

APPENDIX A
PHASE II E911 REQUEST LETTER FROM
CALHOUN COUNTY 9-1-1
TO PUBLIC SERVICE CELLULAR, INC.
DATED MARCH 24, 2003



RECEIVED

MAR 26 '03

**Calhoun County 9-1-1 District
110 East 15th Street
Anniston, Alabama 36201**

**Non-emergencies: 256-237-9119
Fax: 256-238-9261**

Saving lives daily . . .

Jerry W. Jackson
Director

Lynn Wright
Operations Manager

PUBLIC SERVICE TELEPHONE CO.
SERVICES CELLULAR INC.
FLORIDA CABLE T.V.

March 24, 2003

**Mr. Richard Bolt
Director, Engineering and Network Operations
PSC Wireless
P. O. Box 669
Reynolds, GA 31076**

Dear Mr. Bolt,

In compliance with the FCC Rules and Orders that wireless carriers are to provide Phase II of Wireless 9-1-1 Service with six months of a request from an emergency communication district, this letter is our official request for Phase II Service in our service area.

The following concerns have been addressed:

- ❖ **A cost recovery mechanism is in place (Alabama CMRS Board)**
- ❖ **The PSAP has installed and in place the equipment necessary to utilize the data received**
- ❖ **The PSAP has requested the necessary facilities from the LEC to enable the E911 data to be transmitted to the PSAP**

I look forward to hearing from you concerning this request and working with your company to enhance the safety of the citizens of Calhoun County.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jerry W. Jackson', is written over a printed name and title.

**Jerry W. Jackson
Director
Calhoun County 9-1-1 District**

JWJ/ca

**cc: Mr. Eugene Smallwood, Board Chairman
Ms. Lynn Wright, Operations Manger
Mr. Shelton Gray, GIS/Mapping Coordinator
PSC Wireless Phase II file**

APPENDIX B
PUBLIC SERVICE CELLULAR, INC. RESPONSE LETTER
TO CALHOUN COUNTY 9-1-1 E911 PHASE II REQUEST
DATED MARCH 28, 2003

KURTIS & ASSOCIATES, P.C.

SUITE 200
1000 POTOMAC STREET, N.W.
WASHINGTON, D.C. 20007

(202) 328-4500
TELECOPIER (202) 328-1231

March 28, 2003

Via Facsimile and First Class US Mail

Mr. Jerry W. Jackson
Calhoun County 9-1-1 District
110 East 15th Street
Anniston, Alabama 36201

Re: PSC Wireless E911 Phase II Request

Dear Mr. Jackson:

Thank you for taking the time to discuss the March 24, 2003 request you had sent to PSC Wireless ("PSC") for E911 Phase II service. As we discussed, this firm acts as special counsel to PSC with respect to matters before the Federal Communications Commission ("FCC"). It is our understanding that Calhoun County 9-1-1 District is the PSAP for Calhoun County, Alabama.

PSC is the FCC licensee for a Personal Communications Service license for the Anniston, Alabama BTA, which includes Calhoun County. Presently, the PSC network in that market consists of one cell in Calhoun County, Alabama. The next closest cell site for PSC and/or its affiliates is located in Franklin, Georgia, approximately fifty (50) miles away.

The PSC network presently operates using a TDMA digital protocol. That technology was deployed in order to maintain compatibility with PSC's major roaming partners. Cingular Wireless and AT&T Wireless were, by far, the two largest carriers utilizing the TDMA protocol.

Approximately 24 months ago, both Cingular and AT&T announced that they would be migrating away from the TDMA protocol. As a result, all major network and handset equipment vendors announced a discontinuation of development of new features and hardware for that protocol. Unfortunately, that included all plans to develop an automatic location identifier ("ALI") handset based on the TDMA protocol. Accordingly, the only means with which a TDMA network can provide E911 Phase II service is through a network-based technology.

Network-based location systems pin-point the subscriber by using received signals from multiple antenna sites in order to triangulate on the physical position of the subscriber. The accuracy of these networks increases as the number of cell sites providing service to a given area increases. The PSC Calhoun County facilities are presently limited to the single sector cell site described above. PSC has not been able to identify an E911 network-based solution vendor that can perform

adequate handset location information from a single-site network-based solution. Accordingly, the only E911 Phase II technology currently available that has the potential to provide meaningful location information in this type of deployment appears to be a handset-based solution. With the unavailability of TDMA ALI-compatible handsets, the use of a handset-based solution will require the replacement of the entire PSC digital network with a new digital protocol for which ALI handsets will be available.

