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July 26, 2005

BY HAND DELIVERY

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
236 Massachusetts Avenue, N.E.  
Suite 110  
Washington, DC 20002

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Federal Communications Commission  
Office of Secretary

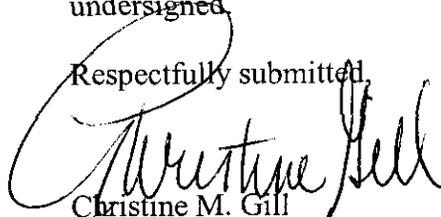
Re: Southern Communications Services, Inc. d/b/a SouthernLINC Wireless Request for  
Waiver of Section 20.18(g)(1)(v) of the Commission's Rules

Dear Ms. Dortch:

Southern Communications Services, Inc. d/b/a SouthernLINC Wireless (SouthernLINC Wireless"), through its undersigned counsel, today submitted under separate cover its Request for Waiver of Section 20.18(g)(1)(v) of the Commission's Rules, 47 C.F.R. § 20.18(g)(1)(v) and an accompanying Request for Confidentiality.

Enclosed please find an original and four copies of the redacted version of the above-captioned Request for Waiver. Please date-stamp the enclosed extra copy and return it in the envelope provided. If you have any questions regarding this filing, please do not hesitate to contact the undersigned.

Respectfully submitted,



Christine M. Gill

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BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

JUL 26 2005

Federal Communications Commission  
Office of Secretary

In the Matter of )  
)  
Revision of the Commission's Rules To ) CC Docket No. 94-102  
Ensure Compatibility with Enhanced 911 )  
Emergency Calling Systems )  
)  
)

To: The Commission

**REQUEST FOR WAIVER BY  
SOUTHERNLINC WIRELESS**

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Dated: July 26, 2005

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EXECUTIVE SUMMARY

Southern Communications Services, Inc. d/b/a SouthernLINC Wireless hereby respectfully requests a limited waiver of Section 20.18(g)(1)(v) of the Commission's Rules, which requires commercial mobile radio service (CMRS) providers utilizing handset-based E911 Phase II solutions to achieve ninety-five percent penetration of automatic location identification (ALI)-capable handsets among their subscribers by December 31, 2005. Specifically, SouthernLINC Wireless requests the grant of a limited waiver that would allow SouthernLINC Wireless an additional twenty-four months to reach the level of ninety-five percent penetration of location-capable handsets among its subscribers.

As described in detail herein, SouthernLINC Wireless is facing numerous challenges in its efforts to achieve the required level of penetration of location-capable handsets, including the following:

- A latent software defect in the Motorola A-GPS-equipped handsets used by SouthernLINC Wireless subscribers rendered all A-GPS services in these handsets unusable for E911 location in July 2004. SouthernLINC Wireless and Motorola are together carrying out an intensive program to correct this problem and progress is being made. This process, which must be conducted on a handset-by-handset basis, is extremely time- and resource-intensive and is still ongoing.
- A substantial portion of the handsets in service are assigned to enterprise or government agency accounts that typically have long-term equipment replacement cycles and, as a group, these customers are both reluctant and resistant to upgrading from their current handsets to A-GPS handsets.
- Many subscribers are resistant to replacement of existing handsets that have highly-valued characteristics – particularly higher power levels – that are not offered in any available location-capable handsets. Replacement of these higher-power handsets with lower-power location-capable handsets could also result in decreased access to emergency services for a

significant percentage of these subscribers, a situation which Congress sought to prevent through the enactment of the *ENHANCE 911 Act* of 2004.

- Pursuant to the Commission's *800 MHz Rebanding Order*, SouthernLINC Wireless has to either update or upgrade thousands of individual handsets to enable them to operate at new frequency positions. This effort also requires immediate dedication of intensive resources and complicates handset issues associated with *A-GPS deployment*.

Given the circumstances outlined above, SouthernLINC Wireless's best estimate is that it will require an additional twenty-four months beyond the December 31, 2005 deadline to achieve ninety-five percent penetration of location-capable handsets among its subscriber base. Despite these hurdles, SouthernLINC Wireless has nevertheless continued its efforts to migrate as much of its subscriber base as possible to location-capable handsets and, in light of the circumstances, believes that it is making significant progress towards this goal.

SouthernLINC Wireless has worked diligently and in good faith to comply with the Commission's E911 rules, expending substantial resources to ensure that its subscribers have the best possible access to emergency services. It has worked proactively with the PSAP community on implementation of *E911 Phase I* and *Phase II* capabilities, has implemented E911 service to requesting PSAPs on a timely basis, and has continually coordinated and consulted with PSAPs throughout its service area regarding E911 implementation issues. Nevertheless, fewer than twenty percent of the PSAPs in its service area have requested Phase II service from SouthernLINC Wireless and, based upon its deployment experience in its states, SouthernLINC Wireless does not project a dramatic increase in this number in the near future. The grant of the requested extension would therefore have little, if any, effect on actual subscriber access to

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emergency services, since the vast majority of PSAPs in SouthernLINC Wireless's service area are not yet ready to accept or process anything more than Phase I location information from the company.

SouthernLINC Wireless also believes that a grant of the requested waiver would serve the public interest as enunciated by Congress in Section 107(a) of the ENHANCE 911 Act of 2004, since, as set forth in greater detail in this Request for Waiver, strict enforcement of the requirements of Section 20.18(g)(1)(v) of the Commission's Rules would result in decreased access to emergency services for a significant number of its subscribers. Therefore, for the reasons set forth herein, SouthernLINC Wireless submits that the requested waiver is in the public interest and should be granted.

BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

In the Matter of )  
)  
Revision of the Commission’s Rules To ) CC Docket No. 94-102  
Ensure Compatibility with Enhanced 911 )  
Emergency Calling Systems )  
)  
)

To: The Commission

**REQUEST FOR WAIVER BY SOUTHERNLINC WIRELESS**

Pursuant to Section 1.925 of the Rules of the Federal Communications Commission (“FCC” or “Commission”), 47 C.F.R. § 1.925, Southern Communications Services, Inc. d/b/a SouthernLINC Wireless (“SouthernLINC Wireless”) respectfully requests a limited waiver of Section 20.18(g)(1)(v) of the Commission’s Rules, 47 C.F.R. § 20.18(g)(1)(v), which requires commercial mobile radio service (CMRS) providers utilizing handset-based E911 Phase II solutions to achieve ninety-five percent penetration of automatic location identification (ALI)-capable handsets among their subscribers by December 31, 2005.

Specifically, SouthernLINC Wireless requests the grant of a limited waiver that would allow SouthernLINC Wireless an additional twenty-four months to reach the level of ninety-five percent penetration of location-capable handsets among its subscribers.<sup>1</sup>

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<sup>1</sup> / On June 30, 2005, a Joint Petition was filed with the Commission by CTIA – The Wireless Association (“CTIA”) and the Rural Cellular Association (“RCA”) requesting

The totality of the circumstances associated with SouthernLINC Wireless's deployment of E911 Phase II requires SouthernLINC Wireless to seek relief in the form of the requested limited waiver. The challenges being faced by SouthernLINC Wireless, which are discussed in more detail below in this waiver request, include the following:

- SouthernLINC Wireless initially examined both network-based and handset-based options for fulfilling its Phase II E911 obligations. Based upon the technology examined, the rural nature of a substantial portion of its footprint strongly indicated that the company would fall short of the accuracy requirements for network-based solutions in many areas. A handset-based option appeared to be a better choice in terms of accuracy, and in the end the A-GPS solution for iDEN developed by Motorola was the only real technology path SouthernLINC Wireless believed it could pursue, when both accuracy and network technology issues were taken into consideration. Ultimately, SouthernLINC Wireless chose to implement Motorola's A-GPS solution for iDEN.
- A latent software defect in the Motorola A-GPS-equipped handsets used by SouthernLINC Wireless subscribers rendered all A-GPS services in these handsets unusable for E911 location in July 2004. SouthernLINC Wireless and Motorola are together carrying out an intensive program to correct this problem and progress is being made. This process, which must be conducted on a handset-by-handset basis, is extremely time- and resource-intensive and is still ongoing.
- A substantial portion of the handsets in service are assigned to enterprise or government agency accounts that, on average, have been with SouthernLINC Wireless for three or more years (*i.e.*, since before A-GPS handsets were available). These account-holders typically have long-term equipment replacement cycles and are both reluctant and resistant to upgrading from their current handsets to A-GPS handsets.
- Many subscribers are resistant to replacement of existing handsets that have highly-valued characteristics – particularly higher power levels – that are not offered in any available location-capable handsets. Replacement of these higher-power handsets with lower-power location-capable

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suspension or waiver of the Commission's location-capable handset penetration deadline. SouthernLINC Wireless supports the CTIA/RCA Joint Petition and the proposals contained therein and hereby reserves the right to request additional relief, as appropriate, should the Commission decide to adopt these proposals.

handsets could also result in decreased access to emergency services for a significant percentage of these subscribers.

