

**3 RIVERS PCS, INC. d/b/a
3 RIVERS WIRELESS
P.O. BOX 3387
GREAT FALLS, MONTANA 59403-3387**

Marlene H. Dortch, Secretary
Federal Communications Commission
Washington, D.C. 20554

Attn: John B. Muleta, Chief, Wireless Telecommunications Bureau
David H. Solomon, Chief, Enforcement Bureau

**Re: CC Docket No. 94-102
Broadband PCS Station WPOI209
E911 Interim Report**

Dear Ms. Dortch:

This report is filed pursuant to the Commission's *Non-Nationwide Carrier Order (Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, CC Docket No. 94-102, Order to Stay, rel. July 26, 2002) and the Commission's *Public Notice*, released June 30, 2003, DA 03-2113..

3 Rivers PCS, Inc. d/b/a 3 Rivers Wireless (3 Rivers) is the licensee of station WPOI209 in the Broadband Personal Communications Service (PCS). Station WPOI209 is a license partitioned from the 30 MHz Block A license granted to GTE Macro Communications Corporation (GTE), on June 23, 1995, for the Spokane-Billings Major Trading Area (MTA). On April 17, 1997, the Commission approved the application to partition to 3 Rivers a portion of GTE's license for the Spokane-Billings MTA, to include the Great Falls, Billings, Bozeman, Helena and Butte (except for Powell County) Basic Trading Areas. 3 Rivers utilizes Nortel Networks' CDMA equipment for its PCS network.

I. The number of Phase I and Phase II requests from PSAPs (including those the carrier may consider invalid):

3 Rivers received a request to provide Phase I service from Yellowstone County in April of 2000. After several discussions with Yellowstone County, it became apparent that the County's PSAP was not equipped to provide E-911, Phase I service. In March of 2003, prior to the time when it would have been necessary to

file a *City of Richardson* certification with the Commission, Yellowstone County rescinded its request for Phase I service. We will provide Phase I service as soon as the County is equipped to receive and utilize the data elements associated with Phase I service.

In May of 2001, we received a request from the PSAP in Gallatin County for Phase II service. At the time of the request, we were in the process of working through our Nortel switch issues, with which the Commission is familiar from our prior reports. However, Gallatin County had not previously requested Phase I service and we were rather skeptical of their Phase II request. We thereafter learned that Gallatin County had been asked by APCOA to be the first candidate of Project Locate. This required them to request Phase II service from all carriers providing service in Gallatin County, thereby bypassing all issues with Phase I. When it became apparent, in August of 2001, that the County was not equipped for either Phase I or Phase II service, the County's request was withdrawn. We have attempted on several occasions since that time to contact the PSAP, both by phone and in writing, to resolve any outstanding issues and to coordinate the implementation of E-911 service. However, the PSAP has not indicated that it is ready to engage in further discussions and, to date, we have not received a valid request for E-911 service from Gallatin County. We are prepared to provide Phase I service to Gallatin County upon receiving a valid request.

II. The carrier's specific technology choice (i.e., network-based or handset-based solution, as well as the type of technology used):

As the Commission was previously advised, we had elected a handset-based solution in achieving compliance with the E-911, Phase II requirements, utilizing a network server from SnapTrack, Inc. and handsets from Kyocera (Qualcomm), Nokia and Motorola, in conjunction with our Nortel Networks infrastructure.

III. Status on ordering and/or installing necessary network equipment:

We have been delayed in our implementation of Phase II service due to the need to split our dual-platform Nortel DMS-100 switch into separate wireless and wireline platforms. The problems in this regard were described in our *Request for Rule Waiver* in CC Docket No. 94-102, filed with the Commission on September 12, 2001, and updated in our *Tenth Quarterly Report* on TTY access, filed July 14, 2003. Deployment of the new wireless switch will allow us to upgrade to the MTX 10.0 software load that is needed to implement Phase II service. While installation of the new switch has begun, we anticipate that the installation will not be completed until the end of third quarter 2003. Thereafter, we will begin testing and expect the process to be completed by the end of the year if all goes according to plans.

IV. If the carrier is pursuing a handset-based solution, the Report must also include information on whether ALI-capable handsets are now available, and whether the carrier has obtained ALI-capable handsets or has agreements in place to obtain these handsets:

We have ordered ALI-capable handsets from Kyocera, models 7135 and 3245; and these will be available to us in time to meet the September 1, 2003 deadline for beginning to sell and activate ALI-capable handsets. Of course, the ALI feature will not be usable until our new wireless switch is fully deployed.

Many of the new handsets that are on the market are sold to the larger carriers first. We have, at times, waited 6-12 months following their release to receive delivery of these products. In some cases, we are not able to receive any of the new handsets because they are carrier-exclusive from some vendors. We have also experienced the situation where the handset was manufacturer-discontinued by the time it became available to carriers or our size.

Insofar as marketing ALI-capable handsets to our customers is concerned, the rural nature of our business does not allow us to be competitive when we are forced to sell higher priced handsets. As a small rural carrier, we do not have the buying power of the larger carriers to obtain volume discounts. The mandate requiring certain percentages of our handset activations to be ALI-capable by certain dates will force us to further subsidize handset sales to achieve the required penetration. This will increase our costs and make it more difficult to survive in a highly competitive marketplace.

V. The estimated date on which Phase II service will first be available in the carrier's network:

If all goes according to schedule (and, in this regard, we are largely at the mercy of Nortel), we believe that we will be ready to provide Phase II service by January of 2004. However, our understanding, from our involvement with the Montana State E-911 Advisory Council, is that no PSAP in our service area will be capable of receiving and utilizing the data elements associated with Phase II service until some time in 2005.

VI. Information on whether the carrier is on schedule to meet the ultimate implementation date of December 31, 2005:

As a small rural carrier, the financial burden placed upon us by E-911 and other federal mandates has been great. We have been forced to replace a switch that was less than five years old and build a new switch housing, at substantial cost,

just to upgrade software so that we can achieve compliance with these mandates. We have also been driven to choose between constructing new cell sites so that we can offer service in areas where there is no service and delaying such construction in order to be able to fund these mandates. We have been forced to opt in favor of the latter, which we believe adversely compromises public safety.

Despite the many problems we have encountered, both logistical and financial, we believe we are now on target to meet the ultimate Phase II implementation deadline of December 31, 2005.

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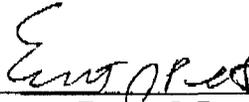
The undersigned hereby declares under penalty of perjury under the laws of the United States of America that the statements of fact in the foregoing report are true and correct.

Executed this 28 day of July, 2003.

Respectfully submitted,

**3 RIVERS PCS, INC. d/b/a
3 RIVERS WIRELESS**

By:



Ernest J. Peterson
General Manager

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