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

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

ORDER

Adopted: March 15, 2006 **Released: March 15, 2006**

By the Commission:

I. INTRODUCTION

1. In this *Order*, we address five requests for relief from the Commission's wireless Enhanced 911 (E911) Phase II requirements[1] filed by Tier III wireless service providers (Petitioners).[2] Specifically, Petitioners each seek a two-year extension of time to comply with the requirement in Section 20.18(g)(1)(v) of the Commission's Rules that carriers employing a handset-based E911 Phase II location technology must achieve 95% penetration, among their subscribers, of location-capable handsets by December 31, 2005.[3]

2. Timely compliance with the Commission's wireless E911 rules ensures that the important public safety needs of wireless callers requiring emergency assistance are met as quickly as possible. In analyzing requests for extensions of the Phase II deadlines, the Commission has afforded relief only when the requesting carrier has met the Commission's standard for waiver of the Commission's rules.[4] Where carriers have met the standard, the relief granted has required compliance with the Commission's rules and policies within the shortest practicable time.[5] We are also mindful of Congress' directive in the

[1] *See* Request for Waiver of the December 31, 2005 95% GPS Subscriber Penetration Requirement by CTC Telecom, Inc., CC Docket No. 94-102, filed Dec. 5, 2005 (CTC Request); Request for Waiver of the December 31, 2005 95% GPS Subscriber Penetration Requirement by Blanca Telephone Company, CC Docket No. 94-102, filed Dec. 12, 2005 (Blanca Request); Petition for Temporary Waiver or Temporary Stay by Texas RSA 15B2 Limited Partnership d/b/a Five Star Wireless, CC Docket No. 94-102, filed Dec. 14, 2005 (Five Star Request); Petition for Temporary Waiver or Temporary Stay by CC Communications, CC Docket No. 94-102, filed Dec. 21, 2005 (CC Request); Petition for Temporary Waiver or Temporary Stay by Uintah Basic Electronic Telecommunications d/b/a UBET Wireless, CC Docket No. 94-102, filed Dec. 21, 2005 (UBET Request).

[2] Tier III carriers are non-nationwide Commercial Mobile Radio Service (CMRS) providers with no more than 500,000 subscribers as of the end of 2001. *See* 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, 14848 ¶ 22 (2002) (*Non-Nationwide Carriers Order*).

[3] *See* 47 C.F.R. § 20.18(g)(1)(v).

[4] *See* 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*, 20 FCC Rcd 7709, 7709-7710 ¶ 1 (2005) (*Tier III Carriers Order*).

[5] *See id.*

ENHANCE 911 Act to grant waivers for Tier III carriers of the 95% penetration benchmark if "strict enforcement . . . would result in consumers having decreased access to emergency services."[6]

3. Pursuant to the ENHANCE 911 Act, and based on the record before us, we find that limited relief from the 95% handset penetration requirement, until one year following release of this *Order*, is warranted subject to certain conditions described below. These conditions are particularly important because Petitioners have failed to demonstrate a "clear path to full compliance" with the Commission's December 31, 2005 handset penetration requirement consistent with the Commission's E911 waiver standards.[7]

II. BACKGROUND

A. Phase II Requirements

4. The Commission's E911 Phase II rules require wireless licensees to provide Public Safety Answering Points (PSAPs) with Automatic Location Identification (ALI) information for 911 calls.[8] Licensees can provide ALI information by deploying location information technology in their networks (a network-based solution),[9] or Global Positioning System (GPS) or other location technology in subscribers' handsets (a handset-based solution).[10] The Commission's rules also establish phased-in schedules for carriers to deploy any necessary network components and begin providing Phase II service.[11] However, before a wireless licensee's obligation to provide E911 service is triggered, a PSAP must make a valid request for E911 service, *i.e.*, the PSAP must be capable of receiving and utilizing the data elements associated with the service and must have a mechanism in place for recovering its costs.[12]

5. In addition to deploying the network facilities necessary to deliver location information, wireless licensees that elect to employ a handset-based solution must meet the handset deployment benchmarks set forth in Section 20.18(g)(1) of the Commission's Rules, independent of any PSAP request for Phase II service.[13] After ensuring that 100% of all new digital handsets activated are location-

[6] National Telecommunications and Information Administration Organization Act – Amendment, Pub. L. No. 108-494, 118 Stat. 3986 (2004). *See also infra* ¶ 8.