- Pursuant to the Commission's *800 MHz Rebanding Order*, SouthernLINC Wireless has to either update or upgrade thousands of individual handsets to enable them to operate at new frequency positions. This effort also requires immediate dedication of intensive resources and complicates handset issues associated with A-GPS deployment.
- Of the nearly 300 PSAPs in SouthernLINC Wireless's service area, fewer than twenty percent have requested Phase II service from the company. Thus, even subscribers who have location-capable handsets are still unable to receive E911 Phase II service in the vast majority of SouthernLINC Wireless's service area.

At present, given the circumstances outlined above – as well as on the basis of SouthernLINC Wireless's own customer churn experience and the finite resources it has available to address this and other pressing needs (by necessity, SouthernLINC Wireless must also devote substantial resources to correction of the A-GPS software problem and to 800 MHz rebanding) – SouthernLINC Wireless's best estimate is that it will require an additional twenty-four months beyond the December 31, 2005 deadline to achieve ninety-five percent penetration of location-capable handsets among its subscriber base.

SouthernLINC Wireless notes that this twenty-four month estimate represents a "best case" scenario that could yet be impacted by any of several factors that are beyond SouthernLINC Wireless's control, including, but not limited to, the continued refusal by a number of customers to replace their existing handsets with location-capable handsets, the future availability (if any) of higher-power location-capable handsets that satisfy certain customers' range and coverage needs,<sup>2</sup> customer resistance to installing the

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<sup>2</sup> / Even if an equipment vendor decided today to produce a higher-power (*i.e.*, 1 watt) location-capable iDEN handset with greater range and coverage than the 0.6 watt location-capable handsets currently available, it has been SouthernLINC Wireless's

necessary software updates to handsets affected by the A-GPS software problem, or even unforeseeable complications resulting from the reconfiguration of the 800 MHz band.

Despite these hurdles, SouthernLINC Wireless has nevertheless continued and is continuing to put substantial effort into migrating as much of its subscriber base as possible to location-capable handsets and, in light of the circumstances, believes that it is making significant progress towards this goal. SouthernLINC Wireless therefore respectfully requests a limited waiver allowing it an additional twenty-four months to resolve outstanding A-GPS software issues and to achieve ninety-five percent penetration of location-capable handsets among its subscriber base.

SouthernLINC Wireless emphasizes that it fully agrees with and supports the Commission's views regarding the importance of making access to emergency services available to the public and is fully supportive of that policy goal. Given the status of E911 deployment in its footprint, SouthernLINC Wireless submits that the requested extension would not undermine the Commission's policy objectives.

SouthernLINC Wireless notes that the requested extension would not affect its ability to provide E911 Phase I service in areas where the local Public Safety Answering Point (PSAP) has implemented Phase I capabilities. More significantly, fewer than twenty percent of the PSAPs in SouthernLINC Wireless's service territory have requested Phase II service. Based upon its deployment experience in its states, SouthernLINC Wireless does not project a dramatic increase in this number in the near future. The grant of the requested extension would therefore have little, if any, effect on

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experience that it typically takes more than twelve months to design, develop, and bring a new handset model to market.

actual subscriber access to emergency services, since the vast majority of PSAPs in SouthernLINC Wireless's service area are not yet ready to accept or process anything more than Phase I location information from the company.

SouthernLINC Wireless submits that a grant of the requested extension would serve the public interest and promote the Commission's policy goal of maximizing the availability of access to emergency services by providing SouthernLINC Wireless with the time necessary to reach the goal of ninety-five percent of its subscribers having handsets that are able to provide E911 Phase II location information to those PSAPs that have Phase II capability. SouthernLINC Wireless further submits that a grant of the requested waiver would serve the public interest as enunciated by Congress in Section 107(a) of the ENHANCE 911 Act of 2004,<sup>3</sup> since, as set forth in greater detail herein, strict enforcement of the requirements of Section 20.18(g)(1)(v) of the Commission's Rules would result in decreased access to emergency services for a significant number of its subscribers. Therefore, for the reasons set forth below, SouthernLINC Wireless submits that the requested waiver is in the public interest and should be granted.

#### **I. PHASE II E911 DEPLOYMENT BENCHMARKS**

The Commission's Phase II E911 rules require wireless carriers to provide PSAPs with Automatic Location Identification (ALI) information for 911 calls that meet specified accuracy standards.<sup>4</sup> In 1999, the Commission amended its regulations to provide carriers the option of meeting the Phase II requirements through the use of

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<sup>3</sup> / National Telecommunications and Information Administration Organization Act – Amendment, Publ. L. No. 108-494, 118 Stat. 3986 (2004) (“*ENHANCE 911 Act*”).

<sup>4</sup> / 47 C.F.R. §§ 20.18(e) – (h).

handset-based solutions.<sup>5</sup> The Commission also adopted a deployment schedule for location-capable handsets, which was subsequently modified for all wireless carriers in 2000,<sup>6</sup> and again for Tier III carriers, such as SouthernLINC Wireless, in 2002.<sup>7</sup>

The Commission has recognized, though, that smaller carriers may face extraordinary circumstances in meeting one or more of the Commission's Phase II deployment deadlines.<sup>8</sup> Such carriers may therefore be eligible for an individual waiver of the Commission's Phase II E911 rules upon demonstrating that, "in view of unique or unusual circumstances, application of the rule(s) would be inequitable, unduly burdensome, or contrary to the public interest."<sup>9</sup>

In the *Fourth Memorandum Opinion and Order*, the Commission stated that requests for waivers of the E911 rules should be "specific, focused, and limited in scope, and with a clear path to full compliance" and that carriers "should undertake concrete

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<sup>5</sup> / *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 (1999) ("*Third Report and Order*").

<sup>6</sup> / *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 (2000) ("*Fourth Memorandum Opinion & Order*").

<sup>7</sup> / *Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Phase II Compliance Deadlines for Non-Nationwide Carriers*, CC Docket No. 94-102, Order to Stay, 17 FCC Rcd 14841 (2002) ("*Non-Nationwide Carriers Order*").

<sup>8</sup> / *See Non-Nationwide Carriers Order* at ¶ 20; *Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, E911 Compliance Deadlines for Non-Nationwide Tier III CMRS Carriers*, CC Docket No. 94-102, Order to Stay, 18 FCC Rcd 20987 (2003) ("*Order to Stay*") at ¶ 2; *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 (rel. April 1, 2005) ("*Tier III Waiver Order*") at ¶ 9.

<sup>9</sup> / *See Order to Stay* at ¶ 19; *Tier III Waiver Order* at ¶ 9.

steps necessary to come as close as possible to full compliance.”<sup>10</sup> In its subsequent *Order to Stay*, the Commission provided further guidance as to the type of showing that would demonstrate good cause exists for a grant of relief: that the relief sought is as narrowly tailored as possible, that the carrier is “taking all possible concrete steps to achieve full compliance as quickly as possible,” and that grant of the relief would not undermine the policy objective of the rule in question.<sup>11</sup> The Commission also stated that it expects carriers to work with PSAPs or state and local E911 coordinators and that supporting evidence from these PSAPs and/or coordinators would serve as evidence of the carrier’s good faith in requesting relief.<sup>12</sup>

Congress has also provided guidance with respect to requests by Tier III carriers for a waiver of the Commission’s handset deployment requirements through legislation adopted and enacted in December 2004. Specifically, Section 107(a) of the *ENHANCE 911 Act* states that the Commission “shall grant the waiver of compliance with the requirements of section 20.18(g)(1)(v) of the Commission’s rules. . . requested by the petition if it determines that strict enforcement of the requirements of that section would result in consumers having decreased access to emergency services.”<sup>13</sup>

As set forth in this request for waiver, SouthernLINC Wireless submits that it satisfies the Commission’s standards for grant of the relief requested herein. Specifically, SouthernLINC Wireless is requesting a limited waiver only of the Commission’s final handset penetration deadline and provides the Commission herein with a detailed

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<sup>10</sup> / *Fourth Memorandum Opinion and Order* at ¶ 44.

