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March 2, 2006

Via electronic filing

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: Cable & Communications Corporation
CC Docket No. 94-102
Supplement to E-911 Waiver Request

Dear Ms. Dortch:

On December 13, 2005, Cable & Communications Corporation ("C&CC") filed a petition seeking temporary waiver of Section 20.18(g) (1)(v) of the Commission's Rules¹ and extension of the current deadline for meeting the 95% penetration benchmark for ALI-compliant handsets until June 30, 2008.² Therein, C&CC demonstrated that the unique characteristics of its service territory, service offering and clientele justify this request, and that grant of the Petition would serve the public interest by fostering continued access to wireless emergency communications from the sole provider of such services within approximately 9,000 square miles of rural eastern Montana.

In its Petition, C&CC noted that its ability to achieve any handset penetration benchmark is a direct function of existing subscribers' willingness to exchange their 3-watt analog "bag phones" for ALI-compliant digital handsets.³ Recognizing that accurate information regarding its subscribers' current and projected future wireless usage is critical to the successful implementation of handset conversion plans, C&CC reported that it was in the process of designing a survey to elicit this information, as well as information regarding subscriber

¹ 47 C.F.R. § 20.18(g)(1)(v).

² Cable & Communications Corporation Petition for Waiver of Section 20.18(b)(1)(v) of the Commission's Rules, In the Matter of Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket 94-102 (Dec. 13, 2005) (the "Petition").

³ Petition at p. 7.

perceptions and preferences.⁴ This Supplement reports the results of that survey (a copy of which is attached).

Approximately 55% of all C&CC subscribers responded to the survey,⁵ representing 1,273 phones, or 55% of all handsets activated in the C&CC system. 652 individuals, or approximately 45% of respondents, report their use of analog phones, providing what C&CC believes to be a representative sample of analog phones utilization in the C&CC system.⁶

Respondents confirm C&CC's assessment of its subscribers' use, travel patterns and relative isolation. For example, among the responding analog-only users, 63% subscribe to the C&CC "Security Plan," 22% report using their phones for purposes of safety and security only, and an additional 51% of this population reports "safety/security" as one of the purposes of cell phone ownership and use.⁷ Similarly, analog-only respondents verified their relative isolation and lengthy travel time in reporting that approximately 80% live outside of population concentrations in the most rural areas, at an average of 17.5 miles from the nearest town.⁸ These responses corroborate C&CC's position that strict enforcement of the Commission's rules in this instance, given the specific circumstances of service and the specific population served, will undermine the very purpose of E-911 rules – to promote public safety by increasing mobile access to emergency communications services for the persons most in need of that capacity.⁹

Analog subscribers also confirm their adamant loyalty to analog bag-phones. In response to the question, "when do you plan to upgrade to a digital (handheld) phone?" with response choices confined to "within next six months," "within next year," or "within next couple of

⁴ Petition at nn. 7 and 13.

⁵ The survey was mailed directly to C&CC's 1100 existing subscribers; 610 responses were received. A rebate of \$5.00 on the next monthly bill was offered to induce participation.

⁶ As reported in the Petition, approximately 69.5% of the handsets used in the system are analog (and not ALI-compliant). Petition at p. 4. The survey confirms C&CC's belief that many subscribers use both compliant digital phones and non-compliant analog phones – 182 individuals, or approximately 13% of respondents, reported usage of both types of handsets. This multiple use indicates that the percentage of subscribers with access to ALI-compliant digital phones likely is greater than the penetration ratio of 30.5% of all handsets.

⁷ C&CC reported that 58% of all commercial customers subscribed to lower-cost "safety" plans, designed primarily to provide emergency communications capability. Petition at p. 2.

⁸ As C&CC noted in its Petition, "The isolation of C&CC's most rural subscribers, and subscribers' driving patterns which generally include longer journeys over largely vacant roads, combine to produce a distinctive public interest requirement for the preservation of access to the only source of mobile service." *Id.* The survey also shows that analog users tend to live farther from population centers -- the average distance to the nearest town for the combination of both analog and digital handset decreases from 17.5 for analog-only users to 15.6 miles.

⁹ The survey also confirms that usage tends to be "local" in that 78% of respondents report their primary use of phones to be within the C&CC service area.

years," 59% of analog bag-phone users ignored the answer categories completely to report no plans to upgrade phones¹⁰ Although generally aware of the availability of a digital upgrade,¹¹ analog subscribers are nevertheless reluctant to convert to digital handsets, citing coverage, expense and ease of use as the primary factors in this decision.

As C&CC has reported, it is attempting to address the concerns of coverage and cost to encourage analog subscribers to convert to ALI-compliant digital handsets, while maintaining the economic stability required for it to continue its sole-source wireless service provision throughout approximately 9,000 square miles of rural eastern Montana. Continuing on schedule with its construction plans to enhance and expand digital service,¹² C&CC also continues its aggressive financial incentive offerings in response to cost concerns.

The results of the survey will assist C&CC in focusing its handset penetration efforts on specific subscriber concerns. Consistent with its commitment to provide quarterly updates regarding its efforts and progress toward meeting the ultimate 95% penetration goal, C&CC will also include in these reports the efforts undertaken to address concerns raised by survey results. C&CC plans to file its first such quarterly report during March, 2006.

Respectfully submitted,



Sylvia Lesse
Counsel for
Cable & Communications Corporation

Attachments

¹⁰ 11% of the respondents report plans to convert to digital (ALI-compliant) handsets within the next six months; 11% report their intent to convert to digital within the next year. Assuming these plans materialize, this conversion rate, together with the addition of new subscribers and failure of older phones, should allow C&CC to meet its projected penetration rate of 50% by December 31, 2006. *See* Petition at p. 12. With 17% reporting plans to convert "within next couple of years" and 59% taking the position that voluntary digital conversion is not being considered, C&CC's concern regarding its ability to meet any arbitrary penetration deadline is also validated. *See* Petition at p. 10.