[7] Because we find that some relief from the 95% handset penetration requirement is warranted pursuant to the ENHANCE 911 Act, we need not determine whether Petitioners have met the Commission's waiver standard. *See* Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems; Farmers Mutual Telephone Company Petition for Limited Waiver, CC Docket No. 94-102, *Order*, FCC 06-16 (rel. Feb. 22, 2006); Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems; Request for Waiver by Virginia Cellular LLC, Inc. d/b/a Cellular One, CC Docket No. 94-102, *Order*, FCC 06-20 (rel. Feb. 22, 2006).

[8] *See* 47 C.F.R. § 20.18(e).

[9] Network-based location solutions employ equipment and/or software added to wireless carrier networks to calculate and report the location of handsets dialing 911. These solutions do not require changes or special hardware or software in wireless handsets. *See* 47 C.F.R. § 20.3, *Network-based Location Technology*.

[10] Handset-based location solutions employ special location-determining hardware and/or software in wireless handsets, often in addition to network upgrades, to identify and report the location of handsets calling 911. *See* 47 C.F.R. § 20.3, *Location-Capable Handsets*.

[11] *See* 47 C.F.R. §§ 20.18(f), (g)(2).

[12] *See* 47 C.F.R. § 20.18(j)(1).

[13] *See* 47 C.F.R. § 20.18(g)(1).

capable, licensees must achieve 95% penetration among their subscribers of location-capable handsets no later than December 31, 2005.[14]

B. Waiver Standards

6. The Commission has recognized that smaller carriers may face "extraordinary circumstances" in meeting one or more of the deadlines for Phase II deployment.[15] The Commission previously has stated its expectations for requests for waiver of the E911 Phase II requirements. Waiver requests must be "specific, focused and limited in scope, and with a clear path to full compliance. Further, carriers should undertake concrete steps necessary to come as close as possible to full compliance . . . and should document their efforts aimed at compliance in support of any waiver requests."[16] To the extent that a carrier bases its request for relief on delays that were beyond its control, it must submit specific evidence substantiating the claim, such as documentation of the carrier's good faith efforts to meet with outside sources whose equipment or services were necessary to meet the Commission's benchmarks.[17] When carriers rely on a claim of financial hardship as grounds for a waiver, they must provide sufficient and specific factual information.[18] A carrier's justification for a waiver on extraordinary financial hardship grounds may be strengthened by documentation demonstrating that it has used its best efforts to obtain financing for the required upgrades from available Federal, state, or local funding sources.[19] The Commission also noted, in considering earlier requests for relief by Tier III carriers, that it

> expects all carriers seeking relief to work with the state and local E911 coordinators and with all affected PSAPs in their service area, so that community expectations are consistent with a carrier's projected compliance deadlines. To the extent that a carrier can provide supporting evidence from the PSAPs or state or local E911 coordinators with whom the carrier is assiduously working to provide E911 services, this would provide evidence of its good faith in requesting relief.[20]

7. In applying the above criteria, the Commission has in the past recognized that special circumstances particular to smaller carriers may warrant limited relief from E911 requirements. For example, the Commission has noted that some Tier III carriers face unique hurdles such as significant financial constraints, small and/or widely dispersed customer bases, and large service areas that are

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[14] *See* 47 C.F.R. § 20.18(g)(1)(v).