<sup>11</sup> / *Order to Stay* at ¶¶ 2, 19.

<sup>12</sup> / *Order to Stay* at ¶ 28.

<sup>13</sup> / *ENHANCE 911 Act* at § 107, 118 Stat. 3986, 3991 (internal citations omitted).

description of the unique and unusual factual circumstances it is experiencing. Further, as evidenced in this request, SouthernLINC Wireless has been taking many concrete steps to come as close as possible to full compliance and has been diligently working with PSAPs and E911 coordinators in its service area.

The grant of the requested waiver also would not undermine the policy objective of the Commission's Phase II E911 rules because, despite the carrier's best efforts, fewer than twenty percent of the PSAPs in its service area are capable of receiving or processing Phase II location information from SouthernLINC Wireless, and less than half are capable of providing even Phase I service. As a result, even those subscribers who have location-capable handsets will not be able to receive Phase II E911 service in the vast majority of SouthernLINC Wireless's service area during the requested extension period and would thus not be adversely affected by the grant of the requested waiver.

Finally, SouthernLINC Wireless submits that it satisfies the standards of the *ENHANCE 911 Act* for grant of the requested waiver since strict enforcement of the Commission's handset deployment deadlines would result in consumers having decreased access to emergency services. As discussed herein, a significant number of SouthernLINC Wireless's subscribers frequently operate in remote areas that make them reliant on the higher power capabilities and increased range and coverage of their existing handsets. If, in order to meet the Commission's handset penetration deadline, they are compelled to replace these handsets with lower-power location capable handsets, they may also lose the range and coverage necessary to access communications services – including emergency services – from these remote areas.

**II. OVERVIEW OF SOUTHERNLINC WIRELESS**

**A. SouthernLINC Wireless**

SouthernLINC Wireless is a wholly owned subsidiary of Southern Company, which is a registered holding company under the Public Utility Holding Company Act of 1935. As a CMRS provider, SouthernLINC Wireless operates a digital 800 MHz ESMR system using Motorola's proprietary Integrated Digital Enhanced Network (iDEN) technology to provide dispatch, interconnected voice, Internet access, and data transmission services over the same handset.

SouthernLINC Wireless provides these services to approximately 293,000 subscribers in a 127,000 square mile service territory covering Georgia, Alabama, southeastern Mississippi, and the panhandle of Florida. SouthernLINC Wireless offers the most comprehensive geographic coverage of any mobile wireless service provider in Alabama and Georgia, serving the extensive rural territory within its footprint as well as major metropolitan areas and highway corridors. SouthernLINC Wireless is a "qualified Tier III carrier" as that term is defined in Section 107 of the *ENHANCE 911 Act*.<sup>14</sup>

**B. SouthernLINC Wireless's Subscribers**

One of the most notable features of SouthernLINC Wireless's subscriber base is its loyalty and longevity. Although this may be viewed as a testament to the level and quality of service that SouthernLINC Wireless provides, it has also made it extraordinarily difficult for SouthernLINC Wireless to achieve rapid penetration of location-capable handsets among its subscribers through customer turnover.

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<sup>14</sup> / *Id.*

The Commission's belief has been that the rate of churn in the wireless industry would "naturally" address handset turnover for CMRS carriers who selected a handset-based solution for Phase II E911 implementation, enabling them to arrive at a penetration level of ninety-five percent by December 31, 2005.<sup>15</sup> For some CMRS carriers, this may be possible if their *entire* subscriber base turns over at such a rate that new subscribers purchasing new handsets quickly introduce location-capable products across the entire subscriber base. As more former subscribers are replaced by new subscribers, the carrier's level of handset penetration naturally increases.

However, SouthernLINC Wireless's experience has not proven out this general belief. While SouthernLINC Wireless's churn rate is consistent with overall industry levels, that churn has affected only a portion of its customer base. As a result, churn has not and will not produce a near-complete turnover of SouthernLINC Wireless's whole subscriber base during a three-to-four year period, and, correspondingly, an influx of new, location-capable handsets onto its network. More specifically, over [ ] percent of SouthernLINC Wireless's subscribers have been its customers for three years or longer as of the filing of this waiver request. Thus, they became subscribers before location-capable iDEN handsets were available, they remain customers today, and many of them continue to use their original handsets.

In addition, a significant percentage of SouthernLINC Wireless's subscriber base consists of enterprise, utility, or government agency subscribers who have been with SouthernLINC Wireless for [ ] months or longer (*i.e.*, since before location-capable handsets became available). These subscribers generally have long-term

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<sup>15</sup> / See, *e.g.*, *Third Report and Order* at ¶¶ 50 – 52.

equipment upgrade cycles, since changing out handsets on an account-wide basis is time-consuming and complex, as opposed to the option an individual subscriber may pursue of changing out only one or two handsets. Many of these subscribers, particularly government and public safety subscribers, also face stringent budgetary considerations or other restrictions when making any changes to their services or equipment. As a result, these subscribers are much less likely to purchase new equipment or take advantage of any equipment upgrade programs, meaning that SouthernLINC Wireless has faced challenges in persuading them to upgrade their current non-location capable handsets to A-GPS handsets.

Many of SouthernLINC Wireless's subscribers also place a high value on certain characteristics of their existing handsets that are not yet available – and may never be available – in the newer location-capable handsets. Approximately [ ] percent of SouthernLINC Wireless's subscribers currently use handsets with a transmit power of 1 watt which are designed to military specifications for ruggedness, durability, and the ability to operate in harsh and adverse conditions, or use vehicle-mounted units with a transmit power of 3 watts. In contrast, all of the location-capable handsets available to SouthernLINC Wireless and its subscribers operate at a transmit power of only 0.6 watts, meaning that their range is less extensive than that of a 1 watt handset or a 3 watt vehicle unit. While Motorola has developed – and SouthernLINC Wireless has begun offering – a location-capable handset that offers the same ruggedness and durability features, the lower wattage means this new handset is not an equivalent substitute in the eyes of

customers, and few of these customers have been willing to upgrade to a lower wattage, location-capable handset model.<sup>16</sup>

The combined characteristics of a robust handset with higher transmit wattage has been the necessary choice among many of SouthernLINC Wireless's utility, government, and public safety subscribers, who must often work in challenging environments and remote areas. SouthernLINC Wireless is attempting to transition these subscribers to location-capable handsets, but the sales proposition is a challenging one due to the high priority these subscribers place on the ability to communicate in rural and remote areas. Given the greater range and enhanced durability of the equipment in question and the lack of a full substitute,<sup>17</sup> these customers have a reduced incentive to upgrade to a location-capable handset.

It is not surprising that there is concern among such subscribers that the lower power capability of the location-capable handsets could result in the inability to communicate in areas that can currently be reached by their existing 1 watt and 3 watt handsets. This would mean that these subscribers, should they switch to a lower-power handset, could find themselves without access to *any* emergency services in these areas

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<sup>16</sup> / For example, SouthernLINC Wireless has had substantial experience with this situation while carrying out handset retuning in conjunction with the reconfiguration of the 800 MHz band. Specifically, when customers bring non-location capable 1 watt handsets to have these handsets updated with the necessary rebanding software, these customers typically refuse offers by SouthernLINC Wireless to upgrade instead to new location-capable handsets.

