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

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

ORDER

Adopted: March 7, 2006 **Released: March 8, 2006**

By the Commission:

I. INTRODUCTION

1. In this Order, we address thirteen 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 seek varying extensions 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]

[1] *See* Request for Waiver of GPS Handset Penetration Rule by Badlands Cellular of North Dakota Limited Partnership, CC Docket No. 94-102, filed Dec. 2, 2005 (Badlands Request); Request for Waiver of GPS Handset Penetration Rule by New York RSA 2 Cellular Partnership, CC Docket No. 94-102, filed Dec. 2, 2005 (New York RSA 2 Request); Request for Waiver of GPS Handset Penetration Rule by Iowa RSA 10 General Partnership, CC Docket No. 94-102, filed Dec. 2, 2005 (Iowa 10 Request); Request for Waiver of GPS Handset Penetration Rule by St. Lawrence Seaway RSA Cellular Partnership, CC Docket No. 94-102, filed Dec. 2, 2005 (St. Lawrence Request); Request for Waiver of GPS Handset Penetration Rule by Colorado 7 – Saguache Limited Partnership, CC Docket No. 94-102, filed Dec. 5, 2005 (Colorado 7 Request); Request for Waiver of GPS Handset Penetration Rule by Wyoming 1 – Park Limited Partnership, CC Docket No. 94-102, filed Dec. 5, 2005 (Wyoming 1 Request); Request for Waiver of GPS Handset Penetration Rule by RSA 7 Limited Partnership, CC Docket No. 94-102, filed Dec. 5, 2005 (Iowa 7 Request); Request for Waiver of GPS Handset Penetration Rule by Iowa 8 – Monona Limited Partnership, CC Docket No. 94-102, filed Dec. 5, 2005 (Iowa 8 Request); Request for Waiver of GPS Handset Penetration Rule by WUE, Inc., CC Docket No. 94-102, filed Dec. 5, 2005 (WUE Request); Request for Waiver of GPS Handset Penetration Rule by San Isabel Cellular of Colorado Limited Partnership, CC Docket No. 94-102, filed Dec. 5, 2005 (San Isabel Request); Request for Limited Waiver of Eastern Sub-RSA Limited Partnership, CC Docket No. 94-102, filed Dec. 9, 2005 (Eastern Request); Request for Limited Waiver of Washington RSA No. 8 Limited Partnership, CC Docket No. 94-102, filed Dec. 9, 2005 (Washington RSA 8 Request); South Canaan Cellular Communications Company, LP Request for Extension, CC Docket No. 94-102, filed Jan. 26, 2006 (South Canaan 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).

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 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 relief from the 95% penetration requirement is warranted subject to certain conditions described below. Specifically, we grant Petitioners' requests until June 30, 2006, October 31, 2006, or December 31, 2006, as applicable, to achieve 95% penetration among their subscribers of location-capable handsets.[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

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[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.*

[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 relief from the 95% handset penetration requirement is warranted pursuant to the ENHANCE 911 Act, we need not determine whether the Petitioners met the Commission's waiver standard.

[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).

request for Phase II service.[13] After ensuring that 100% of all new digital handsets activated are location-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

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[13] *See* 47 C.F.R. § 20.18(g)(1).

[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] *Order to Stay*, 18 FCC Rcd at 20997 ¶ 28.

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 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. Petitioners are Tier III carriers that operate in rural areas and have deployed CDMA networks while continuing to operate legacy analog networks.[24] Each indicates, however, that it did not expect to be able to meet the December 31, 2005 deadline by which handset-based carriers must achieve 95% penetration among their subscribers of location-capable handsets. Petitioners report varying levels of penetration rates as of the date of their filings and request relief of either six months, until July 1, 2006, ten months, until October 31, 2006, or, in one case, one year, until December 31, 2006, to reach 95% penetration.[25] Petitioners argue that their requests meet the standard for relief under the ENHANCE 911 Act as well as the Commission's E911 waiver standards.[26]

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[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.

[24] *See* Badlands Request at 1-2, 7; New York RSA 2 Request at 1-2, 7; Iowa 10 Request at 1-2, 6; St. Lawrence Request at 1-2, 7; Colorado 7 Request at 1-2, 7; Wyoming 1 Request at 1-2, 6; Iowa 7 Request at 1, 6; Iowa 8 Request at 1, 6; WUE Request at 1, 6; San Isabel Request at 1-2, 7; Eastern Request at 2; Washington RSA 8 Request at 2; South Canaan Request at 2.

