

**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)	
)	

**Arctic Slope Telephone Association Cooperative, Inc. Petition for Waiver
of Section 20.18(g) of the Commission's Rules**

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Dated: August 11, 2003

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Summary

ASTAC provides analog and TDMA-based cellular service to a small and disperse customer base in rural Alaska. The vast majority of ASTAC's service area is comprised of sparsely populated tundra lacking concentrated centers of commercial and industrial activity. The North Slope is perhaps the most remote and extreme region of the United States. It is an isolated area in the northern section of Alaska, bordered by the Brooks Range of mountains to the south and the Arctic Ocean to the north. The coastal region has the coldest climate of all Alaska and the sun disappears for 67 days in the winter, exacerbated by temperatures of forty degrees below zero. The entire North Slope Borough, all located above the Arctic Circle, is over ninety-two thousand square miles, larger than the state of Minnesota and roughly fifteen percent of the Alaskan land mass. ASTAC serves a base of approximately 1000 customers scattered across this territory. Because of the unique circumstances ASTAC faces regarding the provision of Phase II Enhanced 911 service in rural Alaska, ASTAC requests a temporary waiver and extension of Sections 20.18(g)(i)-(iv) of the Commission's Phase II "handset" deadlines for Tier III carriers.

ASTAC, like many carriers that serve rural areas, has ruled out a purely network-based Phase II solution and has determined that the only E911 Phase II technology currently available to realize Section 20.18(h) accuracy requirements appears to be a handset-based solution. Unfortunately, developers of handset-based solutions did not announce on a timely basis that they were discontinuing development of Phase II solutions for the TDMA protocol, including development of a TDMA-based ALI-capable handset. The practical and technical reality is that, given the recent recognition that there is no manufacturer continuing to commit to an ALI solution compatible with a TDMA network, a forced conversion to an entirely new network technology cannot be accomplished prior to September 1, 2003.

Under Section 1.3 of its rules, the Commission may waive any provision of its rules if good cause is shown. The Commission must take a "hard look" and then decide if such a waiver is in the public interest. Grant of the requested waiver is consistent with both the public interest and the underlying purpose of the Commission's Phase II deployment rules. The Commission has recognized that temporary extensions of its "selling and activating" benchmarks will not delay actual deployment of E911 Phase II since PSAPs in smaller or rural areas may well require additional time to become capable of receiving and utilizing Phase II information. Since

ASTAC has not received a Phase II request, the underlying purpose of the Phase II requirements, “to extend automatic location identification (ALI) to wireless callers,” will not be frustrated by grant of this request.

In setting the September 1, 2003 deadline, the FCC relied on the assumption that “a choice of effective ALI solutions would be available to all wireless carriers.” With the evaporation of this choice due to the manufacturers’ gradual abandonment of TDMA solutions, and in light of the potential difficulties in obtaining ALI-capable handsets, the underlying purpose of the September 1 deadline no longer exists. Application of the Section 20.18(g) handset deadlines to ASTAC would be inequitable in light of the lack of availability of TDMA-based ALI-capable handsets, a factor outside of ASTAC’s control. The unexpected industry abandonment of the TDMA protocol drastically changed ASTAC’s Phase II plans. The unavailability of TDMA handsets and the need for ASTAC to overhaul its entire network, combined with the technical incompatibility of a network-based solution in its rural service area, leaves ASTAC with no reasonable alternative but to seek a waiver.

The Commission has recognized the “distinct challenges” that rural carriers such as ASTAC face in implementing Phase II requirements. Enforcement of the Commission’s current “selling and activating” benchmarks does not serve the public interest since ASTAC has made reasonable plans to overlay its current network with a GSM network by September, 2005. Furthermore, the fact that GSM handsets are not presently generally available would make it impossible for an operator such as ASTAC to meet the current handset deployment benchmarks even had its network conversion been completed. As a small, rural carrier with a base of only about 1,000 customers, operating under harsh Arctic conditions, ASTAC does not have the resources or ability to proceed any faster. Enforcement of the current benchmarks would subject ASTAC to unnecessary enforcement action, diverting its scarce resources from imminent E911 implementation, would do nothing to speed ASTAC’s compliance, and would not be in the public interest. Considering the daunting cost of its network upgrade, ASTAC’s conversion schedule will allow it to provide Phase II E911 service to its rural Alaska customers as soon as can be expected, while ASTAC endeavors to meet the Commission’s overarching “full compliance” deadline of December 31, 2005.