<sup>17</sup> / As noted previously, even if an equipment vendor decided to design and produce a location-capable iDEN handset that satisfied these customers' range and durability requirements, it typically takes at least twelve months to bring a new handset to market.

whatsoever, regardless of whether the handset is location-capable or whether the local PSAP is Phase II-capable.<sup>18</sup>

As stated above, these subscribers make up approximately [ ] percent of SouthernLINC Wireless's subscriber base, yet strict enforcement of the Commission's handset deployment deadlines would require that over [ ] of these subscribers be migrated to a lower power location-capable handset, even if this would result in a loss of coverage in certain areas where these subscribers operate and, accordingly, decreased access to emergency services. As the Commission is well aware, this is exactly the sort of outcome that Congress sought to avoid in adopting Section 107 of the *ENHANCE 911 Act*.

### **III. SOUTHERNLINC WIRELESS'S E911 COMPLIANCE EFFORTS**

SouthernLINC Wireless has worked diligently and in good faith to comply with the Commission's E911 rules. To that end, it has expended and continues to expend substantial effort and resources to ensure that its subscribers have the best possible access to emergency services, including both Phase I and Phase II E911 services. As described in more detail below, these efforts include the implementation of E911 Phase I capabilities throughout its network, the adoption of a handset-based A-GPS solution for the provision of E911 Phase II location information, compliance with the Commission's interim handset deployment benchmarks, the timely provisioning of E911 Phase I and

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<sup>18</sup> / In this respect, SouthernLINC Wireless's experience is similar to that of cellular carriers with customers who prefer to have analog equipment for use in the more challenging and remote areas of their footprints. However, there is a significant difference in that SouthernLINC Wireless's customers are using digital handsets that are not subject to any "phase-out" requirements and which could potentially remain operationally viable for years – particularly given the ruggedized nature of much of the equipment in question.

Phase II services to those PSAPs within SouthernLINC Wireless's operating area which have requested such service, and ongoing support to promptly address PSAP questions and problems as they arise.

**A. Compliance Efforts to Date**

SouthernLINC Wireless has long taken a proactive approach regarding PSAP implementation of E911 Phase I and Phase II capabilities and has continually coordinated and consulted with PSAPs throughout its service area regarding E911 implementation issues. SouthernLINC Wireless has designated a single point of contact for all PSAPs in its territory, and the necessary contact information is available to all PSAPs on the website of the National Emergency Numbering Association (NENA). Once a PSAP officially requests E911 service, dedicated SouthernLINC Wireless staff work directly with the PSAP throughout the implementation process, including explaining the process and making necessary on-site visits until deployment is accomplished. After deployment, SouthernLINC Wireless staff remain available to PSAPs on a 24/7 basis to assist with any post-implementation issues that may arise.

SouthernLINC Wireless has been diligent in fulfilling any and all PSAP requests it has received for Phase I or Phase II service in a timely manner, despite the economic burden of doing so. For example, even though the relevant regulations place the cost burden for certain aspects of E911 implementation on either the PSAP or the respective local or state government, SouthernLINC Wireless has not been reimbursed for most of the E911 costs it has incurred in Georgia, which covers approximately sixty percent of all PSAPs in SouthernLINC Wireless's footprint. These unpaid balances total nearly \$ 3.8

million and represent costs incurred as early as 2000.<sup>19</sup> Unpaid balances aside, SouthernLINC Wireless has continued and will continue to fulfill all PSAP requests in its service territory.

In addition, SouthernLINC Wireless staff continually engage in proactive PSAP outreach efforts – such as attending regional, state, and national meetings of local and state E911 officials and of industry organizations such as NENA/APCO – in order to encourage E911 deployment. SouthernLINC Wireless staff have also run training seminars and educational sessions for the PSAP community and have developed a package of materials for use by PSAPs which explains the steps necessary to deploy Phase I and Phase II E911 capabilities and provides the PSAPs with resources such as deployment checklists, web links, and other materials. Through all of these efforts, SouthernLINC Wireless has earned a reputation among the public safety community as an effective and committed partner in the effort to provide the public with the best possible access to emergency services as quickly as possible.

As evidence of its good faith efforts, SouthernLINC Wireless provides the Commission with letters of support from PSAPs within its service area, which are attached hereto as Exhibit A. SouthernLINC Wireless is careful to note that these letters do not constitute an endorsement of its waiver request; rather, they are a testament to the approach of partnership and close consultation with which the company has approached its E911 obligations.

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<sup>19</sup> / These as-yet unreimbursed expenditures also represent foregone opportunities that SouthernLINC Wireless may have been able to pursue to increase coverage in rural areas, thereby providing broader access to 911 services, or to provide greater financial incentives for customers using old equipment to upgrade to location-capable handsets.

**1. Status of Phase I Rollout**

SouthernLINC Wireless has vigorously pursued its Phase I implementation responsibilities and believes that it has proven itself to be a reliable partner with the public safety community with regard to Phase I deployment. However, as of June 30, 2005, fewer than half of the PSAPs in SouthernLINC Wireless's service territory have submitted requests for Phase I service. As illustrated in the chart attached as Exhibit B, out of approximately 297 PSAPs located in its service territory, only 137 have submitted requests to SouthernLINC Wireless for Phase I service. Although SouthernLINC Wireless has continued its efforts to prompt further Phase I deployment among PSAPs within its service area, only 33 PSAPs submitted Phase I requests between September 1, 2001, and June 30, 2005.

**2. Status of Phase II Rollout**

SouthernLINC Wireless has also conscientiously pursued its Phase II implementation responsibilities as well. However, as with Phase I, SouthernLINC Wireless has received relatively few requests for Phase II service from PSAPs within its service territory. Out of the approximately 297 PSAPs located within its service area, 57 have submitted requests to SouthernLINC Wireless for Phase II service as of June 30, 2005, as illustrated in the chart in Exhibit B. These figures reveal that, while SouthernLINC Wireless has timely responded to all of the requests that it has received, fewer than twenty percent of the PSAPs in its service area are capable of receiving its Phase II data.

**B. SouthernLINC Wireless September 2001 Request for Waiver**

SouthernLINC Wireless initially explored deploying a network-based E911 Phase II solution. Based upon its analysis, SouthernLINC Wireless determined that a network-based solution would not be suitable for its network and that a handset-based A-GPS solution would provide greater accuracy and certainty. SouthernLINC Wireless therefore submitted a request to the Commission on September 18, 2001, for a limited waiver of the Commission's benchmarks for the deployment of handset-based solutions. This waiver was granted through the Commission's adoption of the *Non-Nationwide Carriers Order*,<sup>20</sup> which established the following new interim benchmarks for Tier III carriers including SouthernLINC Wireless:

September 1, 2003: Begin selling and activating location-capable handsets.

November 30, 2003: Ensure that at least 25% of all new handsets activated are location-capable.

May 31, 2004: Ensure that at least 50% of all new handsets activated are location-capable.

November 30, 2004: Ensure that 100% of all new digital handsets activated are location-capable.<sup>21</sup>

SouthernLINC Wireless not only met, but exceeded these interim benchmarks.

However, as explained in the following section, SouthernLINC Wireless's early success in deploying location-capable handsets was completely undermined some eighteen months later when SouthernLINC Wireless discovered that, due to a latent technical defect in the handsets, the new A-GPS handsets that had been activated could no longer be used to determine a caller's location.

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<sup>20</sup> / *Non-Nationwide Carriers Order*, Appendix A.

<sup>21</sup> / *Non-Nationwide Carriers Order* at ¶ 33.

