

Before the
Federal Communications Commission
Washington, D.C. 20554

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

To: The Commission

INTERIM REPORT

Cellular Phone of Kentucky, Inc. (“CPK”), hereby submits this Interim Report in response to the Commission’s Order¹ in the above-captioned proceeding. The Tier III Order granted CPK an extension of certain interim benchmarks in order to provide CPK with additional time in which to comply with the E911 Phase II requirements while it transitioned its cellular network in the Kentucky 6 – Madison RSA from a TDMA to a CDMA air interface. As described in greater detail below, CPK is providing Phase I E911 service, and will work with PSAPs with respect to Phase II requests, but is unable to accomplish the transition to CDMA as originally planned. CPK is actively seeking to sell its cellular system and assign its FCC license to an operator who will be able to provide high quality service, including E911 Phase II service, to consumers within the rural counties that comprise its service area.

¹ *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 Order”).

I. Background

CPK operates a TDMA network to provide wireless service to eight rural counties within the state of Kentucky. Because of the rural nature of CPK's service area, a handset-based solution was best suited to meet the Commission's E911 Phase II location requirements. However, due to the migration of large carriers away from TDMA technology, and the resultant reduced focus of manufacturers on equipment for use with TDMA systems, ALI-capable handsets were not available for TDMA networks. TDMA's diminishing role in wireless and the resultant unavailability of TDMA ALI-capable handsets compelled CPK to plan to transition its system to CDMA and seek administrative relief from the FCC.

To that end, CPK submitted a request for a limited waiver of Section 20.18(g)(1) of the Commission's rules on April 14, 2004.² CPK's request advised the Commission of the lack of availability of ALI-capable TDMA handsets, and that CPK intended to construct a new CDMA network that would enable it to comply with the Commission's rules regarding the provision of E911 Phase II service using ALI-capable CDMA handsets. The Commission granted CPK's waiver request in its Tier III Order, set-out revised interim benchmarks for CPK to comply with as it began to roll out its CDMA network and handsets, and required CPK to submit a report on September 1, 2005 detailing its progress toward meeting these benchmarks. The instant report is being submitted pursuant to that requirement.

² CPK supplemented its original filing December 22, 2004.

II. E911 Phase I and Phase II PSAP Requests

CPK has received PSAP requests for Phase I service, which it disclosed in its Interim Report for Tier III Carriers filed with the Commission on April 19, 2004, and which it has implemented. Specifically, CPK is providing ANI data to those PSAPs, which includes the telephone number of the originator of the 911 call as well as the location of the cell site or base station receiving the 911 call. Further, CPK has received only two Phase II requests. CPK, through its E911 provider Syniverse Technologies, is endeavoring to advise those PSAPs of its current situation, and to coordinate with them regarding their requests. Thus, CPK has satisfied all of the Phase I PSAP requests that it has received, and will coordinate with PSAPs that have submitted Phase II requests.

III. Current Status of Conversion Efforts

As described in its waiver request, CPK intended to convert its network from TDMA to CDMA, and to roll-out ALI-capable CDMA handsets in order to achieve Phase II compliance with its handset-based solution. In the intervening months since it secured temporary relief from the Commission in the Tier III Order, CPK has experienced additional financial setbacks which have made its planned CDMA conversion impossible. The significant cost of a CDMA overbuild, the rural nature of the market and the latest financial difficulties have created a ‘perfect storm’ resulting in CPK deciding to list its system with a broker so that it can be sold to an operator that will be able to provide robust service within these eight rural counties in Kentucky, including providing Phase II E911 service to wireless consumers in these areas.³ CPK

³ In the event that a buyer is not found in the near future, CPK will coordinate further with the Commission regarding the upcoming interim compliance benchmarks.

will work with the relevant PSAPs so that Phase II E911 is made available as soon as is practicable.

Respectfully Submitted,

By: /s/ Kelly Ramsey
KELLY RAMSEY

Dated: September 1, 2005