ASTAC requests that the deadlines for ASTAC to begin selling and activating handsets, and to ensure that 25 percent of the handsets sold and activated are ALI-capable, be extended to

July 1, 2005; that the deadline for ensuring that 50 percent of the handsets sold and activated are ALI-capable be extended to October 1, 2005; and that the deadline for ensuring that 100 percent of the handsets sold and activated are ALI-capable be extended to December 31, 2005.

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**Arctic Slope Telephone Association Cooperative, Inc. Petition for Waiver
of Section 20.18(g) of the Commission’s Rules**

Arctic Slope Telephone Association Cooperative, Inc. (“ASTAC”), by its attorneys and pursuant to Sections 1.3 and 1.925 of the Rules and Regulations of the Federal Communications Commission (“FCC” or “Commission”),¹ hereby requests a temporary waiver of Sections 20.18(g)(i)-(iv) of the Commission’s rules.²

ASTAC is a small cellular carrier providing service in rural Alaska (Alaska RSA 1, Wade Hampton, CMA 315). Because of the unique circumstances ASTAC faces regarding the provision of Phase II Enhanced 911 (“Phase II”) service in rural Alaska, ASTAC requests a temporary waiver and extension of certain of the Commission’s Phase II “handset” deadlines for Tier III carriers³ as outlined below. As ASTAC reported³ in its September 20, 2001 request for waiver, ASTAC selected a handset-based solution to achieve Phase II compliance. ASTAC

¹ 47 C.F.R. §§ 1.3 and 1.925.

² 47 C.F.R. §§ 20.18(g)(i)-(iv).

³ On September 20, 2001, ASTAC filed a Petition for Waiver seeking temporary relief from the Commission’s Phase II compliance deadlines. In its July 26, 2002 *Stay Order*, the Commission extended certain Phase II deadlines for ASTAC and other small carriers, which it classified as “Tier III” carriers. *In re Revision of the Commission’s Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, CC Docket No. 94-102, *Phase II Compliance Deadlines for Non-Nationwide CMRS Carriers*, Order to Stay, FCC 02-210 (July 26, 2002) (“*Stay Order*”). In extending the deadlines for Tier III carriers as a general matter, the FCC dismissed ASTAC’s Petition as moot without addressing its merits.

presently operates a time division multiple access (“TDMA”) network for which no handset-based E911 location solutions are available. ASTAC is, however, in the process of migrating its TDMA network to a Global System for Mobile Communications (“GSM”) alternate digital technology. ASTAC plans to begin the actual overlay of its current network with a GSM network during the first quarter of 2004, but does not expect to complete the conversion until September, 2005, due to technical network and cost considerations inherent in serving the Arctic. As each segment of its system is cut over to GSM, ASTAC can begin to offer ALI capable handsets to its customers served by those cell sites, assuming, of course, that equipment vendors can deliver such handsets to ASTAC by that date. ASTAC specifically requests a temporary limited waiver of the “selling and activating” benchmarks set forth in Section 20.18(g)(i)-(iv) of the Commission’s rules, as modified by the *Stay Order*, to permit ASTAC to implement its GSM-based Phase II solution based on the schedule discussed below.

I. ASTAC’s Rural Network Realities Limit Its Phase II E911 Options

ASTAC provides analog (“AMPS”) and TDMA-based cellular service to a small and disperse customer base on the North Slope of Alaska. The vast majority of ASTAC’s service area is comprised of sparsely populated rural areas lacking concentrated centers of commercial and industrial activity. Due to the extreme weather of the Arctic Slope and ASTAC’s wide service area (90,000 square miles), ASTAC’s costs to run a wireless network are considerably higher than most continental U.S. networks. Because of the demographic characteristics of ASTAC’s service area, ASTAC strives to maximize the geographic “footprint” served by each of its cellular base stations (or cells). To maximize the efficiency and minimize the costs of providing service, overlap of the reliable service contours of adjacent cells is typically limited to

areas where “hand-off” from one cell coverage area to another is essential for continuous, uninterrupted communications.