PSC has been actively pursuing this alternative. Unfortunately, the cost to migrate the PSC network is in the magnitude of millions of dollars. However, because a significant portion of this expenditure is tied to the migration of the PSC switching center in order to be able to host the alternate digital technology, the cost to migrate only the Calhoun County cell site would still be in the magnitude of millions of dollars. PSC would therefore be facing a capital expenditure of tens of thousands of dollars *per Calhoun County subscriber* to implement the alternative digital technology in Calhoun County alone. Even if PSC were to proceed immediately to migrate this single Calhoun County cell site to an alternative digital technology, no PSC subscriber traveling through Calhoun County would be able to receive E911 Phase II service at this time. Since the location functionality would be embedded in the handset, PSC subscribers traveling through Calhoun County, which own TDMA and analog handsets to enable them to receive service on the balance of the PSC system, would remain unable to use the E911 functionality of the Calhoun County cell site. Similarly, in order for a PSC Calhoun County subscriber to be able to access E911 services within Calhoun County, that PSC subscriber would need to be provided with a handset that was incompatible with the rest of the PSC network, thereby rendering them unable to receive their digital service throughout the balance of the PSC system.

PSC is categorized as a Tier III carrier by the FCC.¹ As such, it is obligated to provide E911 Phase II service to 50% of its coverage area within the PSAP's service area within 6 months of a PSAP request, but no sooner than September 1, 2003 and 100% of its coverage within the PSAP's service area by September 1, 2004. However, there is no obligation on the part of the carrier to replace existing non-ALI capable handsets with new handsets. Rather, the carrier's obligation is only to begin selling ALI-capable handsets by September 1 2003, and to ensure that all new handset sales are ALI-capable by November 30, 2004. Tier III carriers have until December 31, 2005 in which to ensure 95% penetration of their subscriber base with ALI-capable handsets.

In light of the foregoing, PSC respectfully submits that there would be little practical benefit realized from seeking to require PSC to implement Phase II capabilities in Calhoun County at this time. Accordingly, during our conversation, I requested that Calhoun County 9-1-1 District withdraw its March 24, 2003 request that PSC proceed at this time to implement E911 Phase II services in Calhoun County, in favor of allowing PSC to work with Calhoun County 9-1-1 District as well as the other PSAPs serving the remaining counties in the PSC coverage area, to enable PSC to coordinate the deployment of E911 Phase II capabilities until the PSAPs serving a greater portion

¹ *Order to Stay*, in CC Docket No. 94-102 (Rel. July 26, 2002) at paragraph 23.

Mr. Jerry W. Jackson
March 28, 2003
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of the PSC counties are ready to also support that service. While the cost of implementing E911 Phase II will still be substantial, at that point in time PSC will at least be able to spread those costs across its entire subscriber base and ensure that the entire PSC network remains compatible from a digital protocol standpoint.

The FCC is well aware of the economic impact on small rural carriers in meeting E911 obligations. While the FCC has generally imposed those obligations, the FCC has recognized that application of its general rules can impose significant burdens on individual carriers. Accordingly the FCC has stated that:

Where our rules impose a disproportionate burden on a particular carrier, the carrier may work with the public safety entities involved to mitigate that burden and, if necessary, may seek individual relief from the Commission.²

The ability to coordinate PSC's roll-out of E911 Phase II-compatible service in Calhoun County with the upgrade of the PSC digital network to an alternate digital technology for which ALI-capable handsets are available, will help mitigate the burden on PSC to provide meaningful E911 Phase II service to all of its customers throughout its service area.

As we discussed, to date only Calhoun County and Ozark-Dale County PSAPs have requested E911 Phase II service from PSC. In light of the circumstances set forth above, which are similar in PSC's Dale County deployment, the Ozark-Dale County PSAP has withdrawn its E911 request. In withdrawing that request, that PSAP agreed that it would not re-issue a request for E911 Phase II compliance until sometime after September 1, 2003.

PSC is proceeding with plans to migrate to an alternate technology which would support E911 Phase II but that migration will not be completed by the September 24, 2003 E911 Phase II deadline which your current E911 Phase II request would have triggered. Your willingness to withdraw that request would allow PSC to proceed with the orderly migration of its system to an E911-compatible technology, without the need to divert attention and resources to seeking a formal FCC waiver of the September 24, 2003 deadline which your request would trigger. Ultimately, this should expedite the availability of E911.