¹¹ Only approximately 13% of respondents reported that they were unaware that C&CC had recently upgraded its system to provide digital service. Nevertheless, this result suggests that additional effort to educate this population group may yield more digital conversions, and C&CC will take this factor into consideration in its continuing process of assessing promotional campaign designs and implementation plans.

¹² Since its original filing, C&CC has completed two internal extension projects (one notification application is in the process of completion), and a recently-filed Phase II major amendment application remains pending.

CELLULAR SURVEY

The purpose of this survey is to gather information for use in the planning and updating of the Mid-Rivers Cellular system. We know your time is valuable to you, so for taking the time to complete and return this survey we are offering a **\$5.00 account credit on your next Mid-Rivers Cellular bill**. To claim your \$5.00 account credit, please provide the following information:

Name: _____

Mid-Rivers Cellular Account Number (shown on bill): _____

1. How many **individuals** are in the household / business covered by your cellular account? _____

How many of these individuals use:

- a. An **Analog** (Bag) Phone _____
- b. A **Digital** (Handheld) Phone _____
- c. **Both** an Analog (Bag) and a Digital (Handheld) Phone _____
- d. If not sure, please list the model number(s) of the phone(s) _____

1. If your household / business currently owns **only an ANALOG (BAG) phone**, when do you plan to upgrade to a digital (handheld) phone? (**CHOOSE ONE**)

- a. Within next six months _____
- b. Within the next year _____
- c. Within the next couple of years _____
- d. If you do not plan to upgrade your phone soon, please explain why: _____

1. For what **purposes** do you use your cellular phone (**PLEASE CHECK ALL THAT APPLY**):

- a. Safety/Security _____
- b. Business _____
- c. Calling family/friends _____
- d. Long Distance toll calls _____

1. **How often** do you use your cellular phone? (**CHECK ONE**)

- a. Only for Emergencies _____
- b. Daily _____
- c. Weekly _____
- d. Monthly _____

1. In what geographic area do you **most often** use your cellular phone? (**CHECK ONE**)

- a. **WITHIN** Mid-Rivers' cellular service area _____
- b. **OUTSIDE** Mid-Rivers' cellular service area _____

1. Where do you live (nearest town)? _____
How far do you live from that town (miles)? _____

7. Are you aware that Mid-Rivers recently upgraded its cellular system from an all-analog system to an analog / digital system? YES _____ NO _____

8. Did you know you can use a **signal strength booster** with a digital phone to get better coverage?
YES _____ (*Continue to Question 9*) NO _____ (*Skip to Question 10*)

9. If so, **and** if you already have a **DIGITAL** (Handheld) phone, do you also own a booster?
YES _____ NO _____

10. Additional Comments: _____

THANK YOU!

DECLARATION OF GERRY ANDERSON

I, Gerry Anderson, General Manager of Cable & Communications Corporation, do hereby declare under penalty of perjury that I have read the foregoing "Supplement to E-911 Waiver Request" and that the facts stated therein are true and correct, to the best of my knowledge, information and belief.

3/2/2006
Date

Gerry Anderson
Gerry Anderson

Certificate of Service

I, Sylvia Lesse, of Communications Advisory Counsel, LLC, hereby certify that on this 2nd day of March, 2006, I caused to be delivered, via first-class US mail, postage prepaid, a copy of the foregoing "Petition for Waiver of Cable & Communications Corporation" on the following:

Captain Kevin Krausz
Miles City Police Dept.
PSAP for Custer County, Montana
PSAP for Garfield County, Montana
2420 Bridge Street
Miles City MT 59301

Sheriff Kelly Pierson
Garfield County Sheriff's Office
PO Box 103
Jordan MT 59337

Chief Alan Michaels
Glendive Police Department
PSAP for Dawson County, Montana
PO Box 1372
Glendive MT 59330

Chuck Lee
PSAP Manager - Fallon County
PSAP for Fallon, Carter,
Prairie and Wibaux Co's, MT
PO Box 1061
Baker, MT 59313

Sheriff Rusty Jardee
Carter County Sheriff
PO Box 323
Ekalaka MT 59324

Sheriff John Grainger
Roosevelt County Sheriff
PSAP for Roosevelt County
PO Box 280
Wolf Point, MT 59201

Jeff Cohen*
Wireless Telecommunications Bureau
Federal Communications Commission
445 Twelfth St, SW
Washington, DC 20554

Sheriff William Klunder
Prairie County Sheriff's Office
PO Box 126
Terry MT 59349

Sheriff Darby S. Harrington
Wibaux County Sheriff's Office
PO Box 322
Wibaux MT 59353

Sheriff Dave Harris
McCone County Sheriff's Office
PSAP for McCone County, Montana
905 B Avenue, PO Box 201
Circle, MT 59215

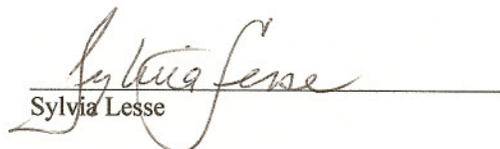
Sheriff John Blain
Powder Riv. Co. Sheriff's Office
PSAP for Powder River Co., MT
Box 71 Courthouse Square
Broadus MT 59317

Sheriff Brad Baisch
Richland County Sheriff's Office
PSAP for Richland Co., MT
110 2nd Ave NW
Sidney, MT 59270

Sheriff Glen C. Gillett
Petroleum County Sheriff's Office
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Winnett, MT 59087

Mindy Littell*
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445 Twelfth St, SW
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* Via electronic mail


Sylvia Lesse