDMA systems in the near future. In the Commission's Seventh Annual CMRS Competition Report, the Commission noted that, by the end of 2001, AT&T Wireless had rolled out Global System for Mobile Communications ("GSM") technology to 45 percent of the POPs covered by its network, yet it "still expects to use TDMA for many years" and has indicated that it "does not plan to aggressively migrate users to its GSM network."<sup>13</sup> The Commission also reported that Cingular Wireless expects to have 50 percent of its POPs covered with GSM by the end of 2002 and the remainder by the end of 2003, yet it "will continue to provide TDMA service to its current customers" and expects many to upgrade to GSM "over time."<sup>14</sup> After reviewing these findings, the Commission observed, "[w]e recognize that TDMA as currently deployed will continue to be used by millions of subscribers for a number of years."<sup>15</sup>

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<sup>12</sup> *Id.* at para. 13 *citing* Petition of ACS Wireless, Inc. at 5.

<sup>13</sup> *In the Matter of Implementation of Section 6002(b) of the Omnibus Budget Reconciliation Act of 1993; Annual Report and Analysis of Competitive Market Conditions With Respect to Commercial Mobile Services: Seventh Report*, FCC 02-179 at 26 & n.161 (rel. July 3, 2002) ("Seventh Annual CMRS Competition Report").

<sup>14</sup> *Id.* at 26.

<sup>15</sup> *Id.* at 27.

Additionally, there is no support for the Commission's conclusion that customers could be successfully transitioned to a new technology in such a short period of time. As demonstrated by the Petitioners, the TDMA technology is currently meeting the needs of a substantial portion of their subscriber base. To require a migration to an alternative technology in such a short period of time would adversely impact the ability of the Petitioners to provide service.<sup>16</sup> Accordingly, the Commission should abandon its selection of the December 31, 2003 date as a "firm end date" and adopt a date that is consistent with record evidence.

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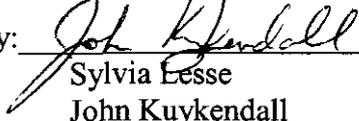
<sup>16</sup> Joint Petition for Reconsideration at 5-7.

### III. Conclusion

As noted in the TTY Order and RCA's comments in this proceeding, many other carriers are similarly situated to the Petitioners in seeking to migrate from TDMA to an alternative technology.<sup>17</sup> Accordingly, RCA urges the Commission act on behalf of the Petitioners and these carriers and eliminate its unnecessary and burdensome requirement that such carriers proceed to implement a TDMA-TTY solution if by December 31, 2003, they are still operating a TDMA network.

Respectfully submitted,

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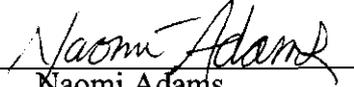
September 26, 2002

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<sup>17</sup> TTY Order at para. 12 (citing a total of ten carriers seeking similar waiver requests); Reply Comments of RCA in CC Docket No. 94-102 filed April 18, 2002 (citing Comments of Rural Cellular Corporation estimating that there are at least several dozen small and medium sized wireless carriers nationwide that rely exclusively on TDMA technology).

**CERTIFICATE OF SERVICE**

I, Naomi Adams, of Kraskin, Lesse & Cosson, LLP, 2120 L Street, NW, Suite 520, Washington, DC 20037, do hereby certify that a copy of the foregoing "Comments of the Rural Cellular Association" was served on this 26<sup>th</sup> day of September 2002, via hand delivery or first class, U.S. Mail, postage prepaid to the following parties:

  
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