[15] *See Tier III Carriers Order*, 20 FCC Rcd at 7714 ¶ 9; *Non-Nationwide Carriers Order*, 17 FCC Rcd at 14846 ¶ 20 ("wireless carriers with relatively small customer bases are at a disadvantage as compared with the large nationwide carriers in acquiring location technologies, network components, and handsets needed to comply with our regulations"); 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, 20994 ¶ 17 (2003)(*Order to Stay*) ("under certain conditions, small carriers may face extraordinary circumstances in meeting one or more of the deadlines for Phase II deployment and [] relief may therefore be warranted").

[16] 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, 17458 ¶ 44 (2000) (*Fourth MO&O*).

[17] *See Order to Stay*, 18 FCC Rcd at 20996-97 ¶ 25.

[18] *See id.* at 20997 ¶ 29. We note that the Commission generally is disinclined to find that financial hardship alone is a sufficient reason for an extension of the E911 implementation deadlines. *Id.*

[19] *See id.*

[20] *Id.* at 20997 ¶ 28.

isolated, rural or characterized by difficult terrain (such as dense forest or mountains), along with a corresponding reduced customer willingness to forgo existing handsets that may provide expanded range, but are not location-capable.[21] In evaluating requests for waiver from Tier III carriers, the Commission, therefore, has considered challenges unique to smaller carriers facing these circumstances.

8. Finally, distinct from the Commission's rules and established precedent regarding waivers of the E911 requirements, in December 2004 Congress enacted the Ensuring Needed Help Arrives Near Callers Employing 911 Act of 2004 (ENHANCE 911 Act).[22] The ENHANCE 911 Act, *inter alia,* directs the Commission to act on any petition filed by a qualified Tier III carrier requesting a waiver of Section 20.18(g)(1)(v) within 100 days of receipt, and grant such request for waiver if "strict enforcement of the requirements of that section would result in consumers having decreased access to emergency services."[23]

C. Requests for Waiver

9. *Five Star, CC, and UBET.* Five Star, CC, and UBET are each Tier III carriers serving rural areas.[24] CC currently operates an analog network and is in the process of completing a CDMA overbuild, which is scheduled for completion in 2008.[25] UBET operates a cellular system using both analog and Time Division Multiple Access (TDMA), and a Broadband Personal Communications Service (PCS) system using CDMA.[26] UBET is also in the process of overbuilding its TDMA network with CDMA.[27] Like UBET, Five Star provides service over analog and TDMA facilities, but also has completed overbuilding its TDMA network with CDMA, and is in the process of moving its TDMA subscribers onto this network.[28] Five Star and UBET indicate that, once the transfer of TDMA subscribers to CDMA is complete, their TDMA networks will be deactivated.[29]

10. Although these carriers state that they have adopted a handset-based E911 Phase II solution,[30] and that they currently activate only ALI-capable handsets,[31] they contend they are "unable" to

[21] *See Tier III Carriers Order*, 20 FCC Rcd at 7718, 7719, 7726, 7732, 7736-7737 ¶¶ 17, 19, 37, 57, 70.

[22] National Telecommunications and Information Administration Organization Act – Amendment, Pub. L. No. 108-494, 118 Stat. 3986 (2004).

[23] *Id.* at § 107(a), 118 Stat. 3986, 3991. The ENHANCE 911 Act defines a "qualified Tier III carrier" as "a provider of commercial mobile service (as defined in section 332(d) of the Communications Act of 1934 (47 U.S.C. 332(d)) that had 500,000 or fewer subscribers as of December 31, 2001." *Id.* at § 107(b), 118 Stat. 3986, 3991. Although demonstration of a "clear path to full compliance" is not required to warrant relief under the ENHANCE 911 Act, we continue to believe that this element of our waiver standard provides useful guidance in determining the extent to which such relief should be granted. *See* Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems; Farmers Mutual Telephone Company Petition for Limited Waiver, CC Docket No. 94-102, *Order*, FCC 06-16 (rel. Feb. 22, 2006); Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems; Request for Waiver by Virginia Cellular LLC, Inc. d/b/a Cellular One, CC Docket No. 94-102, *Order*, FCC 06-20 (rel. Feb. 22, 2006).