**C. A-GPS Handset Issue**

Motorola advised SouthernLINC Wireless in July 2004 of a latent software defect in the A-GPS-equipped handsets manufactured by Motorola and used by SouthernLINC Wireless's subscribers that rendered all A-GPS services in these handsets unusable, thus essentially setting SouthernLINC Wireless's handset penetration figures back to zero until this software problem could be resolved. SouthernLINC Wireless immediately notified the Commission, all Phase II-capable PSAPs within its service area, and its subscribers of this problem. Since then, SouthernLINC Wireless and Motorola have undertaken an intensive program to correct this problem, which must be carried out on a handset-by-handset basis.<sup>22</sup>

**1. Background of the A-GPS Handset Problem**

By letter dated August 30, 2004, SouthernLINC Wireless voluntarily reported to the Commission that it was forced to suspend E911 Phase II functionality on its network due to a latent software defect in location-capable handsets manufactured by Motorola, the sole provider of equipment for SouthernLINC Wireless's iDEN network.<sup>23</sup> As detailed in that report, Motorola notified SouthernLINC Wireless on July 19, 2004, that a problem had been detected the previous day with its A-GPS handsets. Motorola had discovered that users of these handsets were unable to complete *any* calls to 9-1-1

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<sup>22</sup> / The A-GPS problem discussed in this Section is identical to the A-GPS problem being experienced by iDEN carriers Nextel and Nextel Partners. *See, e.g.,* Nextel Communications, Inc. Phase I and Phase II E911 Quarterly Report, May 2, 2005, CC Docket No. 94-102 (May 2, 2005) *and* Nextel Partners, Inc. Phase I and Phase II E911 Quarterly Report, May 2, 2005, CC Docket No. 94-102 (May 2, 2005).

<sup>23</sup> / Letter to John B. Muleta, Chief, Wireless Telecommunications Bureau, from Michael D. Rosenthal, Southern Communications Services, Inc., dated August 30, 2004, and filed in CC Docket No. 94-102.

because a software defect was causing the handset to shut down and automatically restart upon receiving a GPS "fix." It was subsequently determined that these handset models did not contain requisite software code that would properly handle an internal calendar date "rollover" that had occurred in the GPS satellites as of midnight, Greenwich Mean Time, July 18, 2004. This latent software defect was identified as existing in the i205, i305, i325, i530, i710, i730, and i830 model handsets, which, at that time, SouthernLINC Wireless estimated were in use by approximately [ ] SouthernLINC Wireless customers. After a more thorough review, SouthernLINC Wireless now estimates that this problem affected over [ ] handsets.

To prevent this software defect from blocking or terminating calls to 911 from users of such handsets, SouthernLINC Wireless temporarily shut off the E911 Phase II functionality on its network and reverted to operating its network at Phase I status only. SouthernLINC Wireless notified each of the 25 PSAPs in its service territory then capable of providing Phase II service that, until this problem was corrected, SouthernLINC Wireless would only be able to provide Phase I service. SouthernLINC Wireless also notified its customers of its inability to automatically transmit location data to PSAPs and of the customer's need to provide specific location information when speaking with a 911 operator. On August 6, 2004, SouthernLINC Wireless technicians completed the upgrade of its network equipment so that automatic location data could be made available once again to PSAPs from 911 calls initiated from handsets that have received updated software.

Although SouthernLINC Wireless's network is now capable of transmitting location data from customer handsets to Phase II-capable PSAPs, defective handsets that

have not been manually upgraded (“reflashed”) with new software are still not capable of transmitting location data. These handsets include not only those listed above, but also the company’s remaining location-capable units – the Motorola i58sr and i88s – which also require the software upgrade in order to operate with the network changes and resume 911 functionality. As SouthernLINC Wireless reported to the Commission in its August 30, 2004, letter, this latent defect in what were believed to be “location-capable handsets” caused SouthernLINC Wireless’s penetration of location-capable handsets to effectively drop from an initial estimate of [ ] to zero literally overnight.

As noted above, SouthernLINC Wireless met every interim benchmark established by the Commission for the activation of location-capable handsets. However, as of late July 2004, SouthernLINC Wireless (as well as its sole equipment vendor) was suddenly aware that the vast majority of handsets it had been selling since late 2002 were no longer capable of automatically providing location data. SouthernLINC Wireless’s already daunting task of convincing its remaining customer base to upgrade to location-capable handsets grew exponentially by the unexpected need to convince its more recent customers to undertake a software upgrade to their handsets. SouthernLINC Wireless summarized this dilemma in its August 30, 2004, letter to the Commission:

“Because of Southern LINC’s generally low churn rate, the need to convince existing customers to upgrade to A-GPS-enabled handsets, and the new task of reprogramming virtually all of the currently-deployed A-GPS-enabled handsets, it is highly improbable that Southern LINC will be able to achieve the 95 percent penetration required by the Commission’s Rules.”<sup>24</sup>

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<sup>24</sup> / Letter to John B. Muleta, dated August 30, 2004, at 3.

After twelve months of diligent effort to overcome this setback, SouthernLINC Wireless is now convinced that it will not be able to achieve 95 percent penetration by December 31, 2005.

**2. SouthernLINC Wireless Has Taken Aggressive Steps to Address the A-GPS Handset Problem**

SouthernLINC Wireless has engaged in a multi-faceted program to address the A-GPS handset problem. As explained herein, Southern has worked closely with Motorola, the local PSAPs, SouthernLINC Wireless's customers, and independent SouthernLINC Wireless dealers in an effort to not only restore the level of location-capable handset penetration as existed before July 18, 2004, but to increase the level of penetration in an effort to meet the Commission's December 31, 2005, deadline.

SouthernLINC Wireless and Motorola have collaborated both in correcting SouthernLINC Wireless's network software, creating software patches for affected handsets, and in designing programs intended to encourage maximum customer cooperation in reprogramming their handsets' software. As noted above, working with Motorola's network engineers, SouthernLINC Wireless was able to quickly restore basic E911 Phase I functionality for all customers who were otherwise without *any* access to 911. Motorola also created new software for the affected handsets and worked with SouthernLINC Wireless to provide customers with three alternative means of restoring location-capability to their handsets: (1) a self-update kit consisting of the necessary software on a CD-ROM, instructions, and a special interface cable to connect the handset to a personal computer; (2) an offer to have SouthernLINC Wireless reprogram the handset free-of-charge at any SouthernLINC Wireless sales office and at some Southern Company utility offices; or, (3) for government customers, a new or refurbished

replacement phone furnished directly from Motorola.<sup>25</sup> Motorola has also publicized a toll-free number (1-800-725-1822) for SouthernLINC Wireless customers to call should they need more information on this issue, and they have set up a web page where customers can order an A-GPS update kit online.<sup>26</sup> SouthernLINC Wireless has established a link from its homepage to this Motorola page to further increase accessibility to this information.

As a further inducement for customers to install the updated software, any customer confirming that he or she has installed the updated software is automatically entered in the "Motorola A-GPS Reflash Sweepstakes," with prizes ranging from airtime billing credits, to free airline tickets to fly anywhere in the U.S., to the grand prize of a Cadillac Escalade sport utility vehicle.

SouthernLINC Wireless immediately notified all of its dealers of the A-GPS problem and advised them to apply the software patch to any handsets in their inventories and to any handsets that were brought in by customers specifically for this reflashing or for any other service. SouthernLINC Wireless also loaded the patch into its own inventory of handsets and has been loading the software into any handsets that are brought in by customers for this or any other service. SouthernLINC Wireless has confirmed that all handsets in its dealers' inventories and in its own inventory have been

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<sup>25</sup> / SouthernLINC Wireless notes that fewer than one percent of its government customers have chosen to take advantage of Motorola's offer of a free replacement handset. This clearly illustrates that customer resistance to replacing or upgrading a handset is not necessarily a question of handset cost, but is instead related to other factors over which a carrier has little or no influence.

<sup>26</sup> / <https://idenonline.motorola.com/iupgrade/>

reflashed. Moreover, all new handsets being delivered by Motorola to SouthernLINC Wireless and its dealers contain the new software.

As noted above, SouthernLINC Wireless immediately notified all Phase II-capable PSAPs within its territory as to SouthernLINC Wireless's inability to transmit location data until its network software could be upgraded, and has kept the PSAP community informed of the A-GPS problem, both through discussions and presentations at regional meetings of PSAP and E911 organizations.

Most importantly, SouthernLINC Wireless has provided its customers with full information on the A-GPS problem and instructions on overcoming this problem if they have one of the affected handsets. Shortly after the problem was discovered, SouthernLINC Wireless posted information on its website at [www.southernline.com/gpsalmanac.asp](http://www.southernline.com/gpsalmanac.asp) describing the problem and identifying the handset models affected by the problem. SouthernLINC Wireless sent self-install kits to all customer accounts believed to own handsets affected by the problem advising them of the need to update the software on their handsets in order to reestablish A-GPS functionality for E911 calls and other A-GPS applications. The letter accompanying each kit further advised customers of their option to have SouthernLINC Wireless perform the update at a SouthernLINC Wireless sales office.

