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February 17, 2006

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

Re: *Cellular Phone of Kentucky, Inc.*
Supplement to Petition for Waiver of the Location-Capable Handset
Benchmark Deadlines
CC Docket No. 94-102

Dear Ms. Dortch:

Cellular Phone of Kentucky, Inc. ("CPK") hereby supplements its October 27, 2005 petition for waiver¹ of the location-capable handset deployment benchmarks applicable to CPK's TDMA cellular system in the Kentucky 6-Madison RSA market² to update the Commission on the progress made by CPK since the filing of the Petition. CPK also seeks an additional six

¹ Petition of Cellular Phone of Kentucky, Inc. for Waiver of the Location-Capable Handset Benchmark Deadlines, CC Docket No. 94-102 (filed Oct. 27, 2005) ("Petition").

² Pursuant to a prior waiver granted to CPK, by October 31, 2005, twenty-five percent of all new handsets sold and activated by CPK were required to be location capable. By November 30, 2005, fifty percent of such handsets were required to be location-capable, and by December 31, 2005, one hundred percent of such phones were required to be location-capable. See Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, *Order*, 20 FCC Rcd 7709, ¶ 36 (2005) ("*E911 Small Carrier Relief Order*").

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.

As the Commission is aware, CPK originally 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 within the relevant benchmarks established in the *E911 Small Carrier Relief Order*.³ In the intervening months after it secured temporary relief from the Commission in that order, CPK experienced additional financial setbacks which made its planned CDMA conversion impossible. CPK determined that due to the costs of an overlay, the rural nature of the market, and financial setbacks, such a measure was not economically viable from a business standpoint.⁴ 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.⁵ 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.⁶

³ See Petition at 1-2.

⁴ *Id.*

⁵ *Id.*

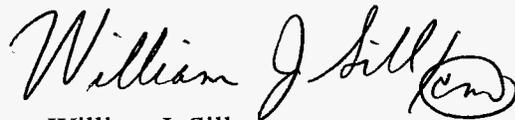
⁶ The Commission has recognized that "a technology overbuild represents a considerable undertaking and requires a significant investment." See *Section 68.4(a) of the Commission's*

Accordingly, CPK is unable to predict when a potential qualified buyer will be identified and, 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 E911 handset requirements would promote the public interest.

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

Very truly yours,

Handwritten signature of William J. Sill in cursive, with a circled initial 'WJ' at the end.

William J. Sill
Nguyen T. Vu

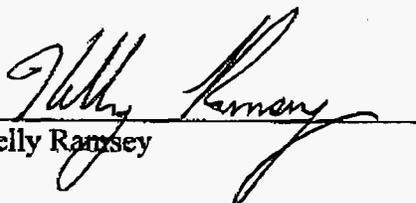
*Counsel for Cellular Phone
of Kentucky, Inc.*

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 the Location-Capable Handset Benchmark Deadlines 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