[24] Five Star Request at 1-3; CC Request at 1, 3; UBET Request at 2, 3.

[25] CC Request at 3 (indicating that its CDMA overbuild presently covers 50% of its coverage area).

[26] UBET Request at 3 (indicating that no cellular CDMA facilities have yet been placed into commercial service).

[27] *Id.*

[28] Five Star Request at 3.

[29] *Id.* at 3; UBET Request at 3.

[30] Five Star Request at 2; CC Request at 2; UBET Request at 2. In Five Star's original E911 Phase II Status Report filed in 2000, it indicated that it intended to deploy a network-based Phase II solution. Five Star Petition at 2 (citing E911 Phase II Status Report by Texas RSA 15B2 Limited Partnership d/b/a Five Star Wireless, CC Docket No. 94-

(continued....)

meet the December 31, 2005 deadline for achieving 95% penetration, among their subscribers, of ALI-capable handsets.[32] While these Petitioners' claimed penetration rates differ,[33] each requests a two-year extension of the deadline[34] and claims it merits relief under the ENHANCE 911 Act and satisfies the Commission's E911 waiver standards.

11. In support of their requests, these three Petitioners assert they have been "diligent" in their efforts to secure compliance with the 95% penetration deadline.[35] For example, Five Star states that it has "been diligent in advising its pre-existing customers (through bill inserts, telephone calls, newspaper advertisements, and radio broadcast and cable television advertisements) of the need to replace their non-ALI-capable handsets with ALI-capable ones . . ."[36] UBET states it has advised its customers of the need to replace older phones, through bill inserts, and newspaper and radio advertisements.[37] However, CC has not described its efforts to induce subscribers to upgrade.

12. Further, these three Petitioners all argue they "cannot compel the customers to change out the handsets until they are ready and willing to do so."[38] In this connection, they assert that rural subscribers "historically have tended to hold onto their wireless handsets for much longer than customers in larger, metropolitan markets."[39] Five Star and UBET add that their analog customers "strongly desire to retain [older bag-phone models] in service because their higher operating power translates into greater range," and CC notes that "older bag-phones and vehicle-mounted models . . . have greater range than newer model handsets."[40] All claim that their rural customers with three-watt analog bag phones in particular "strenuously resist when [the carriers] attempt[] to persuade them to replace their higher-power analog-only phones with the lower-power ALI-capable phones that are currently commercially available."[41] Accordingly, they contend that their failure to meet the December 31, 2005 deadline was due to "circumstances clearly beyond [their] control."[42]

13. *CTC and Blanca.* CTC provides PCS in one rural market in Idaho, and Blanca provides cellular service in two rural markets in Colorado.[43] Both report that they achieved a 100% location-capable handset activation rate prior to December 31, 2002, and have activated only ALI-capable

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102, filed Nov. 9, 2000). In a report filed in September 2005, however, Five Star notified the Commission that it had changed to a handset-based solution. Five Star Petition at 2; Updated E-911 Phase II Status Report by Texas RSA 15B2 Limited Partnership d/b/a Five Star Wireless, CC Docket No. 94-102, filed Sept. 9, 2005, at 1.

[31] Five Star Request at 3; CC Request at 3; UBET Request at 3.

[32] Five Star Request at 4; CC Request at 4; UBET Request at 4.

[33] Five Star Request at 4 (30%); CC Request at 4 (80%); UBET Request at 4 (74%).

[34] Five Star Request at 1; CC Request at 1; UBET Request at 1.

[35] Five Star Request at 9; CC Request at 8; UBET Request at 9.

[36] Five Star Request at 5.

[37] UBET Request at 5.

[38] Five Star Request at 4; CC Request at 3; UBET Request at 4.

