

WILKINSON) BARKER) KNAUER) LLP

2300 N STREET, NW
SUITE 700
WASHINGTON, DC 20037
TEL 202.783.4141
FAX 202.783.5851
www.wbklaw.com
WILLIAM J. SILL
(202) 783-4141
wsill@wbklaw.com

February 17, 2006

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

Attention: Ms. Angela E. Giancarlo

Re: *Cellular Phone of Kentucky, Inc.*
Supplement to Petition for Waiver of Section 20.19(c)(2) of the
Commission's Rules
WT Docket No. 01-309

Dear Ms. Dortch:

Cellular Phone of Kentucky, Inc. ("CPK") hereby supplements its September 16, 2005 petition for waiver of Section 20.19(c)(2) of the Commission's Rules¹ to update the Commission on the progress made by CPK since the filing of the Petition. CPK also seeks an additional six months to complete the marketing and sale of its TDMA system because, despite CPK's best efforts, potential buyers of CPK's TDMA system have not yet been identified.

Section 20.19(c)(2)(i)(A) requires that each provider of public mobile radio services must "[i]nclude in its handset offerings at least two handset models per air interface" by September

¹ *Petition of Cellular Phone of Kentucky, Inc. for Waiver of Section 20.19(c)(2) of the Commission's Rules*, WT Docket No. 01-309 (filed, Sept. 16, 2005) (the "Petition").

16, 2005 that meet the U3 rating of the ANSI C63.19-2001 technical standard.² CPK sought a waiver of Section 20.19(c)(2)(i)(A) and, to the extent necessary, Section 20.19(c)(2)(i)(B) of the Commission's Rules because, among other things, CPK determined that it was not viable from a business standpoint to overbuild its current TDMA air interface system to employ an alternative air interface protocol and, thus, CPK could not avail itself of the transition period for TDMA systems under Section 20.19(c)(2)(i)(B).³ CPK requested a waiver through February 28, 2006 to allow it to list its TDMA system with a broker, and complete the sale of the system.⁴ Although CPK has focused its limited company resources and has used its best efforts to sell its TDMA system within the requested timeframe, it must respectfully request an additional six months, through August 31, 2006, to allow it to complete the marketing and sale of its TDMA system.

Since the filing of the Petition, CPK has listed its TDMA system with a professional telecommunications broker. The broker is bringing his company's resources to bear to broadly market CPK's system to prospective buyers. Unfortunately, because TDMA is an outmoded air interface for commercial mobile radio service, it poses an economic disincentive to potential buyers as any buyer will have to overlay the TDMA system to an alternative air interface.⁵ Accordingly, CPK is unable to predict when a potential qualified buyer will be identified and,

² See 47 C.F.R. §§ 20.19(b)(1), (c)(2)(i).

³ See Petition at 4-5.

⁴ *Id.* at 1.

⁵ The Commission has recognized that "a technology overbuild represents a considerable undertaking and requires a significant investment." See *Section 68.4(a) of the Commission's Rules Governing Hearing-Aid Compatible Telephones*, WT Docket No. 01-309, *Order on Reconsideration and Further Notice of Proposed Rulemaking*, FCC 05-122, at ¶ 49 (rel. June 21, 2005).

therefore, requests an additional six months through August 31, 2006, to complete the marketing and sale processes.

CPK respectfully submits that, for all of the reasons supporting the extension of time sought by the initial Petition, a brief further extension of the compliance deadline to permit CPK to identify a buyer and complete the sale of its system to an operator that will achieve compliance with the Commission's HAC requirements would promote the public interest.

Kindly contact the undersigned should you have any questions in this regard.

Very truly yours,

A handwritten signature in cursive script that reads "William J. Sill" followed by a circled "e" or similar flourish.

William J. Sill
Nguyen T. Vu

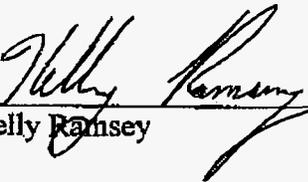
*Counsel for Cellular Phone
of Kentucky, Inc.*

DECLARATION OF KELLY RAMSEY

I, Kelly Ramsey, declare under penalty of perjury that the following is true and correct:

1. I am the Vice President of Cellular Phone of Kentucky, Inc. ("CPK").
2. I have reviewed the foregoing Supplement to Petition for Waiver of Section 20.19(c)(2) of the Commission's Rules and believe it to be true and correct to the best of my knowledge, information and belief.

This Declaration is executed this 17th day of February, 2006.



Kelly Ramsey