Based on the characteristics of its service area, ASTAC, like many carriers that serve rural areas, has ruled out a purely network-based Phase II solution. ASTAC provides service throughout most of its coverage area with cells having the minimal measure of overlap needed to permit reliable cellular communications, but far from sufficient to permit the triangulation of a mobile subscriber’s geographic position that a network-based E911 solution needs to achieve Section 20.18(h) accuracy. In the ASTAC network, an E911 caller is unlikely to be within the range of multiple cells. In addition, many of ASTAC’S cell sites are spaced in straight lines or a “string-of-pearls” (by roadways, for example), making triangulation a geometric impossibility.⁴ Given the constraints posed by this network configuration, ASTAC has been unable to find a network solution vendor that can achieve Section 20.18(h) Phase II accuracy in ASTAC’s service area. Accordingly, ASTAC determined that the only E911 Phase II technology currently available to realize Section 20.18(h) accuracy requirements appears to be a handset-based solution.⁵

II. Factors Outside of ASTAC’s Control Have Delayed Its Implementation Plans

Since ASTAC filed its original request for waiver in September 2001, Cingular and AT&T, the two largest carriers then employing the TDMA air interface, announced that they were phasing out their use of that protocol in favor of a GSM protocol. As a result of this market development, developers of handset-based solutions announced that they were discontinuing development of Phase II solutions for the TDMA protocol, including development of a TDMA-

⁴ See, generally, *Revision of the Commission’s Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, CC Docket No. 94-102, Third Report and Order, 14 FCC Rcd. 17388, ¶ 23 (1999) (“*Third R&O*”).

⁵ ASTAC December 19, 2000 E911 Report at 2.

based ALI-capable handset. The industry jettisoning of the TDMA protocol forced ASTAC to abandon a TDMA-based handset solution for Phase II compliance and necessitated ASTAC's examination of *new* Phase II solutions. Absent a TDMA-capable handset, ASTAC was compelled to replace its entire network with a new, ALI-capable protocol. Due to market and technological factors outside of its control, ASTAC's Phase II compliance plan went from simply upgrading its switch and selling handsets to the need for ASTAC to overhaul its entire network, raising the cost⁶ and complexity of Phase II compliance to unforeseen levels.

ASTAC's decision to ultimately reject a TDMA-based solution was delayed by the lack of response and commitment that ASTAC, like most rural carriers, receives from vendors.⁷ Most handset and GPS-based technology manufacturers continued to investigate TDMA-based solutions even after Cingular and AT&T decided to move away from TDMA technology. For example, Airbiquity was trumpeting memorandums of understanding with large carriers well into 2002. After one after another handset vendor admitted that it would not be supporting the TDMA protocol, ASTAC finally determined that it had no choice but to pursue another Phase II solution.

The unanticipated abandonment of the TDMA protocol left ASTAC scrambling for a new, technically sound and economically rational Phase II solution. As a small, rural carrier with a customer base of approximately 1,000, ASTAC must conservatively plan its network upgrades as significant costs must be recovered from a very small customer base. ASTAC had to weigh the advantages and disadvantages of the two prevailing ALI-capable technologies, CDMA and GSM. ASTAC had to contact vendors, examine engineering specifications, and

⁶ ASTAC estimates that the cost to convert its network to GSM and to make it Phase II compatible will be \$4-5 million.

⁷ The record in this proceeding demonstrates the lack of vendor-related clout of non-nationwide CMRS carriers. *See, e.g., Stay Order* at ¶ 10.

determine which technology would be the best technical fit for its rural network. In addition, technical considerations were also affected by business considerations. Since ASTAC depends upon roaming revenue for the lion's share of its revenue, ASTAC had to consider which technology, CDMA or GSM, its roaming partners were going to use.⁸ This consideration involved negotiations with ASTAC's roaming partners and forecasting of future traffic patterns. After taking into account the best method to preserve its roaming revenue and the best technical solution to provide Phase II capability, ASTAC decided in second quarter 2002 to transition its system from TDMA to GSM technology. ASTAC then contacted a number of vendors in order to begin planning and allocating its resources for the network overlay. ASTAC plans to begin its network overbuild before the end of this year but does not expect to complete the transition to GSM throughout its network before September, 2005, due to technical network and cost considerations inherent to providing service in the Arctic.