[39] Five Star Request at 4; CC Request at 3; UBET Request at 4.

[40] Five Star Request at 9; CC Request at 9; UBET Request at 9.

[41] Five Star Request at 4; CC Request at 4; UBET Request at 4.

[42] Five Star Request at 4-5; CC Request at 4; UBET Request at 4.

[43] *See* CTC Request at 1-2; Blanca Request at 1.

handsets for close to three years.[44] However, CTC had achieved only a 75% penetration rate as of November 2005, and Blanca had only a 35% penetration rate as of October 2005.[45] They failed to meet the December 31, 2005 95% penetration deadline and request that their obligations to meet the 95% benchmark be deferred by two years.[46]

14. CTC indicates that its slow progress in upgrading its subscribers to location-capable handsets has occurred because "many subscribers are not willing to change technology at this time,"[47] including "a group who do not want to give up the range they have with the non-GPS capable handsets."[48] Blanca attributes its slow progress to the fact that it serves "a very hilly and mountainous area and [its] subscribers are not at all satisfied with the range provided by GPS capable handsets."[49] Both Petitioners attribute their current low penetration rate to a lack of churn among subscribers.[50] They argue that the requested extensions are warranted because their low penetration rates are a product of consumer reluctance to upgrade and because no PSAP in their respective service areas has yet requested Phase II service.[51]

III. DISCUSSION

15. We believe that it was critical for all handset-based carriers to have met the final implementation deadline of December 31, 2005 for 95% location-capable handset penetration, if at all possible. Such an outcome would have allowed all stakeholders (including carriers, technology vendors, public safety entities, and consumers) to have greater certainty about when Phase II would be implemented and would have ensured that Phase II would be fully implemented as quickly as possible.[52] Absent Phase II location data, emergency call takers and responders must expend critical time and resources questioning wireless 911 callers to determine their location, and/or searching for those callers when the callers cannot provide this information. At the same time, however, the Commission has recognized that requests for waiver of E911 requirements may be justified, but only if appropriately limited, properly supported, and consistent with established waiver standards.[53] Accordingly, when addressing requests for waiver of the 95% handset penetration deadline, we remain mindful that delay in achieving the required handset penetration level could impair the delivery of safety-of-life services to the public. We must also remain mindful, however, of Congress' directive in the ENHANCE 911 Act to grant Tier III waivers if strict enforcement would result in consumers having decreased access to emergency services.[54]

16. Consistent with that directive and based on the record before us, we believe that some extension of the December 31, 2005 deadline for each of the Petitioners is warranted under the

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[44] CTC Request at 1; Blanca Request at 1.

[45] *See* CTC Request at 2; Blanca Request at 2.

[46] CTC Request at 1; Blanca Request at 1.

[47] *See* CTC Request at 2.

[48] *Id.*

[49] *See* Blanca Request at 2.

[50] *See* CTC Request at 2; Blanca Request at 2.

[51] *See* CTC Request at 2-3; Blanca Request at 2-3.

[52] *See Non-Nationwide Carriers Order*, 17 FCC Rcd at 14853 ¶ 38.

[53] *See Tier III Carriers Order*, 20 FCC Rcd at 7709-7710 ¶ 1; *Non-Nationwide Carriers Order*, 17 FCC Rcd at 14842-14843 ¶ 6.

[54] *See supra* ¶ 8.

ENHANCE 911 Act.[55] Each of the Petitioners indicates that certain of its subscribers use higher-power but non-location-capable phones that afford greater range than can be obtained with digital, location-capable handsets.[56] Therefore, we find that certain of each Petitioner's customers would likely find it more difficult, and, at times, impossible to contact a PSAP in parts of their respective service areas if those customers were forced to convert to digital CDMA handsets. It thus appears likely that strict enforcement of the December 31, 2005 deadline under these circumstances would impair the ability of certain 911 callers to reach emergency assistance, and thus "would result in consumers having decreased access to emergency services," within the meaning of the ENHANCE 911 Act,[57] at least in some cases. We therefore conclude that a limited waiver of the December 31, 2005 deadline is warranted, subject to certain conditions and reporting requirements to permit effective monitoring of Petitioners' progress towards full compliance with the Commission's location-capable handset penetration requirement.