**3. SouthernLINC Wireless Has Achieved Some Success in Reflashing Handsets, but Substantial Work Remains**

As a result of its efforts, SouthernLINC Wireless has already achieved a measure of success in reflashing those handsets affected by the A-GPS software problem, although substantial work remains due to the overall complexity of the problem, including the difficulty in identifying and determining whether individual customer

handsets have been reflashed and in overcoming customer resistance to installing the necessary software upgrades. Given the unique nature of the software problem, it is not immediately obvious to a customer that a handset must be reprogrammed since the handset will have full functionality whether it is A-GPS compliant or not. In other words, the user will typically have no natural incentive to upgrade the software since the handset performs just as it always has since service was initialized. In fact, some customers might be reluctant to install the software upgrade because, and as explained in materials included with the self-install kit provided to customers, the software update will delete any Java (J2ME) applications (e.g., games) that the customer might have installed on the device.

SouthernLINC Wireless has been able to reflash approximately [ ] handsets – or approximately [ ] percent of those SouthernLINC Wireless handsets affected by the A-GPS software problem. SouthernLINC Wireless is continuing to develop and implement technical solutions that will allow it to gain a more accurate picture of the extent and on-going status of the A-GPS issue. SouthernLINC Wireless is also hopeful that its continued efforts to encourage existing customers to take steps to correct their handsets will eventually reach every user. However, based on experience to date, this process will take much longer than initially anticipated.

**IV. SOUTHERNLINC WIRELESS'S CIRCUMSTANCES MERIT THE GRANT OF A LIMITED WAIVER OF THE COMMISSION'S HANDSET DEPLOYMENT DEADLINES**

SouthernLINC Wireless submits that its unique and unusual circumstances merit the grant of the requested limited waiver of the Commission's handset deployment deadlines. As described above, SouthernLINC Wireless has worked diligently and in

good faith and expended substantial effort and resources to ensure that its subscribers have the best possible access to emergency services, including both Phase I and Phase II E911 services. Nevertheless, SouthernLINC Wireless is encountering substantial hurdles in achieving ninety-five percent penetration of location-capable handsets among its subscribers by the Commission's December 31, 2005 deadline and is concerned that strict enforcement of this deadline may result in subscribers having decreased access to emergency services.

First, as discussed above, the automatic location-identification functions in thousands of A-GPS-equipped handsets provided to SouthernLINC Wireless subscribers were rendered inoperative due to a software defect, and SouthernLINC Wireless and Motorola are engaged in an intensive and ongoing program to correct this problem.

SouthernLINC Wireless's efforts to ensure penetration of location-capable handsets among its subscriber base are also seriously hampered by the unique nature of SouthernLINC Wireless's subscriber base and by subscriber resistance to replacing existing handsets with new location-capable handsets. A significant percentage of SouthernLINC Wireless's subscriber base consists of enterprise or government agency subscribers who have been with SouthernLINC Wireless for [ ] months or longer (*i.e.*, before location-capable handsets started becoming available for SouthernLINC Wireless) and who generally have long-term equipment upgrade cycles, since they must upgrade their handsets on an account-wide (rather than on a unit-by-unit) basis. Many of SouthernLINC Wireless's subscribers also highly value certain characteristics of their existing handsets – such as higher power levels (and therefore greater coverage) – that are not available in the newer location-capable handsets.

SouthernLINC Wireless has extensively marketed all of its A-GPS capable handsets and has offered multiple tiers of A-GPS handsets at a variety of price points ever since they first became available. Accordingly, its product offering has included handsets with various combinations and levels of functions and features intended to appeal to different customer segments with varied needs and different price sensitivities.

Not only has it offered various handset prices to appeal to new subscribers, but SouthernLINC Wireless has also in the last two-and-a-half years offered various handset upgrade programs that target its existing customers. While upgrading handsets has appeared attractive to some customers, as explained earlier in this waiver request, certain customer segments have been resistant to change. In the end, while SouthernLINC Wireless has used and is continuing to use marketing, promotions, and other measures,<sup>27</sup> it cannot compel customer choice of a new handset over their existing one.

SouthernLINC Wireless also faces circumstances unique among CMRS providers as a result of the Commission's reconfiguration of the 800 MHz band pursuant to the *800 MHz Rebanding Order*.<sup>28</sup> The *800 MHz Rebanding Order* requires SouthernLINC Wireless to move its services to a different frequency position throughout its network and to complete this process by July 2007. As a result, SouthernLINC Wireless will have to physically touch thousands of existing subscriber handsets in order to either update them

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<sup>27</sup> / For example, SouthernLINC Wireless's homepage regularly includes special offers for new handsets and/or service plans and also includes a link (entitled "Upgrade Your Phone") that provides existing customers with offers for new handsets under their current service plans.

<sup>28</sup> / *Improving Public Safety Communications in the 800 MHz Band; Consolidating the 800 and 900 MHz Industrial/Land Transportation and Business Pool Channels*, WT Docket No. 02-55, Report and Order, Fifth Report and Order, Fourth Memorandum Opinion and Order, and Order, 19 FCC Rcd 14969 (2004) ("*800 MHz Rebanding Order*").

with a new bandmap or, if the customer agrees to an equipment upgrade instead, to collect the old handsets and replace them with new handsets containing both the new bandmap and A-GPS capability. SouthernLINC Wireless has commenced its Rebanding handset update/upgrade program, and it is already clear that this will be a difficult and resource-intensive process. From the customer's perspective, updating their existing handsets with the new bandmap is an easier, faster, and less complex process to undergo than upgrading to a new handset. In addition to the speed and convenience, they also do not incur the additional costs and burdens – such as the need to learn new functions and menus, the need to transfer speed dial, telephone numbers, and other information stored in the old handset's memory, the need to change out accessories such as chargers, car kits, etc., or, in the case of enterprise and government subscribers, the need to inventory and reissue new handsets to multiple users – that a handset upgrade entails.

SouthernLINC Wireless further notes that implementation of E911 Phase II capabilities among PSAPs in SouthernLINC Wireless's service territory has been very limited. Of the nearly 300 PSAPs in SouthernLINC Wireless's service territory, fewer than twenty percent are currently capable of receiving Phase II data from SouthernLINC Wireless. Thus, E911 Phase II service remains unavailable in most of SouthernLINC Wireless's footprint, even for those subscribers who have A-GPS location-capable handsets, and there is no indication that there will be any appreciable increase in the number of Phase II-capable PSAPs during the next eighteen to twenty-four months.

Finally, as previously discussed, approximately [ ] percent of SouthernLINC Wireless's subscribers currently use 1 watt or 3 watt handsets for which there is no equivalent location-capable substitute. Among these subscribers are utility, government,

and public safety subscribers who must often operate in challenging environments and remote areas that – while within the range and coverage of their existing handsets – lie outside the effective coverage area of available location-capable handsets, which have a power capability of only 0.6 watts. If these subscribers are compelled to accept lower power handsets (to the extent SouthernLINC Wireless is even able to compel such acceptance) as a result of strict enforcement of the Commission’s handset deployment deadlines, they may no longer be able to access any communications services whatsoever – let alone access emergency services – in some of the areas where they operate.<sup>29</sup>

Despite these hurdles, SouthernLINC Wireless has nevertheless continued to put forth substantial effort into migrating as much of its subscriber base as possible to location-capable handsets and, in light of the circumstances, believes that it has made significant progress towards this goal. Although SouthernLINC Wireless will not be able to achieve the ninety-five percent penetration level by December 31, 2005, SouthernLINC Wireless has undertaken numerous marketing, promotional, outreach, and other efforts to encourage subscriber adoption of A-GPS handsets and will continue such efforts in order to achieve this level of penetration as quickly as possible in light of the circumstances described herein. Based on factors such as SouthernLINC Wireless’s own customer churn experience and the amount of resources it must allocate not only to handset penetration, but also to the correction of the A-GPS software problem and to 800 MHz rebanding, SouthernLINC Wireless’s best estimate is that it will require an additional twenty-four months to achieve the ninety-five percent penetration level.

