

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
Revision of the Commission’s Rules to Ensure)
Compatibility with Enhanced 911 Emergency) CC Docket No. 94-102
Calling Systems)
)
E911 Phase II compliance Deadlines for Tier)
III Carriers)

To: The Commission

JOINT PETITION FOR RECONSIDERATION

Commnet of Arizona, LLC, Commnet of Delaware, LLC, Elbert County Wireless, LLC, Chama Wireless, LLC, Excomm, LLC, MoCelCo, LLC, Tennessee Cellular Telephone Company, Commnet Wireless, LLC, Commnet Four Corners, LLC, and Commnet of Florida, LLC (hereinafter, collectively, “Commnet Group”)^{1/}, by their attorneys and pursuant to §1.106 of the Commission’s rules, 47 C.F.R. §1.106, hereby request reconsideration of the Commission’s decisions in its April 1, 2005 *Order*^{2/} issued in the above-captioned proceeding pertaining to the Commnet Group.^{3/}

Specifically, the Commnet Group seeks reconsideration of the Commission’s decisions (i) denying the Comment Group’s request for a permanent or long-term waiver of the Phase II

^{1/} Commnet PCS, Inc. and Prairie Wireless, LLC had previously been a part of the “Commnet Group”, in that they participated in earlier joint filings in this proceeding. However, all of Commnet PCS’ and Prairie’s FCC licenses were assigned to an affiliate of Western Wireless Corporation, and neither Commnet PCS nor Prairie is a licensee. Therefore, neither is a participant in this Joint Petition.

^{2/} See Revision of the Commission’s Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems; E911 Phase II compliance Deadlines for Tier III Carriers, CC Docket No. 94-102, *Order*, FCC 05-79 (2005) (the “*Order*”).

^{3/} This Joint Petition is timely filed, pursuant to §1.106(f) and §1.4 of the Commission’s rules. See 47 C.F.R. §§1.4 and 1.106(f).

requirements, and (ii) denying the Commnet Group's request to establish the mobile switching center as the demarcation point. *See Order, supra*, at ¶¶109-115. In reaching its decisions, the Commission noted that it required "substantial further justification", *i.e.*, more detailed information, than that provided by the Commnet Group in their waiver request and associated amendment, before the Commission could justify providing relief.

On December 19, 2003, the Comment Group filed a "Supplement to Petition for Waiver of Deadlines for Implementation of Phase II E911 and for Waiver of *King County* Demarcation Point Ruling" (the "December 2003 Supplement"), which provided, on a case-by-case basis, very focused requests for relief and detailed information, including the Comment Group's efforts to cooperate with PSAPs respecting Phase II service. It is apparent from footnote 273 of the *Order* that the Commission failed to consider the December 19, 2003 Supplement when reaching its decisions respecting the Commnet Group's waiver requests. The December 2003 Supplement is omitted from the list in footnote 273 of the Comment Group's submissions to the Commission.

The Commnet Group recognizes that the record in this proceeding is voluminous and that it would have been impossible not to miss at least one filing. Nevertheless, the Comment Group cannot determine how to proceed unless and until the Commission addresses the December 2003 Supplement, which the Commnet Group believes provides the Commission with the requisite further justification for grant of the requested waivers.

Therefore, the Commnet Group respectfully requests that the Commission review the Commnet Group's December 2003 Supplement, then issue an order on reconsideration addressing that document and either granting relief or explaining why relief is not justified.

Respectfully submitted,

Commnet of Arizona, LLC, Commnet of Delaware, LLC, Elbert County Wireless, LLC, Chama Wireless, LLC, Excomm, LLC, MoCelCo, LLC, Tennessee Cellular Telephone Company, Commnet Wireless, LLC, Commnet Four Corners, LLC, and Commnet of Florida, LLC

May 2,
~~April 25, 2005~~

By: 
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