PSC therefore respectfully requests that Calhoun County withdraw its March 24, 2003 E-911 Phase II request and not re-issue its request until some time after September 1, 2003. PSC will keep Calhoun County apprised of its progress in deploying its new digital network and will ensure, at the time of deployment, that its new facilities in Calhoun County will be E-911 Phase II capable. If this is acceptable to Calhoun County 9-1-1 District, we request that you so indicate by signing the

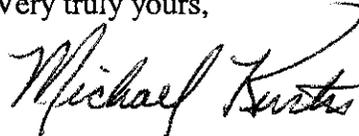
² *Order on Reconsideration, Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Request of King County, Washington, FCC 02-146, CC Docket No. 94-102, (Rel. July 24, 2002), at paragraph 18.*

Mr. Jerry W. Jackson
March 28, 2003
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acknowledgment set forth below and returning it to this office via facsimile with an original sent via standard US Mail.

If you have any questions or require additional information with respect to this matter, please do not hesitate to call. PSC sincerely appreciates your consideration of these unique circumstances.

Very truly yours,



Michael K. Kurtis

This confirms your understanding that Calhoun County 9-1-1 District has withdrawn its March 24, 2003 request that PSC Wireless implement E-911 Phase II service.

Calhoun County 9-1-1 District

By: _____
Mr. Jerry W. Jackson
Director

cc: Mr. Don Bond
Mr. Richard Bolt

APPENDIX C
CALHOUN COUNTY 9-1-1 RESPONSE LETTER
DATED MARCH 31, 2003
TO PUBLIC SERVICE CELLULAR, INC.



Calhoun County 9-1-1 District
110 East 15th Street
Anniston, Alabama 36201

Non-emergencies: 256-237-9119
Fax: 256-238-9261

Saving lives daily . . .

Jerry W. Jackson
Director

Lynn Wright
Operations Manager

March 31, 2003

Mr. Michael K. Kurtis, Esquire
Kurtis & Associates, P.C.
Suite 200
1000 Potomac Street, N.W.
Washington, D.C.20007

Dear Mr. Kurtis,

I appreciate your taking the time to discuss your position regarding the Calhoun County 9-1-1 District's recent Phase II request to PSC(Public Service Cellular). It is very obvious that you have a depth of knowledge concerning the Phase II wireless subject and it was a very rewarding discussion.

After our discussion members of our agency's wireless implementation team met and reviewed your request. This letter is to inform you that the request made to PSC on March 24, 2003 remains valid and will not be withdrawn by the Calhoun County 9-1-1 District.

You may contact me at 256-237-9119 if you need to discuss this matter further.

Sincerely,

Jerry W. Jackson
Director
Calhoun County 9-1-1 District

cc: Lynn Wright, Operations Manager
Shelton Gray, GIS/Mapping Coordinator
PSC file

APPENDIX D
PUBLIC SERVICE CELLULAR, INC. RESPONSE LETTER
DATED APRIL 8, 2003
TO CALHOUN COUNTY 9-1-1

KURTIS & ASSOCIATES, P.C.

SUITE 200
1000 POTOMAC STREET, N.W.
WASHINGTON, D.C. 20007

(202) 328-4500
TELECOPIER (202) 328-1231

April 8, 2003

Via Facsimile and Overnight Courier

Mr. Jerry Jackson
Calhoun County 9-1-1 District
110 East 15th Street
Anniston, Alabama 36201

Re: Public Service Cellular E911 Phase II Request

Dear Mr. Jackson:

We are in receipt of your March 31, 2003 letter advising us that Calhoun County is unwilling to withdraw its March 24, 2003 request for PSC Wireless ("PSC") to implement E911 Phase II capabilities in Calhoun County, Alabama.

As we had explained to you in our March 28, 2003 letter and subsequent discussions, PSC operates a single cell site in Calhoun County with the next closest PSC cell site being located nearly 50 miles from the PSC Calhoun County cell site in the town of Franklin, Georgia. The PSC network presently operates using a TDMA protocol which is being phased out industry-wide and will be migrating its entire network to a new digital technology. We also advised that PSC is not aware of *any* network-based solution that will work from a single TDMA cell site and that PSC has been unable to find *any* TDMA handset that supports ALI functionality to allow PSC to deploy a handset-based E911 solution. At the time of migration, PSC will be deploying a technology capable of supporting E911 technologies. Accordingly, PSC requested that Calhoun County 9-1-1 withdraw the instant request and re-issue that request to correspond with the timing of the PSC overbuild of its new digital network.