The North Slope is perhaps the most remote and extreme region of the United States. It is an isolated area in the northern section of Alaska, bordered by the Brooks Range of mountains to the south and the Arctic Ocean to the north. The coastal region has the coldest climate of all Alaska and the sun disappears for 67 days in the winter, exacerbated by temperatures of forty degrees below zero. The entire North Slope Borough, all located above the Arctic Circle, is over ninety-two thousand square miles, larger than the state of Minnesota and roughly fifteen percent of the Alaskan land mass, and has a population of just over 6,500. ASTAC's wireline operations have an access line density of approximately one access line for every forty square miles.

⁸ Rural carriers such as ASTAC are dependent upon their roaming partners in order to offer their customers the flexibility they need when traveling outside of their carrier's service area. While roaming revenue fluctuates, ASTAC presently depends upon roaming revenue for approximately seventy percent of its total revenue. Therefore, ASTAC had to take into consideration the protocol choices of all of its roaming partners to determine which digital protocol would best serve the long-term needs of ASTAC and its customers.

The North Slope communities are only accessible by air. The only road to the region is a freight corridor (“haul road”), paralleling the Trans-Alaska Pipeline from Fairbanks to the Deadhorse/Prudhoe Bay oilfields. Freight either arrives by way of the “haul road” to Prudhoe Bay or it is air freighted from Anchorage, depending upon its final destination. Seven of ASTAC’s wireline exchanges are only accessible by small aircraft with a limited schedule of flights or chartered plane. The eighth exchange is serviced once a day by jet service from Anchorage. To maintain the western exchanges, two technicians rotate opposite one another for three-week shifts. These technicians must haul all of their tools and food supplies to each location in small planes, weather permitting. The eastern exchanges are maintained by eight technicians stationed at the largest exchange who rotate in three-week shifts. Technicians from the eastern exchanges must also haul all of their tools and food supplies to each location by way of small planes.

Even apart from the need to undertake a time consuming and costly network conversion, ASTAC anticipates that difficulties in obtaining GSM-based, ALI-capable handsets will likely cause additional delays to Arctic Slope’s Phase II compliance plans. Small companies such as ASTAC have little or no influence over the manufacturing decisions of equipment vendors.⁹ Since ALI-capable GSM handset technology is still being developed (*e.g.*, QUALCOMM is not expected to release its GSM-based ALI handset technology until September 2004), it is very likely that small carriers, such as ASTAC, will have to wait well beyond that date, until the large volume orders of the national carriers have been filled, before they will be able to make available handsets to their customers.

⁹ See footnote 7, *supra*.

III. ASTAC Satisfies the Relevant Standards for Waiver of the Commission's Rules

Under Section 1.3 of its rules, the Commission may waive any provision of its rules if good cause is shown.¹⁰ The Commission must take a “hard look”¹¹ and then decide if such a waiver is in the public interest.¹² The Commission has already recognized that wireless carriers may face difficulties in meeting the FCC's E911 deadlines. In the FCC's *Fourth Memorandum Opinion and Order* (“*Fourth MO&O*”), the Commission recognized that there would be instances when “technology-related issues” or “exceptional circumstances” would cause a delay in a wireless carrier's ability to become Phase II compliant.¹³ In its most recent *Stay Order*, the Commission recognized that there was good cause to extend its previous “selling and activating” benchmark deadlines.¹⁴

The Commission indicated that it would not “entertain requests for additional relief that seek changes in the requirements, schedules, and benchmarks imposed herein absent extraordinary circumstances.”¹⁵ ASTAC's instant waiver petition, as illustrated by the discussion *supra*, demonstrates the extraordinary circumstances that ASTAC encounters as it provides service to its customer base in rural Alaska. Moreover, as set forth below, the instant petition satisfies the applicable waiver standards.

¹⁰ 47 C.F.R. § 1.3.

¹¹ *Wait Radio v. FCC*, 418 F.2d 1153, 1157 (D.C. Cir. 1969).

¹² *Northeast Cellular Telephone Company, L.P., et al v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

¹³ *Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, CC Docket No. 94-102, *Fourth Memorandum Opinion and Order*, 15 FCC Rcd. 17442 at ¶ 43 (2000) (“*Fourth MO&O*”).