[25] *See* Badlands Request at 1; New York RSA 2 Request at 1; Iowa 10 Request at 1; St. Lawrence Request at 1; Colorado 7 Request at 1; Wyoming 1 Request at 1; Iowa 7 Request at 1; Iowa 8 Request at 1; WUE Request at 1; San Isabel Request at 1 (all reporting between 89 and 93% penetration levels as of the date of filing and requesting relief until June 20, 2006); Eastern Request at 4 (reporting 82.5% as of the date of filing, requesting relief until October 31, 2006); Washington RSA 8 Request at 4 (reporting 92.8% as of the date of filing, requesting relief until October 31, 2006); South Canaan Request at 2 (reporting 71% as of the date of filing, requesting relief until December 31, 2006).

[26] *See* Badlands Request at 4-7; New York RSA 2 Request at 4-7; Iowa 10 Request at 4-7; St Lawrence Request at 4-7; Colorado 7 Request at 4-7; Wyoming 1 Request at 4-7; Iowa 7 Request at 4-7; Iowa 8 Request at 4-7; WUE Request at 4-7; San Isabel Request at 4-7; Eastern Request at 6-9; Washington RSA 8 Request at 6-9; South Canaan Request at 1-3. Although South Canaan has 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

(continued....)

10. In support of their respective requests, ten of the Petitioners assert that they have engaged in long-term, diligent efforts to encourage subscribers with analog handsets to upgrade.[27] These Petitioners assert that their efforts include: offering varied and discounted GPS handsets; outbound telemarketing, and targeted text message and direct mail programs, to customers with non-compliant handsets; a program urging non-GPS customers to upgrade when they call customer service; providing information on the public safety benefits of E911; and providing consumers with a web-based look-up tool to confirm their handset's E-911 Phase II capability.[28] Despite these efforts, these Petitioners state that some subscribers have been unwilling to relinquish their non-GPS phones and upgrade to location-capable handsets.[29] These Petitioners argue that their "customers should not be forced to give up higher-powered analog handsets that might provide better coverage across larger [rural] terrain."[30]

11. Two Petitioners, Eastern and Washington RSA 8, argue that they have devoted significant amounts of their resources to meeting the 95% penetration deadline.[31] Since November 2003, these Petitioners have provided free location-capable handsets to new customers and to existing customers who renew their service and sign new service agreements.[32] They add that "[t]o further enhance the effectiveness of this program," they plan "to begin an aggressive campaign" targeted at analog subscribers that includes "direct mail flyers, in-store point-of-purchase flyers, notification on either their monthly statements or as an insert to their monthly statement, or by direct phone calls."[33] Both also point to plans for encouraging analog subscribers to upgrade to location-capable, digital phones, including offering "500 bonus minutes to qualified subscribers if they upgrade" and "constructing additional facilities to enhance . . . digital coverage."[34] Eastern and Washington RSA 8 also note that their systems serve a "vast geographic area, sparsely populated and characterized by rugged and variable terrain."[35] Because of the "remote nature" of their service areas and the "varying terrain," both claim that

(...continued from previous page)
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.

[27] *See* Badlands Request at 2; New York RSA 2 Request at 2; Iowa 10 Request at 2; St. Lawrence Request at 2; Colorado 7 Request at 2; Wyoming 1 Request at 2; Iowa 7 Request at 2; Iowa 8 Request at 2, 6; WUE Request at 1-2; San Isabel Request at 2.

[28] *See* Badlands Request at 3-4; New York RSA 2 Request at 3-4; Iowa 10 Request at 3-4; St Lawrence Request at 3-4; Colorado 7 Request at 3-4; Wyoming 1 Request at 3-4; Iowa 7 Request at 3-4; Iowa 8 Request at 3-4; WUE Request at 3; San Isabel Request at 3-4.

[29] *See* Badlands Request at 2; New York RSA 2 Request at 2; Iowa 10 Request at 2; St Lawrence Request at 2; Colorado 7 Request at 2; Wyoming 1 Request at 2; Iowa 7 Request at 2; Iowa 8 Request at 8; WUE Request at 1-2; San Isabel Request at 2.

[30] *See* Badlands Request at 7; New York RSA 2 Request at 6-7; Iowa 10 Request at 6; St Lawrence Request at 6-7; Colorado 7 Request at 7; Wyoming 1 Request at 6; Iowa 7 Request at 6; Iowa 8 Request at 6; WUE Request at 6; San Isabel Request at 6-7.

[31] *See* Eastern Request at 1; Washington RSA 8 Request at 1.

[32] *See* Eastern Request at 5; Washington RSA 8 Request at 5. Petitioners add that not only do they offer "a number of ALI-capable handsets with public safety features... [but] four different models to customers at no additional charge with a new service contract." Eastern Request at 8; Washington RSA 8 Request at 8.

[33] *See* Eastern Request at 5; Washington RSA 8 Request at 5.

