

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

In the Matter of	)	
	)	
Revision of the Commission’s Rules	)	CC Docket No. 94-102
To Ensure Compatibility with	)	
Enhanced 911 Emergency Calling Systems	)	
	)	
E911 Compliance Deadlines for	)	
Non-Nationwide Tier III CMRS Carriers	)	

**Missouri RSA # 5 Partnership d/b/a Chariton Valley Wireless Services  
Second Amendment to Petition for Waiver of Section 20.18(f)  
of the Commission’s Rules**

Missouri RSA # 5 Partnership d/b/a Chariton Valley Wireless Services (“Chariton Valley”), by its attorneys and pursuant to Sections 1.3 and 1.925 of the rules and regulations of the Federal Communications Commission (“FCC” or “Commission”),<sup>1</sup> hereby further amends its June 8, 2006 request for a temporary waiver of Section 20.18(f) of the Commission’s rules.<sup>2</sup> Specifically, due to technical difficulties and vendor testing schedules beyond its control, Chariton Valley requests an additional four weeks in order to implement Phase II E911 service pursuant to Section 20.18(f) of the Commission’s rules.

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<sup>1</sup> 47 C.F.R. §§ 1.3 and 1.925.

<sup>2</sup> *Revision of the Commission’s Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, CC Docket No 94-102, *E911 Compliance Deadlines for Non-Nationwide Tier III CMRS Carriers*, Missouri RSA # 5 Partnership d/b/a Chariton Valley Wireless Services Petition for Waiver of Section 20.18(f) of the Commission’s Rules, filed June 8, 2006 (“*June Waiver Petition*”); *Revision of the Commission’s Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, CC Docket No 94-102, *E911 Compliance Deadlines for Non-Nationwide Tier III CMRS Carriers*, Missouri RSA # 5 Partnership d/b/a Chariton Valley Wireless Services Amendment to Petition for Waiver of Section 20.18(f) of the Commission’s Rules, filed September 22, 2006 (“*September Amendment*”).

## **I. Background**

Chariton Valley has been pursuing a network-based solution to implement Phase II E911 on its time division multiple access (“TDMA”) and Global System for Mobile Communications (“GSM”) system. Chariton Valley is a small cellular carrier providing service in rural Missouri (Missouri RSA #5). Chariton Valley’s difficulties and delays in implementing a Phase II E911 solution, as fully discussed in its *June Waiver Petition*<sup>3</sup> and *September Amendment*<sup>4</sup> led it to request until November 20, 2006 to implement its Phase II solution.

## **II. Due to Unforeseen Technical Difficulties, Chariton Valley Has Encountered Additional Temporary Delays in Its Path to Phase II Compliance**

As Chariton Valley finishes the final tests of its Phase II solution, it has been delayed by technical difficulties in relaying location data to its public safety answering points (“PSAPs”). As discussed in detail in its *September Amendment*, Chariton Valley signed a contract with a new Phase II vendor, Polaris Wireless (“Polaris”), on July 21, 2006 and has been working with Polaris to finish Phase II implementation in as timely a manner as possible.<sup>5</sup> In conducting its initial testing with the PSAPs in the early weeks of November, Chariton Valley found that it needed and will need to conduct additional tests in order to work out a technical problem regarding the delivery of “re-bid” data requested by the local PSAPs. Chariton Valley last conducted tests on November 13, 2006 with the Macon PSAP and, based on those results, and as discussed below, is scheduling additional tests with its vendors.

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<sup>3</sup> *June Waiver Petition* at 2-4.

<sup>4</sup> *September Amendment* at 2-3.

<sup>5</sup> *Id.*

The Macon PSAP tests revealed problems with the transmission of Phase II location data. In particular, while the service was able to transmit an initial location estimate, the service was unable to respond to a re-bid requested by the PSAP, whereby the PSAP operator requests updated location information following the initial location identification.<sup>6</sup> Chariton Valley believes that this re-bid glitch is the result of a problem with the data route between its host GSM switch and Intrado, Chariton Valley's third-party E911 service provider. Both Chariton Valley's switch vendor and Intrado are working to resolve this issue.