17. However, we find that Petitioners have not provided sufficient information to warrant the full two-year extension they seek, because they have failed to demonstrate a "clear path to full compliance" with the 95% handset penetration requirement.[58] In this regard, we note that none of the Petitioners has described the measures it plans to take to ensure that its subscribers acquire ALI-capable handsets within the shortest practicable time, or even within its requested two-year timeframes. Five Star and UBET discuss only the measures they have taken in the past, which were met with only limited success. Petitioners have not described any marketing and consumer education plans or other affirmative efforts directed at transitioning subscribers to location-capable handsets as quickly as possible. This failure to demonstrate a clear path to full compliance is particularly troubling, given the poor penetration levels Petitioners reported as of the dates of their filings.

18. We fully expect Petitioners to engage in all necessary efforts to ensure that they meet the 95% handset penetration benchmark as quickly as possible. Absent each Petitioner's undertaking all such necessary efforts on an ongoing basis, Petitioners should not assume that the Commission would act favorably on any future request for relief based on these same grounds. In sum, taking into account the totality of the circumstances affecting Petitioners, including their status as Tier III carriers, and the presence of subscribers with higher-power handsets on their networks, and consistent with the ENHANCE 911 Act, we are granting Petitioners a limited extension of one year from the release of this *Order* to achieve a 95% handset penetration level, among their subscribers, and are imposing certain conditions and reporting obligations so that we may monitor Petitioners' compliance efforts.[59]

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[55] Although CTC and Blanca have not expressly argued that the requested relief should be granted pursuant to the ENHANCE 911 Act, we find it appropriate to apply the ENHANCE 911 Act standard *sua sponte*. The ENHANCE 911 Act does not require a qualified Tier III carrier to specifically invoke the ENHANCE 911 Act in order to obtain relief under the Act from the 95% penetration requirement. Rather, the Act states that the Commission shall grant relief from the 95% penetration requirement if "[the Commission] determines that strict enforcement of that section would result in consumers having decreased access to emergency services." *See* Pub. L. No. 108-494, § 107(a), 118 Stat. 3986, 3991.

[56] *See* CTC Request at 2; Blanca Request at 2; Five Star Request at 12; CC Request at 11; UBET Request at 12.

[57] Pub. L. No. 108-494, § 107(a), 118 Stat. 3986, 3991.

[58] *See* Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems; Farmers Mutual Telephone Company Petition for Limited Waiver, CC Docket No. 94-102, *Order*, FCC 06-16 (rel. Feb. 22, 2006); Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems; Request for Waiver by Virginia Cellular LLC, Inc. d/b/a Cellular One, CC Docket No. 94-102, *Order*, FCC 06-20 (rel. Feb. 22, 2006).

[59] We note that the Commission has not received any objections from the public safety community with respect to the instant requests.

19. *Conditions of Grant.* As a condition of the relief granted herein, Petitioners have an *ongoing obligation, until they achieve a 95% handset penetration rate, among their subscribers, of* location-capable handsets, to (1) notify their customers, such as by billing inserts, of the status of PSAP requests for Phase II service, to the effect that by upgrading their handsets they will have the ability to automatically transmit their location information, and (2) actively work with the PSAPs to keep them informed of their progress in achieving higher location-capable handset penetration rates.