Your March 31, 2003 letter advises that members of the wireless implementation team met and considered PSC's request but decided not to withdraw your March 24, 2003 letter. We must therefore assume that Calhoun County is aware of an alternative that would enable PSC to meet its E911 request from its single-site TDMA network. Accordingly, we kindly ask that you provide us with any information you may have that would allow PSC to satisfy your request. If Calhoun County does not know of any such solution, we would request that you clarify why Calhoun County would continue to seek implementation of E911 Phase II from PSC knowing that there is no technological solution available. As we advised in our letter, absent the ability to come to a good faith resolution

Mr. Jerry Jackson

April 8, 2003

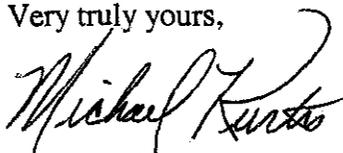
Page 2

with Calhoun County 9-1-1, PSC will proceed to seek relief from this request from the Federal Communications Commission. Accordingly, we would appreciate your written response to this request as quickly as possible so that we can afford the FCC with sufficient time to act on the waiver.

Without prejudice to the foregoing, we note that your letter indicates that Calhoun County 9-1-1 is E911 Phase II capable and has requested the necessary facilities from the LEC to enable the E911 data to be transmitted to the PSAP. However, your letter does not include any documentation for those representations. Accordingly, PSC hereby formally requests that you supply supporting documentation to demonstrate both PSAP readiness and that the requisite facilities have been ordered from the Incumbent Local Exchange Carrier. Your letter also fails to advise as to the precise location of the selective router within the ILEC's exchange to which the E911 location information is to be routed. We also request that documentation and confirmation as to the LEC's readiness to accommodate your request.

If you have any questions or require additional information with respect to this matter, please communicate directly with the undersigned. Your prompt attention to this matter is sincerely appreciated.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael Kurtis", written in a cursive style.

Michael K. Kurtis

cc: Mr. Don Bond
Mr. Richard Bolt

APPENDIX E
CALHOUN COUNTY 9-1-1 RESPONSE LETTER
DATED APRIL 10, 2003
TO PUBLIC SERVICE CELLULAR, INC.
(Attachments Omitted)

*Calhoun County 9-1-1 District
110 East 15th Street
Anniston, Alabama 36201*

*Non-emergencies: 256-237-9119
Fax: 256-238-9261*



Saving lives daily . . .

*Jerry W. Jackson
Director*

*Lynn Wright
Operations Manager*

April 10, 2003

**Mr. Michael K. Kurtis, Esquire
Kurtis & Associates, P.C.
Suite 200
1000 Potomac Street, N.W.
Washington, D.C.20007**

Dear Mr. Kurtis,

I am in receipt of your letter dated April 8, 2003. As stated in the letter sent to you on March 31, 2003 members of our wireless implementation team met and discussed your request. It was the decision of the team that we keep our Phase II request valid. We make no assumptions that there is an alternative solution for your single-site TDMA network, we believe that it is incumbent upon the wireless carrier to make their own decision regarding the delivery of Phase II information.

You also stated in your letter that you intend to seek relief from the FCC. We have a clear understanding on this subject and expect you to do so. This should allow you the time necessary to complete your Phase II service solution. It is not the intent nor desire to impose a disproportionate burden on you as a wireless carrier, it is just our position to continue the request.

In reference to your request for information it was, and still is our desire to open up a dialogue whereby we could provide answers to your valid questions. Your letter on April 8, 2003, is to my knowledge, your first request for this type information. Attached are copies of the information we understand you are requesting, if any further information is required, we will make all attempts to provide it.

Mr. Kurtis, it is obvious that we have different opinions concerning this issue. In the past we have worked with many wireless carriers in an effort to provide the citizens of our county with the best possible emergency communications service. We continue to do so and are willing to work with you in concert to obtain this goal.

If I can be of any further assistance, please do not hesitate to call me at 256.237.9119.

Sincerely,

A handwritten signature in black ink, appearing to read "Jerry W. Jackson", with a long horizontal flourish extending to the right.

Jerry W. Jackson
Director
Calhoun County 9-1-1 District

cc: Lynn Wright, Operations Manager
Shelton Gray, GIS/Mapping Coordinator
PSC file

Attachments