[34] *See* Eastern Request at 5-6; Washington RSA 8 Request at 5-6. We note that Eastern and Washington RSA 8 also plan to "introduce a digital bag-phone manufactured by Motorola which will have transmission characteristics that approach those of traditional analog phones" and make available for purchase "external antennas and signal boosters that can be attached to its ALI-capable phones to enhance the signal quality." Eastern Request at 6; Washington RSA 8 Request at 6.

[35] *See* Eastern Request at 3; Washington RSA 8 Request at 3.

some customers are "very reluctant to convert from traditional analog phones, which have more powerful mobile antennae, to more advanced, location-capable digital phones."[36]

12. Lastly, one Petitioner, South Canaan, previously was granted a limited extension of the 95% penetration requirement until January 31, 2006 pursuant to the *Tier III Carriers Order*.[37] While the Commission did not at that time grant South Canaan the full extension it requested (South Canaan requested relief until December 31, 2007), the Commission stated: "[o]ur decision does not preclude South Canaan from seeking additional relief of the handset penetration deadline under the standard articulated in the ENHANCE 911 Act."[38] In its renewed request, South Canaan notes that despite its efforts, "more than five percent of its subscriber base has chosen not to utilize ALI-compliant phones."[39] South Canaan states it has engaged in "aggressive marketing and education campaigns," including "generous discounts on popular models of compliant handsets" and "at least two models which are completely subsidized, i.e., free to the consumer."[40] South Canaan adds that "[b]ecause subscribers may be reluctant to depart from analog technology due to the decrease in service areas generally associated with digital handsets when compared with their higher-powered analog counterparts, South Canaan has also embarked upon an aggressive build-out plan," and that "[a]dvertisement of the improvement in digital coverage" as well as its "educational campaign, designed to inform subscribers of the benefits associated with digital service (as well as the inability to provide automatic location information to emergency service providers from analog phones)" is expected to increase penetration levels.[41] South Canaan submits that its efforts would "serve the public interest in maximum access to emergency services by ensuring that . . . those with analog phones will continue to have access to the network."[42]

III. DISCUSSION

13. We believe that it was critical for all handset-based carriers to meet the final implementation deadline of December 31, 2005 for 95% location-capable handset penetration, if at all possible, in order to allow all stakeholders (including carriers, technology vendors, public safety entities, and consumers) to have greater certainty about when Phase II would be implemented and ensure that Phase II would be fully implemented as quickly as possible.[43] 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.[44] 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,

[36] *See* Eastern Request at 3; Washington RSA 8 Request at 3.

[37] *See Tier III Carriers Order*, 20 FCC Rcd at 7739-40, ¶¶ 77-78 (granting limited relief of the 95% penetration requirement).

[38] *Id.* at 7740 ¶ 78 n. 200.

[39] *See* South Canaan Request at 1.

[40] *See id.* at 2.

[41] *See id.* at 2-3.

[42] *See id.* at 3.

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

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

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.[45]

14. Consistent with that directive, we find that certain of Petitioners' customers using analog phones would likely find it more difficult to contact a PSAP in certain 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 "would result in consumers having decreased access to emergency services," within the meaning of the ENHANCE 911 Act,[46] at least in some cases. We therefore conclude that relief from the December 31, 2005 deadline is warranted pursuant to the ENHANCE 911 Act. We also note that the requests are of limited duration. Accordingly, we grant the requested extensions subject to certain conditions and reporting requirements to enable the Commission to effectively monitor each of the Petitioner's progress in meeting the 95% handset penetration benchmark.[47] We emphasize that, in granting the full extensions requested by Petitioners, we expect Petitioners to achieve 95% penetration among their subscribers of location-capable handsets within the extended timeframes granted herein.

15. *Conditions.* As a condition of the relief granted herein, Petitioners have an ongoing obligation, until each achieves a 95% handset penetration rate among its 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.

16. *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 each of the Petitioners to file status reports. For Petitioners requesting relief until June 30, 2006,[48] status reports will be due every February 1, May 1, August 1, and November 1, until June 30, 2007; for Petitioners requesting relief until October 31, 2006,[49] status reports will be due every February 1, May 1, August 1, and November 1, until October 31, 2007; and for the one remaining Petitioner (South Canaan) requesting relief until December 31, 2006, status reports will be due every February 1, May 1, August 1, and November 1, until December 31, 2007.[50] 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 each satisfies the 95% penetration rate, detailed information on its status in achieving compliance and whether it is on schedule

[45] *See supra* ¶ 8.

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

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

[48] This includes Badlands, NY RSA 2, Iowa 10, St. Lawrence, Colorado 7, Wyoming 1, Iowa 7, Iowa 8, WUE, and San Isabel.

[49] This includes Eastern and Washington RSA 8.

[50] We note that we are requiring Petitioners to file status reports beyond the dates 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 the progress of the Petitioners for an additional year following each of their revised deadlines.

to meet the revised deadline. We emphasize that irrespective of the relief we grant in this Order, we fully expect each of the Petitioners to achieve compliance as quickly as possible.

