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May 6, 2003

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., TW-A325  
Washington, DC 20554

Re: **Notice of Oral Ex Parte Presentation**  
WT Docket No. 94-102; WT Docket No. 02-377

Dear Ms. Dortch:

On May 5 and 6, 2003, representatives of the Rural Cellular Association ("RCA") met with FCC Commissioners and staff and discussed problems encountered by rural and small market wireless carriers in the deployment of Phase II of E911.

Various meetings with RCA were conducted by the following Commissioners and staff:

The Hon. Kathleen Abernathy and Jennifer Manner

The Hon. Kevin Martin and Sam Feder

The Hon. Jonathan Adelstein, Lisa Zaina and Barry Ohlson

R. Paul Margie, Legal Advisor to The Hon. Michael J. Copps

John Muleta, Chief, Wireless Telecommunications Bureau, John Branscome, Wayne A. Leighton, Eugenie Barton, Jennifer Salhus and Uzoma Onyeije of the Wireless Telecommunications Bureau

Jane Mago, Chief, Office of Strategic Planning, and Sarah Whitesell, Associate Chief

The following members or representatives of RCA participated in some or all of the meetings:

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John McMillan, North Carolina RSA #3 Cellular Telephone d/b/a Carolina West Cellular  
Arthur L. Prest, Alpine PCS, Inc. and RFB Cellular, Inc.

Tom Attar, Highland Cellular

Gary Christopherson, Midwest Wireless Holdings, LLC

David L. Nace and David A. LaFuria, Lukas, Nace, Gutierrez & Sachs, Chtd.

During the meetings RCA representatives offered corroborating comments in support of certain observations in a report prepared by Dale Hatfield to the Commission on E911 Phase II issues:

For network-based solutions, cell sites in rural markets cover larger areas and often follow highways in a “string of pearls” configuration, making triangulation impossible. Adding base stations solely for location accuracy is not economically feasible without cost recovery;

Unlike carriers serving only small and rural markets, larger wireless carriers can often average accuracy results between urban and rural areas to meet standards in the FCC rules;

Rural carriers are more dependent upon analog and TDMA technology – but vendors are not providing support for Phase II deployment; and

Purchasing power of smaller carriers is a problem both regard to compliant equipment and software needed for Phase II.

RCA members explained that market forces are driving many rural operators to a GSM overlay, but there is no GSM handset available that works with a handset-based solution. A solution is likely 18 months to 2 years away. By that time, FCC rules require that 95% of handsets be Phase II compatible.

In addition, a lack of cost recovery plans in many states for carriers’ E911 costs puts an enormous burden on rural wireless carriers. Deployment at the carrier’s expense, if feasible at all, means planning for new cell sites that allow Basic 911 service must be cut back. This is trade-off that is not in the public interest.

There was discussion of Comments filed by RCA in support of a Petition for Forbearance from E911 Accuracy Standards Imposed on Tier III Carriers filed with the Commission by the Tier III Coalition.

According to the circumstances faced by individual carriers, it is not technically feasible to comply with the current deadlines for Phase II deployment, and extensions of time will be needed.

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RCA representatives requested that the Commission establish a streamlined process for filing of petitions for waiver and extension of time. Further, it was requested that the Commission announce what actions if taken by rural wireless carriers in an effort to deploy E911 Phase II would amount to a "safe harbor" until full compliance was technically feasible. Finally, there was suggestion of a phase-in of location accuracy requirements as applicable to rural area wireless service providers.

Very truly yours,



David L. Nace

cc: The Hon. Kathleen Abernathy and Jennifer Manner  
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