

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

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|--|---|----------------------|
| In the Matter of |) | |
| |) | |
| Section 68.4 of the Commission's Rules |) | WT Docket No. 01-309 |
| Governing Hearing Aid-Compatible |) | |
| Telephones |) | |
| |) | |
| Petition for Waiver of |) | |
| Section 20.19(c)(2)(i)(A) of the |) | |
| Commission's Rules |) | |

**Motion for Leave to Withdraw Petition for Limited Waiver
of Section 20.19(c)(2)(i)(A) of the Commission's Rules**

Mid-Tex Cellular, Ltd. ("Mid-Tex"), by its attorneys, hereby amends its July 25, 2006 petition seeking a limited and temporary waiver of Section 20.19(c)(2)(i)(A) of the Commission's rules.¹ In its *Petition*, Mid-Tex requested a three month extension of the August 1, 2006 deadline to offer in the GSM portion of its network at least two handsets meeting a U3 or higher interference rating. Mid-Tex filed the *Petition* because it was unable to confirm the availability of any handsets that manufacturers offered for sale that met a U3 or higher interference rating in operation at both 850 MHz and 1900 MHz. Mid-Tex was unable to ascertain which, if any, GSM handsets met this requirement because at the time the *Petition* was filed the FCC's Office of Engineering & Technology (OET) had yet to certify any 850/1900 MHz GSM Hearing Aid Compatible (HAC) handsets. However, since filing its *Petition*, Mid-Tex has learned that on June 15, 2005 the OET certified the Nokia 6102(h) as GSM HAC compliant and that on October 10,

¹ Mid-Tex Petition for Limited Waiver of Section 20.19(c)(2)(i)(A) of the Commission's Rules, WT Docket 01-309 (filed July 25, 2006) ("*Petition*").

2005 the OET certified the Nokia 6061 as GSM HAC compliant.² Mid-Tex has offered both handsets for sale since April 10, 2006. Accordingly, Mid-Tex was in full compliance with Section 20.19(c)(2)(i)(A) on the date it filed its waiver *Petition* since it offered for sale on that date two handsets meeting a U3 or higher interference rating. A waiver of Section 20.19(c)(2)(i)(A) is therefore unnecessary. Accordingly, Mid-Tex requests that its *Petition* be dismissed.

Respectfully submitted,

Mid-Tex Cellular, Ltd.

By: _____ /s/

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U:\Docs2\GSM HAC Amendments to Petition

² On June 15, 2005 and October 1, 2005, the Nokia 6102(h) and Nokia 6061 were certified for HAC compliance solely when in operation at 1900 MHz. However, Nokia recently informed Mid-Tex that since those certifications demonstrated that the Nokia 6102(h) and Nokia 6061 were HAC compliant in operation at both 850 MHz and 1900 MHz under the ANSI standard, the FCC will not require Nokia to obtain additional certifications.