Due to the re-bid problem, Chariton Valley could not proceed with its scheduled tests with the Shelby and Chariton PSAPs on November 15 and 16, 2006. Intrado has advised Chariton Valley that Intrado could not accommodate another test attempt until the week of November 27, 2006 at the earliest, due to the Thanksgiving holiday. The Shelby PSAP has agreed to this timetable. Chariton Valley is currently negotiating a revised test schedule with the Macon and Chariton PSAPs. Chariton Valley is confident that its vendors will provide remedies to the re-bid technical problem within that time frame, but also knows from experience that unexpected delays with vendor solutions and PSAP test scheduling can occur.

Based on commitments from its vendors to resume testing sometime after Thanksgiving, and Chariton Valley's past experiences with schedules that inevitably slip since it is at the mercy of its vendors, Chariton Valley believes that it will be able to

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<sup>6</sup> The preliminary tests also reveal that Chariton Valley is so far unable to provide acceptable accuracy and reliability location information to the PSAP consistent with Section 20.18(h)(1) of the Commission's Rules. Based on the results of this initial testing, Chariton Valley believes that it will be necessary to seek a related waiver assuming further testing confirms these preliminary results. Chariton is working with its vendor to implement a solution to the accuracy issue and will advise the Commission of its timetable for compliance in the near future.

provide live Phase II service to the Macon, Shelby, and Chariton PSAPs by December 18, 2006. Accordingly, Chariton Valley requests an additional extension until December 18, 2006 to implement its Phase II solution and believes this additional time is warranted, realistic, and in the public interest.

### **III. Good Cause Exists for Grant of the Requested Extension**

As Chariton Valley discussed in its *June Waiver Petition*,<sup>7</sup> and *September Amendment*,<sup>8</sup> Chariton Valley has encountered the sort of circumstances beyond its control that warrant waiver of the Commission's rules.<sup>9</sup> Chariton Valley's latest delays are just the sort of instances that the Commission has recognized as "technology-related issues" or "exceptional circumstances" that would cause a delay in a wireless carrier's ability to become Phase II compliant.<sup>10</sup> Chariton Valley's latest request is for a limited period of time and is intended to last only until such time as it is able to implement its Phase II solution, thus carefully heeding the Commission's instruction that waiver requests are "specific, focused and limited in scope, and [show] a clear path to full compliance."<sup>11</sup>

Grant of the requested additional four weeks is also consistent with both the public interest and the underlying purpose of the Commission's Phase II deployment rules since Chariton Valley is poised to meet fundamental public safety needs "as quickly

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<sup>7</sup> *June Waiver Petition* at 11-13.

<sup>8</sup> *September Amendment* at 2-3.

<sup>9</sup> 47 C.F.R. § 1.3.

<sup>10</sup> *In re 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 at ¶ 43 (2000) ("*Fourth MO&O*").

<sup>11</sup> *Fourth MO&O* at ¶ 44.

as reasonably possible.”<sup>12</sup> The local PSAPs have been advised of Chariton Valley’s implementation progress. Chariton Valley’s need for additional time to implement its network solution is consistent with the Commission’s determination that “the Phase II rules are intended to be applied in a manner that takes into account practical and technical realities.”<sup>13</sup>

#### **IV. Conclusion**

Based on the foregoing, Chariton Valley respectfully requests that the Commission grant Chariton Valley a temporary limited waiver of Section 20.18(f) of the Commission’s rules to the extent requested herein and permit Chariton Valley to implement its Phase II solution based on the schedule set forth herein.

Respectfully submitted,

**MISSOURI RSA #5 PARTNERSHIP  
D/B/A CHARITON VALLEY  
WIRELESS SERVICES**

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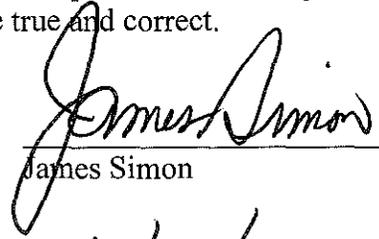
<sup>12</sup> *Id.* at ¶ 17.

<sup>13</sup> *Id.* at ¶ 22.

## DECLARATION OF JAMES SIMON

I, James Simon, do hereby declare under penalty of perjury the following:

1. I am the General Manager of Chariton Valley Wireless Services.
2. I have read the foregoing "Missouri RSA #5 Partnership d/b/a Chariton Valley Wireless Services Second Amendment to Petition for Waiver of Section 20.18(f) of the Commission's Rules." I have personal knowledge of the facts set forth therein, and believe them to be true and correct.



James Simon

11/20/2006

Date