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*Via electronic filing*

December 15, 2006

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Re: South Canaan Cellular Communications Company, LP  
Request for Extension of Time within which to Comply  
with Section 20.18(g)(1)(v) of the Commission's Rules  
CC Docket No. 94-102

Dear Ms. Dortch:

South Canaan Cellular Communications Company, L.P. ("South Canaan"), by its attorney, respectfully requests an extension of its existing deadline of December 31, 2006<sup>1</sup> to achieve the ninety-five percent location-capable handset penetration benchmark. Over the past twenty-four months, South Canaan has made a continuing and focused effort to meet the benchmark, and has made significant progress toward that goal. However, with the current penetration rate standing at 86%, South Canaan believes that the Dec. 31, 2006 ALI-capable digital handset penetration rate will reach only 88% based on recent customer behavior trends. Notwithstanding the retail boost typically accompanying the holiday season, South Canaan will be unable to meet its goal of 95%. South Canaan therefore requests an extension through and including September 30, 2007 within which to achieve the 95% penetration benchmark, and respectfully submits that good cause exists for such extension, as demonstrated below.

South Canaan's history of effort and steady progress toward meeting FCC requirements, including this benchmark is a matter of record before the Commission.<sup>2</sup> As noted in its

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<sup>1</sup> South Canaan's December 31, 2006 deadline was established by *In the Matter of Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, CC Docket No. 94-102, FCC 06-25 (rel. Mar. 8, 2006) ("*Second Order*").

<sup>2</sup> See, e.g., South Canaan Reports filed August 1, 2003; January 15, 2004; April 15, 2004; July 15, 2004; October 15, 2004; December 21, 2004; January 14, 2005; September 1, 2005; May 1, 2006; July 28, 2006; and November 1, 2006.

September 1, 2005 report filed pursuant to the Commission's *Order*<sup>3</sup> to provide information related to its E911 deployment progress, the percentage of location-capable handsets held by subscribers nearly doubled in the first eight months of 2005, rising from 34% to 61%. In that report, South Canaan noted its successful completion of its CDMA overlay, as well as the completion of installation of all necessary network equipment to provide Phase II E911 services.

By May, 2006, the penetration percentage had risen to 77.7%, or a climb of approximately two percent per month in the preceding eight-month period.<sup>4</sup> Recognizing that the remaining analog subscribers would be the most resistant to change, South Canaan established modest interim penetration goals of approximately one percent per month, anticipating some reduction in the two percent per month growth rate but, frankly, believing that its success would be somewhat greater than projected, allowing achievement of the benchmark goal by the end of the waiver period, which coincides with the traditionally strong holiday season. Although its progress has been moderately more successful than established interim goals,<sup>5</sup> the modest cushion of success in all likelihood will be insufficient to produce the ultimate 95% penetration goal by the end of the year.

During the past two years, South Canaan has undertaken various ambitious marketing and education campaigns designed to encourage existing subscribers to migrate to compliant digital phones. These programs were developed to address what South Canaan perceived to be the causes of reluctance to use digital handsets – cost, coverage and lack of understanding of digital advantages. To overcome this resistance, South Canaan has undertaken programs which:

- offer heavy subsidies on popular models of compliant phones in return for service commitments;
- offer several models of compliant phones completely free in return for service commitments;
- offer both subsidized and free phone upgrades at contract anniversary;
- offer free compliant phones for certain pre-pay plans;

Ms. Dortch

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<sup>3</sup> *In the Matter of 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, 20 FCC Rcd 7709 (2005) ("*Order*").

<sup>4</sup> May 1, 2006 Report of South Canaan filed in response to the *Second Order*.

<sup>5</sup> See August 1, 2006 Report of South Canaan (original goal of 80% penetration surpassed by 81.8% penetration); see also November 1, 2006 Report of South Canaan (original goal of 83% surpassed by 85% penetration).

- offer a "test drive" program to promote and encourage trial use of new, compliant digital phones;
- introduced 23 new CDMA sites to improve digital coverage;
- inform customers via billing inserts of public safety benefits available only with digital service;
- educate the public of the public safety advantages of digital service through print advertising; and
- contact analog subscribers by mail, followed by phone contact to discuss benefits of digital conversion.

