

**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)	
)	
E911 Compliance Deadlines for)	
Non-Nationwide Tier III CMRS Carriers)	

**Amendment to Wireless Communications Venture Petition for Waiver
of Section 20.18(g) of the Commission's Rules**

Wireless Communications Venture ("WCV"), by its attorneys, hereby amends its petition for a temporary waiver of Section 20.18(g) of the Commission's rules filed in the above-captioned proceeding on August 28, 2003 ("*Waiver Petition*"). In its *Waiver Petition*, WCV requested, *inter alia*, that the deadlines for WCV to begin selling and activating automatic location identification ("ALI")-capable handsets, and to ensure that 25 percent of the handsets sold and activated are ALI-capable, be extended to July 1, 2004; and that the deadline for ensuring that 50 percent of the handsets sold and activated are ALI-capable be extended to September 1, 2004. As discussed below, due to vendor-related delays in the implementation of its code division multiple access ("CDMA") overlay, WCV is not scheduled to begin selling and activating ALI-capable handsets until September 27, 2004. Accordingly, WCV hereby amends its *Waiver Petition* to request that it be granted until September 27, 2004 to begin selling and activating ALI-capable handsets and to ensure that 25 and 50 percent of handsets sold and activated are ALI-capable.

As noted in its *Waiver Petition* and related *Supplement*¹, WCV presently operates an analog time division multiple access (“TDMA”) network for which no handset-based E911 location solutions are available. Accordingly, meeting the applicable benchmarks set forth in Section 20.18(g) of the Commission’s rules requires WCV to migrate its TDMA network to an alternate digital technology. As stated in its *Waiver Petition* and *Supplement*, WCV’s overlay is being undertaken as part of the CDMA overlay currently in progress for WCV’s affiliate, Cellular Mobile Systems of St. Cloud, LLC (“CMS”). CMS had planned to complete the overlay of its current network with a CDMA network by the end of the second quarter of 2004 (*i.e.*, by June 30, 2004). However, as explained below, CMS has encountered certain delays in implementing a billing interface that will function properly with the new CDMA air interface and has filed its own amendment seeking a brief extension of the deployment benchmarks proposed in its own *Waiver Petition*. As the same delays affect WCV’s scheduled deployment, WCV is seeking the same extension sought by CMS and for the same reasons.

During the testing phase of the new CDMA network, the billing vendor retained by CMS determined that it was unable to provide the necessary support for the CDMA network, necessitating the retention of a new billing vendor. CMS retained the services of a new billing vendor, BCGI, on March 31, 2004. CMS met with BCGI at CMS’s facilities at the end of April, and established connectivity with BCGI on May 14. BCGI has begun the data conversion process and testing is scheduled to begin the third week of July and is scheduled to be completed by September 23. Final conversion of the billing system is scheduled to begin on Friday, September 24, with a formal launch of the system and commencement of sale of ALI-capable CDMA handsets to customers scheduled to take place on September 27. Accordingly, there is a

¹ *Supplement to Wireless Communications Venture Petition for Waiver of Section 20.18(g) of the Commission’s Rules*, filed November 17, 2003 (“*Supplement*”).

clear path to compliance by WCV with its handset obligations. By September 27, 2004, WCV expects to have begun selling and activating ALI-capable handsets, and ensure that 50 percent of handsets sold are ALI-capable, thereby bringing it into full compliance with Sections 20.18(g)(1)(i)-(iii) of the FCC's rules.

The additional time requested for compliance (a little under three months to meet the initial sale and activation and 25% benchmarks, and less than four weeks to meet the 50% benchmark) is narrowly tailored. WCV's deployment schedule continues to meet community expectations. WCV has been in regular contact with the State of Minnesota, with the most recent conversation occurring on June 25. WCV has kept the state fully apprised of its implementation progress, and the state has expressed no objection to the pace of such progress.

Based on the foregoing, WCV respectfully requests that the Commission permit WCV to implement its Phase II solution based on the schedule set forth in its *Waiver Petition* as modified herein.

Respectfully submitted,

Wireless Communications Venture

By: _____/s/_____

Michael R. Bennet
Howard S. Shapiro
Bennet & Bennet, PLLC
1000 Vermont Avenue, NW
Tenth Floor
Washington, DC 20005
202-371-1500

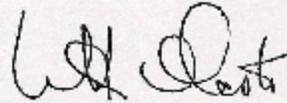
Its Attorneys

Dated: June 30, 2004

DECLARATION OF WILLIAM O. CASTO

I, William O. Casto, do hereby declare under penalty of perjury the following:

1. I am the Chief Executive Officer of Wireless Communications Venture.
2. I have read the foregoing "Amendment to 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.



William O. Casto

6/30/04

Date