¹⁴ See *Stay Order* at ¶¶ 11-13.

¹⁵ *Id.* at ¶ 36.

Section 1.925(b)(3) of the Commission's rules sets out the general standards for determining when a waiver should be granted in Wireless Telecommunications Bureau proceedings:

The Commission may grant a request for waiver if it is shown that:

- (i) The underlying purpose of the rule(s) would not be served or would be frustrated by application to the instant case, and that a grant of the requested waiver would be in the public interest; or
- (ii) In view of unique or unusual factual circumstances of the instant case, application of the rule(s) would be inequitable, unduly burdensome or contrary to the public interest, or the applicant has no reasonable alternative.¹⁶

Under both of these standards, grant of the requested waiver is warranted.

Grant of the requested waiver is consistent with both the public interest and the underlying purpose of the Commission's Phase II deployment rules. The Commission has recognized that temporary extensions of its "selling and activating" benchmarks will not delay actual deployment of E911 Phase II since "PSAPs in smaller or rural areas ... may well require additional time to become capable of receiving and utilizing Phase II information."¹⁷ Since ASTAC has not received a Phase II request, the underlying purpose of the Phase II requirements, "to extend automatic location identification (ALI) to wireless callers,"¹⁸ will not be frustrated by grant of this request. In setting the September 1, 2003 deadline, the FCC relied on the assumption that "a choice of effective ALI solutions would be available to all wireless carriers."¹⁹ With the evaporation of this choice due to the manufacturers' gradual abandonment

¹⁶ 47 C.F.R. § 1.925(b)(3).

¹⁷ *Stay Order* at ¶ 15.

¹⁸ *Id.* at ¶ 14.

¹⁹ *Fourth MO&O* at ¶ 23.

of TDMA solutions, and in light of the continued difficulties in obtaining ALI-capable GSM handsets, the underlying purpose of the September 1 deadline no longer exists.

The Commission enacted Section 20.18(g) for the underlying purpose of ensuring that wireless E911 will meet fundamental public safety needs “as quickly as reasonably possible.”²⁰ ASTAC is converting its TDMA network to an ALI-capable GSM network as quickly and as reasonably as it can under the circumstances. ASTAC’s progress on its GSM conversion is reasonable in light of the business implications of its ultimate technology choice, the steep capital expenditure involved with overhauling its network, and the current unavailability of GSM handsets. ASTAC’s need to pursue another solution is consistent with the Commission’s determination that “the Phase II rules are intended to be applied in a manner that takes into account practical and technical realities.”²¹ The practical and technical reality is that, given the recent recognition that there is no manufacturer continuing to commit to an ALI solution compatible with a TDMA network, a forced conversion to an entirely new network technology cannot be accomplished prior to September 1, 2003. Even apart from the costly and time consuming network conversion, the fact that GSM handsets are not presently generally available would make it impossible for an operator such as ASTAC to meet the current handset deployment benchmarks even had its network conversion been completed.²² Further, ASTAC’s waiver request is for a limited period of time and is intended to last only until such time as it is

²⁰ *Id.* at ¶ 17.

²¹ *Id.* at ¶ 22.

²² The Commission has recognized the unavailability of handsets as a factor justifying an extension of the deployment benchmarks. *See Stay Order* at ¶ 17. The Commission has also specifically acknowledged the general unavailability of GSM handsets and has, on at least one occasion, granted additional time for deployment of such handsets. *Revision of the Commission’s Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems, (Request for Waiver by Cingular Wireless, LLC)*, CC Docket No. 94-102, 16 FCC Rcd 18305 (2001) at ¶ 15.

able to complete its planned GSM overlay, obtain ALI-capable handsets from vendors and market these handsets to its customers, thus carefully heeding the Commission's instruction that waiver requests are "specific, focused and limited in scope, and [show] a clear path to full compliance."²³

Application of the Section 20.18(g) handset deadlines to ASTAC would be inequitable in light of the total lack of availability of TDMA-based ALI-capable handsets, and the current difficulties in obtaining GSM handsets, factors outside of ASTAC's control. Further, as discussed above, the unexpected industry abandoning of the TDMA protocol drastically changed ASTAC's Phase II plans. The unavailability of TDMA handsets and the need for ASTAC to overhaul its entire network with a GSM overbuild (for which ALI-capable handsets are still not readily available), combined with the technical incompatibility of a network-based solution in its rural service area, leaves ASTAC with no reasonable alternative but to seek a waiver.