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<sup>29</sup> / Furthermore, government and public safety subscribers affected by this issue would not only experience a decreased ability to make emergency calls, but would also experience a decreased ability to *receive and respond to* emergency calls from others.

**REDACTED**

SouthernLINC Wireless therefore respectfully requests a limited waiver to allow it an additional twenty-four months to ensure that all outstanding A-GPS software issues have been resolved and to achieve ninety-five percent penetration of location-capable handsets among its subscriber base.

SouthernLINC Wireless again emphasizes that it fully understands the importance of making access to emergency services available to the public, and believes that the requested extension would not undermine the Commission's policy objectives. As an initial matter, SouthernLINC Wireless notes that many of SouthernLINC Wireless's own subscribers are members of the public safety community – including government and law enforcement agencies, PSAP coordinators, fire and rescue services, and ambulance services – who rely on SouthernLINC Wireless's services for their communications needs. SouthernLINC Wireless is thus well aware of the critical importance of their communications and is committed to assisting them in meeting all their public service obligations.

As discussed above, SouthernLINC Wireless has long taken a diligent and proactive approach towards PSAP deployment of E911 Phase I and Phase II capabilities, and SouthernLINC Wireless's efforts and commitment will not be affected by the requested extension.

The requested extension also will not affect SouthernLINC Wireless's ability to provide E911 Phase I service or capabilities anywhere in its service territory upon receipt of a PSAP request. More significantly, the requested extension would have very little effect on actual subscriber access to emergency services since fewer than twenty percent

of the PSAPs in SouthernLINC Wireless's service territory are Phase II-capable, and this number is not expected to change appreciably in the near future.

Finally, the requested extension will allow SouthernLINC Wireless to continue providing service to customers who may experience decreased access to emergency services if they are compelled to switch to lower power location-capable handsets as a result of strict enforcement of the Commission's handset deployment deadline.

**V. CONCLUSION**

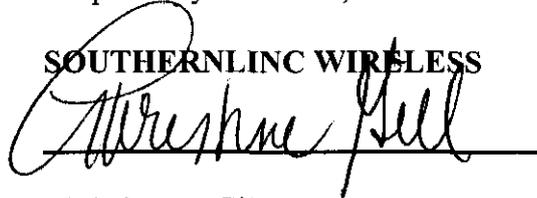
For these reasons, SouthernLINC Wireless submits that the grant of an additional twenty-four months to achieve ninety-five percent penetration of location-capable handsets is in the public interest under the Commission's Rules and the provisions of the *ENHANCE 911 Act* and that grant of the requested limited waiver is thus warranted.

REDACTED

**WHEREFORE, THE PREMISES CONSIDERED**, SouthernLINC Wireless respectfully requests the Commission to grant the requested waiver of Section 20.18(g)(1)(v) of the Commission's Rules.

Respectfully submitted,

**SOUTHERNLINC WIRELESS**

A handwritten signature in cursive script, appearing to read "Christine M. Gill", is written over a horizontal line.

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SouthernLINC Wireless  
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Its Attorneys

Dated: July 26, 2005

**EXHIBIT A**

**PSAP Letters Regarding SouthernLINC Wireless's  
E911 Efforts and Commitments**

**OZARK-DALE COUNTY E-911, INC.**

119 WEST REYNOLDS STREET ♦ P.O. BOX 988 ♦ OZARK, ALABAMA 36361  
Phone (334) 445-9444 ♦ Fax (334) 445-9445 ♦ Email: daleco911@snowhill.com



*George Furqueron  
Director*

April 27, 2005

Marlene Dortch, Esq.  
Secretary  
Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

**Re: E9-1-1 Implementation; SouthernLINC Wireless Request for Waiver**

Dear Ms. Dortch:

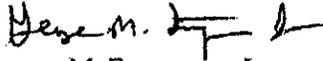
The Ozark-Dale County E9-1-1 Center operating in Alabama provides citizens of our community with E9-1-1 Phase I and Phase II service. We work with the wireless carriers in our area to insure prompt implementation of these services to better serve our citizens.

We have worked with SouthernLINC Wireless throughout this process, and they have given us effective and timely assistance in all of our deployment efforts. We have a single point of contact at the company with whom we coordinate and who continues to keep us apprised of important developments affecting E9-1-1 service with SouthernLINC Wireless. As an example, they promptly informed us last summer of the problem that developed due to a software glitch in their new A-GPS handsets and the steps taken to ensure that customers would still be able to make 9-1-1 calls. SouthernLINC Wireless is readily available for consultation on any problems we have encountered on a 24/7 basis and has shown commitment to keeping their 9-1-1 system up and running at all times. The SouthernLINC Wireless staff has also assisted in addressing technical issues and has provided very prompt follow-up to any inquiries that we have had.

In working with us, SouthernLINC Wireless has demonstrated the kind of proactive involvement and spirit of partnership that is needed to insure that E9-1-1 services are rolled out as promptly as possible. While SouthernLINC Wireless may have encountered

unforeseen obstacles and delays along the way over the past few years, we believe that SouthernLINC Wireless has truly made every effort to deploy E9-1-1 in accordance with the Commission's goals and objectives. As the Commission considers SouthernLINC Wireless' progress and deployment efforts to date, we trust that information provided above is helpful as evidence of SouthernLINC Wireless' close coordination with us on E9-1-1 deployment.

Very truly yours,

A handwritten signature in black ink, appearing to read "George M. Furqueron, Jr.", with a stylized flourish at the end.

George M. Furqueron, Jr.  
Director



April 27, 2005

Martene Dortch, Esq.  
Secretary  
Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

Re: E9-1-1 Implementation: SouthernLINC Wireless Request for Waiver

Dear Ms. Dortch:

Shelby County 9-1-1 is the primary 9-1-1 service provider for our County and as such we have worked with the wireless phone providers to implement Enhanced 9-1-1. I am very pleased to report that we have Phase II service with all our carriers and there have been numerous incidents where the location data has proven invaluable. My thanks to the FCC for helping to drive the implementation of this technology.

SouthernLINC is one of our carriers and we have worked with them throughout the Phase I and Phase II process. I have been very pleased with their response to issues and their cooperation to make the system the best it can be for our mutual customers. In particular their local representative Jean Martin has been very helpful and I can get in touch with her easily anytime I have a question or concern.

Usually Ms. Martin calls me to report a potential problem or issue before I even know one exists. Last summer I got a call and follow-up email about the issues with A-GPS handsets that affected all IDEN carriers.

SouthernLINC has been active in our NENA Chapter and has always tried to do the right thing for their customers and the 9-1-1 centers. I realize there may be delays or schedule issues but SouthernLINC has always kept me informed and I have never believed the delays were due to a lack of concern or effort on their part.

Thanks again for the work of the FCC to make the 9-1-1 system as robust as possible and please feel free to call on me if this office may ever be of assistance to the Commission.

Sincerely;

A handwritten signature in black ink, appearing to read "John R. Ellison".

John R. Ellison  
Executive Director

Shelby County 9-1-1  
1004 County Services Drive, Pelham, AL 35124  
205.439.6911 • Fax 205.439-6927

# TALLAPOOSA COUNTY E9-1-1

240 West Columbus Street  
Dadeville, Alabama 36853-1311  
(256) 825-8990 Office  
(256) 825-0378 Fax  
911@tallapoosa.net



*Board Members*  
Baron Gragg - Chairman  
David Wayne Key - Vice Chairman  
Danny Lloyd - Secretary  
Stan Herrell - Treasurer  
Kenneth Thompson  
Charita Love  
Lloyd Cooney

Anita Haggerty 9-1-1 Coordinator

*"When Seconds Count"*

April 27, 2005

Marlene Dortch, Esq.  
Secretary  
Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

**Re: E9-1-1 Implementation: SouthernLINC Wireless Request for Waiver**

Dear Ms. Dortch:

The Tallapoosa County E9-1-1 Center operating in Alabama provides citizens of our community with E9-1-1 Phase I and Phase II service. We work with the wireless carriers in our area to insure prompt implementation of these services to better serve our citizens.

