

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

Leaco Rural Telephone Cooperative, Inc. ("Leaco"), 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"), 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 11, 2003 ("*Waiver Petition*"). In its *Waiver Petition*, Leaco requested that the deadlines for Leaco to begin selling and activating handsets (and to begin providing Phase II data to PSAPs), and to ensure that 25 percent of the handsets sold and activated are ALI-capable, be extended to September 1, 2004; that the deadline for ensuring that 50 percent of the handsets sold and activated are ALI-capable be extended to January 1, 2005; and that the deadline for ensuring that 100 percent of the handsets sold and activated are ALI-capable be extended to September 1, 2005. Leaco did not request a waiver of the ultimate December 31, 2005 deadline for achieving 95 percent penetration of ALI-capable handsets.

For the reasons set forth below, it now appears that additional time will be needed for Leaco to begin deploying ALI-capable handsets to its customers. Accordingly, Leaco wishes to amend its pending *Waiver Petition* to modify its handset deployment schedule as follows. Leaco

requests that the deadlines for Leaco to begin selling and activating handsets (and to begin providing Phase II data to PSAPs), and to ensure that 25 percent of the handsets sold and activated are ALI-capable, be extended to March 1, 2005 and that the deadline to ensure that 50 percent of the handsets sold and activated are ALI-capable, be extended to June 1, 2005. Leaco does not propose any additional changes in its proposed handset deployment schedule at this time, and Leaco remains committed to meeting its proposed deadlines for ensuring that 100 percent of the handsets sold and activated are ALI-capable by September 1, 2005 as proposed in its *Waiver Petition*.

In its *Waiver Petition* Leaco demonstrated that the rural nature of its system and its configuration do not permit the triangulation of a mobile subscriber's geographic position that a network-based E911 solution needs to achieve Section 20.18(h) accuracy.<sup>1</sup> Accordingly, Leaco is forced to employ a handset-based solution to achieve Phase II compliance. Furthermore, the lack of ALI-capable TDMA handsets requires Leaco to migrate its TDMA network to either a Global System for Mobile Communications ("GSM") or a code division multiple access ("CDMA") digital technology. In its *Supplement*, Leaco indicated that it planned to make a final technology choice and begin its network overbuild by the second quarter of 2004, and complete the overlay throughout its network by September, 2005. Leaco indicated its plans to begin making ALI-capable handsets available as each portion of its network overlay is completed.

Consistent with the foregoing timetable, Leaco made a decision to migrate its TDMA system to CDMA digital technology and contacted its Lucent equipment vendor for pricing of

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<sup>1</sup> As indicated in the *Supplement* to its *Waiver Petition* filed with the Commission on November, 11, 2003, a representative of the State of New Mexico Department of Administration and Finance, which oversees funding for implementation of wireless E911 throughout the state, has acknowledged that the configuration of Leaco's network would not allow triangulation required for a network-based solution and that a GPS handset-based solution appeared to be Leaco's only option for Phase II compliance. See *Supplement* at Exhibit 1.

various overlay options and features. Although Leaco had projected that overlay construction would have commenced by now, certain contract implementation and pricing issues have delayed commencement of the overlay. Leaco is pursuing a prompt resolution of these issues but will need to adjust its proposed handset deployment schedule to account for these unforeseen delays. The relief requested remains narrowly tailored to allow Leaco only as much time as is needed to meet its full handset deployment and penetration obligations.

The modified handset deployment schedule proposed herein is consistent with community needs and should not delay implementation of Phase II E911 service to the public. Leaco continues to work closely with state emergency services administrators with respect to E911 deployment. Based on these conversations, Leaco has learned that its service area is not even on the State's current schedule for upgrading PSAP capabilities to accept and process Phase II data. Accordingly, the modified handset deployment schedule proposed herein should not in any way delay the public's access to E911 Phase II capabilities.

**IV. CONCLUSION**

Based on the foregoing, Leaco respectfully requests that the Commission grant Leaco a temporary limited waiver of Section 20.18(g)(1)(i)-(iv) of its rules as requested herein and permit Leaco to implement its Phase II solution based on the amended schedule set forth above.

Respectfully submitted,

**LEACO RURAL TELEPHONE  
COOPERATIVE, INC.**

By: \_\_\_\_\_/s/\_\_\_\_\_

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