20. *Reporting Requirements.* Finally, in order to monitor compliance in accordance with the relief of the December 31, 2005 95% handset penetration requirement granted herein, we will require Petitioners to file status reports every February 1, May 1, August 1, and November 1, until two years from the release of this *Order*.[60] These reports shall include the following information for each Petitioner: (1) the number and status of Phase II requests from PSAPs (including those requests it may consider invalid); (2) the dates on which Phase II service has been implemented or will be available to PSAPs served by its network; (3) the status of its coordination efforts with PSAPs for alternative 95% handset penetration dates; (4) its efforts to encourage customers to upgrade to location-capable handsets; (5) the percentage of its customers with location-capable phones; and (6) until it satisfies the 95% penetration rate, detailed information on its progress in achieving compliance and whether it is on schedule to meet the revised deadline. We emphasize that irrespective of the relief we grant in this *Order*, we fully expect Petitioners to achieve compliance as quickly as possible.

IV. CONCLUSION

21. For the foregoing reasons and pursuant to the ENHANCE 911 Act, we conclude that Petitioners are entitled to a limited extension of the December 31, 2005 requirement that they achieve 95% penetration, among their subscribers, of location-capable handsets. Specifically, we extend the date that Petitioners must achieve 95% penetration until one year following release of this *Order*, and impose conditions and reporting requirements to ensure that they achieve full compliance with the Commission's E911 requirements.

V. ORDERING CLAUSES

22. IT IS ORDERED, pursuant to the ENHANCE 911 Act, Pub. L. No. 108-494, 118 Stat. 3986 (2004), and Sections 1.3 and 1.925 of the Commission's rules, 47 C.F.R. §§ 1.3, 1.925, that this *Order* IS ADOPTED.

23. IT IS FURTHER ORDERED, that the Request for Waiver of the December 31, 2005 95% GPS Subscriber Penetration Requirement by CTC Telecom, Inc. IS GRANTED IN PART to the extent described above, and subject to the conditions and reporting requirements specified herein. The deadline for compliance with Section 20.18(g)(1)(v) will be one year following release of this *Order*.

24. IT IS FURTHER ORDERED, that the Request for Waiver of the December 31, 2005 95% GPS Subscriber Penetration Requirement by Blanca Telephone Company IS GRANTED IN PART

[60] We are requiring Petitioners to file status reports beyond the date on which we otherwise require them to achieve 95% penetration, among their subscribers, of location-capable handsets. We believe it is important to continue monitoring Petitioners' progress for an additional year following the revised deadlines. Moreover, this requirement is consistent with what has been imposed upon other entities receiving similar waiver relief. *See* Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems; Farmers Mutual Telephone Company Petition for Limited Waiver, CC Docket No. 94-102, *Order*, FCC 06-16 (rel. Feb. 22, 2006); Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems; Request for Waiver by Virginia Cellular LLC, Inc. d/b/a Cellular One, CC Docket No. 94-102, *Order*, FCC 06-20 (rel. Feb. 22, 2006).

to the extent described above, and subject to the conditions and reporting requirements specified herein. The deadline for compliance with Section 20.18(g)(1)(v) will be one year following release of this *Order*.

25. IT IS FURTHER ORDERED, that the Petition for Temporary Waiver or Temporary Stay by Texas RSA 15B2 Limited Partnership d/b/a Five Star Wireless IS GRANTED IN PART to the extent described above, and subject to the conditions and reporting requirements specified herein. The deadline for compliance with Section 20.18(g)(1)(v) will be one year following release of this *Order*.

26. IT IS FURTHER ORDERED, that the Petition for Temporary Waiver or Temporary Stay by CC Communications IS GRANTED IN PART to the extent described above, and subject to the conditions and reporting requirements specified herein. The deadline for compliance with Section 20.18(g)(1)(v) will be one year following release of this *Order*.

27. IT IS FURTHER ORDERED, that the Petition for Temporary Waiver or Temporary Stay by Uintah Basic Electronic Telecommunications d/b/a UBET Wireless IS GRANTED IN PART to the extent described above, and subject to the conditions and reporting requirements specified herein. The deadline for compliance with Section 20.18(g)(1)(v) will be one year following release of this *Order*.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch

Marlene H. Dortch
Secretary