Despite the effort and expense involved in these programs, South Canaan is experiencing the effect of the historic reluctance of some analog users to convert to digital technology. It is a matter of record before the Commission that a relatively small but adamant portion of the rural subscriber base is unwilling to give up their analog phones. Despite the advantages of digital service, there exists a core group of legacy analog subscribers who are marketing-resistant, upgrade impervious, and who take the attitude that if a phone works, it does not require replacement. In some markets, such as that served by South Canaan, that core group currently exceeds the five percent cushion allowed by the benchmark.

These factors force South Canaan to seek an additional extension of time to achieve the 95% penetration benchmark. South Canaan submits that an extension of the current deadline is appropriate, given that there is no practical alternative to ensuring that basic and Phase I E-911 services are available to this segment of South Canaan wireless customers. Accordingly, this request meets the standards adopted by Congress in the Ensuring Needed Help Arrives Near Callers Employing 911 Act of 2005 (the "ENHANCE 911 Act")<sup>6</sup> for the requested relief. The ENHANCE 911 Act directs the Commission to grant relief of benchmark deadline waiver requests of Tier III carriers, such as South Canaan, where "strict enforcement of the requirements of [Section 20.18(g)(1)(v) of the Commission's Rules] would result in consumers having decreased access to emergency services."<sup>7</sup>

Furthermore, grant of South Canaan's request is warranted under the Commission's standard for evaluation of waiver requests because "in view of unique or unusual factual circumstances of the instant case, application of the rule(s) would be inequitable, unduly

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<sup>6</sup> National Telecommunications and Information Administration Organization Act, Pub. L. No. 108-494, 188 Stat. 3986 (2004).

<sup>7</sup> *Id.*, Section 107, 118 Stat. 3986, 3991.

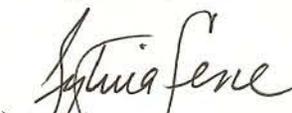
burdensome or contrary to the public interest, or the applicant has no reasonable alternative.”<sup>8</sup> South Canaan has consistently pursued a reasonable course toward compliance, but, ultimately, cannot dictate the actions or choices of its subscribers. Under these circumstances, strict enforcement of the rule is both inequitable and unduly burdensome, and is also contrary to the public interest. Grant of the request maintains maximum access to the public switched network and emergency assistance, and, moreover, anticipates full compliance within a reasonable time.

South Canaan notes that it has worked closely with public safety officials to implement an E-911 system. In addition, South Canaan has ensured, and will continue to ensure, that area PSAPs are kept aware of South Canaan's progress in meeting the penetration benchmark.

Finally, South Canaan will continue its aggressive marketing and education campaign, and would welcome the opportunity to discuss with Commission staff additional or alternative methods that may assist South Canaan in reaching the benchmark as soon as possible. South Canaan is committed to ensuring that its public safety obligations are met and to ensuring that its subscribers are provided with high-quality, efficient communications services.

In light of the foregoing, South Canaan respectfully requests an extension of time until September 30, 2007, allowing the continuation of South Canaan's historic success in reaching one percent of its subscriber base per month, within which to achieve a 95% penetration rate for ALI-capable phones.

Respectfully submitted,



Sylvia Lesse

cc: \*Michael J. Wilhelm  
\* Jeff Cohen  
Mr. Bernie Swartwood, Pike County Communications  
Mr. Marty Hedgelon, Wayne County E911 Coordinator

\*via electronic mail

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<sup>8</sup> 47 C.F.R. § 1.925(b)(3)(ii). See *WAIT Radio v. FCC*, 418 F.2d 1153 (D.C. Cir. 1969), *appeal after remand*, 459 F.2d 1203 (D.C. Cir. 1972), *cert. denied*, 409 U.S. 1027 (1972); *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164 (D.C. Cir. 1990).

**DECLARATION OF CAROLYN COPP**

I, Carolyn Copp, President of SCCI, LLC, the General Partner of South Canaan Cellular Communications Company, L.P., do hereby declare under penalty of perjury that I have read the foregoing "Request for Extension of Time within which to Comply with Section 20.18(g)(1)(v) of the Commission's Rules" and that the facts stated therein are true and correct, to the best of my knowledge, information and belief.

15 December 2006  
Date

Carolyn Copp  
Carolyn Copp