IV. CONCLUSION

17. For the foregoing reasons and pursuant to the ENHANCE 911 Act, we conclude that all 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, (1) we extend the date that Badlands, NY RSA 2, Iowa 10, St. Lawrence, Colorado 7, Wyoming 1, Iowa 7, Iowa 8, WUE, and San Isabel must achieve 95% penetration until June 30, 2006, (2) we extend the date that Eastern and Washington RSA 8 must achieve 95% penetration until October 31, 2006, and (3) we extend the date that South Canaan must achieve 95% penetration until December 31, 2006. We further impose the conditions and reporting requirements described above to ensure that all Petitioners achieve full compliance with the Commission's E911 requirements.

V. ORDERING CLAUSES

18. 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 the foregoing *Order* IS ADOPTED.

19. IT IS FURTHER ORDERED, that the Request for Waiver of GPS Handset Penetration Rule by Badlands Cellular of North Dakota Limited Partnership IS GRANTED, subject to the conditions and reporting requirements specified herein. The deadline for compliance with Section 20.18(g)(1)(v) will be June 30, 2006.

20. IT IS FURTHER ORDERED, that the Request for Waiver of GPS Handset Penetration Rule by New York RSA 2 Cellular Partnership IS GRANTED, subject to the conditions and reporting requirements specified herein. The deadline for compliance with Section 20.18(g)(1)(v) will be June 30, 2006.

21. IT IS FURTHER ORDERED, that the Request for Waiver of GPS Handset Penetration Rule by Iowa RSA 10 General Partnership IS GRANTED, subject to the conditions and reporting requirements specified herein. The deadline for compliance with Section 20.18(g)(1)(v) will be June 30, 2006.

22. IT IS FURTHER ORDERED, that the Request for Waiver of GPS Handset Penetration Rule by St. Lawrence Seaway RSA Cellular Partnership IS GRANTED, subject to the conditions and reporting requirements specified herein. The deadline for compliance with Section 20.18(g)(1)(v) will be June 30, 2006.

23. IT IS FURTHER ORDERED, that the Request for Waiver of GPS Handset Penetration Rule by Colorado 7 – Saguache Limited Partnership IS GRANTED, subject to the conditions and reporting requirements specified herein. The deadline for compliance with Section 20.18(g)(1)(v) will be June 30, 2006.

24. IT IS FURTHER ORDERED, that the Request for Waiver of GPS Handset Penetration Rule by Wyoming 1- Park Limited Partnership IS GRANTED, subject to the conditions and reporting requirements specified herein. The deadline for compliance with Section 20.18(g)(1)(v) will be June 30, 2006.

25. IT IS FURTHER ORDERED, that the Request for Waiver of GPS Handset Penetration Rule by RSA 7 Limited Partnership IS GRANTED, subject to the conditions and reporting requirements specified herein. The deadline for compliance with Section 20.18(g)(1)(v) will be June 30, 2006.

26. IT IS FURTHER ORDERED, that the Request for Waiver of GPS Handset Penetration Rule by Iowa 8 - Monona Limited Partnership IS GRANTED, subject to the conditions and reporting requirements specified herein. The deadline for compliance with Section 20.18(g)(1)(v) will be June 30, 2006.

27. IT IS FURTHER ORDERED, that the Request for Waiver of GPS Handset Penetration Rule by WUE, Inc. IS GRANTED, subject to the conditions and reporting requirements specified herein. The deadline for compliance with Section 20.18(g)(1)(v) will be June 30, 2006.

28. IT IS FURTHER ORDERED, that the Request for Waiver of GPS Handset Penetration Rule by San Isabel Cellular of Colorado Limited Partnership IS GRANTED, subject to the conditions and reporting requirements specified herein. The deadline for compliance with Section 20.18(g)(1)(v) will be June 30, 2006.

29. IT IS FURTHER ORDERED, that the Request for Limited Waiver of Eastern Sub-RSA Limited Partnership IS GRANTED, subject to the conditions and reporting requirements specified herein. The deadline for compliance with Section 20.18(g)(1)(v) will be October 31, 2006.

30. IT IS FURTHER ORDERED, that the Request for Limited Waiver of Washington RSA No. 8 Limited Partnership IS GRANTED, subject to the conditions and reporting requirements specified herein. The deadline for compliance with Section 20.18(g)(1)(v) will be October 31, 2006.

31. IT IS FURTHER ORDERED, that the South Canaan Cellular Communications Company, LP Request for Extension IS GRANTED, subject to the conditions and reporting requirements specified herein. The deadline for compliance with Section 20.18(g)(1)(v) will be December 31, 2006.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch

Marlene H. Dortch
Secretary