We have worked with SouthernLINC Wireless throughout this process, and they have given us effective and timely assistance in all of our deployment efforts. We have a single point of contact at the company with whom we coordinate and who continues to keep us apprised of important developments affecting E9-1-1 service with SouthernLINC Wireless. As an example, they promptly informed us last summer of the problem that developed due to a software glitch in their new A-GPS handsets and the steps taken to ensure that customers would still be able to make 9-1-1 calls. SouthernLINC Wireless is readily available for consultation on any problems we have encountered on a 24/7 basis and has shown commitment to keeping their 9-1-1 system up and running at all times. The SouthernLINC Wireless staff has also assisted in addressing technical issues and has provided very prompt follow-up to any inquiries that we have had.

In working with us, SouthernLINC Wireless has demonstrated the kind of proactive involvement and spirit of partnership that is needed to insure that E9-1-1 services are rolled out as promptly as possible. While SouthernLINC Wireless may have encountered unforeseen obstacles and delays along the way over the past few years, we believe that SouthernLINC Wireless has truly made every effort to deploy E9-1-1 in accordance with the Commission's goals and objectives. As the Commission considers SouthernLINC Wireless' progress and deployment efforts to date, we trust that information provided above is helpful as evidence of SouthernLINC Wireless' close coordination with us on E9-1-1 deployment.

Very truly yours,

## WALKER COUNTY E 9-1-1



POLICE



FIRE



EMS

Roger Wilson, Director  
(205) 221-7911

April 27, 2005

302 15th ST. NE  
Jasper, Alabama 35504

Marlene Dortch, Esq.  
Secretary  
Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

Re: E9-1-1 Implementation: SouthernLINC Wireless Request for Waiver

Dear Ms. Dortch:

The Walker County E9-1-1 District Public Safety Answering Point operating in Alabama provides citizens of our community with E9-1-1 Phase I and Phase II service. We work with the wireless carriers in our area to insure prompt implementation of these services to better serve our citizens.

We have worked with SouthernLINC Wireless throughout this process, and they have given us effective and timely assistance in all of our deployment efforts. We have a single point of contact at the company with whom we coordinate and who continues to keep us apprised of important developments affecting E9-1-1 service with SouthernLINC Wireless. As an example, they promptly informed us last summer of the problem that developed due to a software glitch in their new A-GPS handsets and the steps taken to ensure that customers would still be able to make 9-1-1 calls. SouthernLINC Wireless is readily available for consultation on any problems we have encountered on a 24/7 basis and has shown commitment to keeping their 9-1-1 system up and running at all times. The SouthernLINC Wireless staff has also assisted in addressing technical issues and has provided very prompt follow-up to any inquiries that we have had.

In working with us, SouthernLINC Wireless has demonstrated the kind of proactive involvement and spirit of partnership that is needed to insure that E9-1-1 services are rolled out as promptly as possible. While SouthernLINC Wireless may have encountered unforeseen obstacles and delays along the way over the past few years, we believe that SouthernLINC Wireless has truly made every effort to deploy E9-1-1 in accordance with the Commission's goals and objectives. As the Commission considers SouthernLINC Wireless' progress and deployment efforts to date, we trust that information provided above is helpful as evidence of SouthernLINC Wireless' close coordination with us on E9-1-1 deployment.

Roger D. Wilson, Director

**PICKENS COUNTY E-911  
P. O. BOX 383  
CARROLLTON, AL 35447**

April 27, 2005

Marlene Dortch, Esq.  
Secretary  
Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

Re: E9-1-1 Implementation: SouthernLINC Wireless Request for Waiver

Dear Ms. Dortch:

The Pickens County E9-1-1 Center operating in Alabama provides citizens of our community with E9-1-1 Phase I and Phase II service. We work with the wireless carriers in our area to insure prompt implementation of these services to better serve our citizens. We have worked with SouthernLINC Wireless throughout this process, and they have given us effective and timely assistance in all of our deployment efforts. We have a single point of contact at the company with whom we coordinate and who continues to keep us apprised of important developments affecting E9-1-1 service with SouthernLINC Wireless. As an example, they promptly informed us last summer of the problem that developed due to a software glitch in their new A-GPS handsets and the steps taken to ensure that customers would still be able to make 9-1-1 calls. SouthernLINC Wireless is readily available for consultation on any problems we have encountered on a 24/7 basis and has shown commitment to keeping their 9-1-1 system up and running at all times. The SouthernLINC Wireless staff has also assisted in addressing technical issues and has provided very prompt follow-up to any inquiries that we have had. In working with us, SouthernLINC Wireless has demonstrated the kind of proactive involvement and spirit of partnership that is needed to insure that E9-1-1 services are rolled out as promptly as possible. While SouthernLINC Wireless may have encountered unforeseen obstacles and delays along the way over the past few years, we believe that SouthernLINC Wireless has truly made every effort to deploy E9-1-1 in accordance with the Commission's goals and objectives. As the Commission considers SouthernLINC Wireless' progress and deployment efforts to date, we trust that information provided above is helpful as evidence of SouthernLINC Wireless' close coordination with us on E9-1-1 deployment.

Very truly yours,



Ken Gibson  
Pickens County E-911 Coordinator

# City of Homewood

## FIRE & RESCUE SERVICE



John A. Bresnan  
Fire Chief



Harold A. Parker  
Deputy Chief  
9-1-1 Director

April 27, 2005

Marlene Dortch, Esq.  
Secretary  
Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

Re: **E9-1-1 Implementation; SouthernLINC Wireless Request for Waiver**

Dear Ms. Dortch:

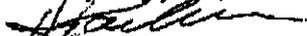
The City of Homewood E9-1-1 District's Public Safety Answering Point operating in Alabama provides citizens of our community with E9-1-1 Phase I and Phase II service. We work with the wireless carriers in our area to insure prompt implementation of these services to better serve our citizens.

We have worked with SouthernLINC Wireless throughout this process, and they have given us effective and timely assistance in all of our deployment efforts. We have a single point of contact at the company with whom we coordinate and who continues to keep us apprised of important developments affecting E9-1-1 service with SouthernLINC Wireless. As an example, they promptly informed us last summer of the problem that developed due to a software glitch in their new A-GPS handsets and the steps taken to ensure that customers would still be able to make 9-1-1 calls. SouthernLINC Wireless is readily available for consultation on any problems we have encountered on a 24/7 basis and has shown commitment to keeping their 9-1-1 system up and running at all times. The SouthernLINC Wireless staff has also assisted in addressing technical issues and has provided very prompt follow-up to any inquiries that we have had.

1903 29th Avenue South • Homewood, Alabama 35209  
P.O. Box 59666 • Homewood, Alabama 35259  
(205) 332-6154 • (205) 802-6404 Fax

In working with us, SouthernLINC Wireless has demonstrated the kind of proactive involvement and spirit of partnership that is needed to insure that E9-1-1 services are rolled out as promptly as possible. While SouthernLINC Wireless may have encountered unforeseen obstacles and delays along the way over the past few years, we believe that SouthernLINC Wireless has truly made every effort to deploy E9-1-1 in accordance with the Commission's goals and objectives. As the Commission considers SouthernLINC Wireless' progress and deployment efforts to date, we trust that information provided above is helpful as evidence of SouthernLINC Wireless' close coordination with us on E9-1-1 deployment.

Very truly yours,



Harold A. Parker  
Deputy Chief  
Homewood 911

**EXHIBIT B**

**SouthernLINC Wireless PSAP E911  
Deployment Status Chart**

**SouthernLINC Wireless**

**E911 Phase 1 & 2**

**Deployment Status**

As of June 30, 2005

911 Implementation	Total PSAPs	Phase 1 Requests			Phase 2 Requests		
		Total Rec'd	Total Pending	Total Deployed	Total Rec'd	Total Pending	Total Deployed
AL	83	61	1	60	32	3	29
FL	12	8	1	7	6	0	6
GA	178	60	5	55	16	3	13
MS	24	8	0	8	3	0	3
<b>Total</b>	<b>297</b>	<b>137</b>	<b>7</b>	<b>130</b>	<b>57</b>	<b>6</b>	<b>51</b>