The Commission has recognized the "distinct challenges" that rural carriers such as ASTAC face in implementing Phase II requirements.²⁴ Enforcement of the Commission's current "selling and activating" benchmarks does not serve the public interest since ASTAC has made reasonable plans to overlay its current network with a GSM network by September, 2005. As a small, rural carrier with a base of only about 1,000 customers scattered over approximately 90,000 square miles of rugged Arctic terrain, ASTAC does not have the resources to proceed any faster. As one current FCC Commissioner noted several days ago in connection with the difficulties inherent in providing telecommunications services to rural Alaska, "[t]he best laid plans designed for urban parts of the lower 48 States do not always work out quite right for rural

²³ *Fourth MO&O* at ¶ 44.

²⁴ *See, e.g., Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, CC Docket No. 94-102, Fifth Memorandum Opinion and Order, 15 FCC Rcd. 22810, ¶ 21 (2000) ("*Fifth MO&O*").

and remote areas.”²⁵ Enforcement of the current benchmarks would subject ASTAC to unnecessary enforcement action, diverting its scarce resources from imminent E911 implementation, would do nothing to speed ASTAC’S compliance, and would not be in the public interest. Considering the daunting cost of its network upgrade and the current unavailability of ALI-capable GSM handsets, ASTAC’s conversion schedule will allow it to provide Phase II E911 service to its rural Alaska customers as soon as can be expected, while ASTAC endeavors to meet the Commission’s overarching “full compliance” deadline of December 31, 2005.

IV. Schedule for Compliance

As discussed fully above, due to its unique circumstances as a small, rural Alaskan carrier, ASTAC requests additional time in which to upgrade its network from TDMA to a Phase II capable digital network in order to begin selling working ALI-capable handsets to its customers.²⁶ Once ASTAC has finished converting to a GSM-based network, it anticipates that deployment of ALI-capable handsets will be greatly accelerated.

Accordingly, ASTAC requests that the deadlines for ASTAC to begin selling and activating handsets, and to ensure that 25 percent of the handsets sold and activated are ALI-capable, be extended to July 1, 2005; that the deadline for ensuring that 50 percent of the

²⁵ Statement of Commissioner Michael J. Copps regarding *Policy for Licensing Domestic Satellite Earth Stations in the Bush Communities of Alaska*, issued August 6, 2003.

²⁶ Although ASTAC plans to sell and activate GSM-based ALI-capable handsets before its network conversion is complete, the handsets would have severely limited use since they would be unable to fully function on ASTAC’s non-GSM network. Such handsets would not function at all in digital mode and would be relegated to operating on the analog portion of ASTAC’s TDMA network. Selling GSM handsets to customers before ASTAC converts its entire network to digital GSM will subject customers to spotty coverage and dropped calls. Thus, ASTAC anticipates that there may be difficulties in marketing such handsets prior to the time the system is fully cutover to GSM. ASTAC’s ultimate goal is to comply with the Commission’s Phase II rules in a meaningful manner.

handsets sold and activated are ALI-capable be extended to October 1, 2005; and that the deadline for ensuring that 100 percent of the handsets sold and activated are ALI-capable be extended to December 31, 2005.

V. Conclusion

Based on the foregoing, ASTAC respectfully requests that the Commission grant ASTAC a temporary limited waiver of Section 20.18(g)(i)-(iv) of its rules as requested herein and permit ASTAC to implement its Phase II solution based on the schedule set forth herein.

Respectfully submitted,

**ARCTIC SLOPE TELEPHONE
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Its Attorneys

Dated: August 11, 2003

DECLARATION OF DAVID S. FAUSKE

I, David S. Fauske, do hereby declare under penalty of perjury the following:

1. I am the General Manager and Chief Executive Officer of Arctic Slope Telephone Association Cooperative, Inc.
2. I have read the foregoing "Petition for Waiver of Section 20.18(g) of the Commission's Rules." I have personal knowledge of the facts set forth therein, and believe them to be true and correct.

_____/s/_____
David S.Fauske

_____August 8, 2003_____
Date