

**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
Third 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”),¹ hereby further amends its June 8, 2006 request for a temporary waiver of Section 20.18(f) of the Commission’s rules.² Specifically, due to unexpected technical obstacles and delayed vendor schedules beyond its control, Chariton Valley requests an additional eight

¹ 47 C.F.R. §§ 1.3 and 1.925.

² *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*”); *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 Second Amendment to Petition for Waiver of Section 20.18(f) of the Commission’s Rules, filed November 20, 2006 (“*November Amendment*”).

weeks in order to implement Phase II E911 service pursuant to Section 20.18(f) of the Commission's rules.³

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*,⁴ *September Amendment*,⁵ and *November Amendment*⁶ led it to request until December 18, 2006 to implement its Phase II solution.

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

Chariton Valley's tests of its Phase II solution continue to reveal technical difficulties in relaying location data to its public safety answering points ("PSAPs"). As discussed in detail in its *November Amendment*, Chariton Valley, while working with its new Phase II vendor, Polaris Wireless ("Polaris"), found that it needed to conduct additional tests in order to work out a technical problem regarding the delivery of "re-bid" data requested by the local PSAPs.⁷ Polaris and Chariton Valley found that, while Chariton Valley was able to transmit an initial location estimate, it was unable to respond to a re-bid requested by the PSAP, whereby the PSAP operator requests updated location

³ 47 C.F.R. § 20.18(f).

⁴ *June Waiver Petition* at 2-4.

⁵ *September Amendment* at 2-3.

⁶ *November Amendment* at 2-4.

⁷ *Id.* at 2.

information following the initial location identification.⁸ In its *November Amendment*, Chariton Valley speculated that this re-bid glitch was the result of a problem with the data route between its host Ericsson GSM switch and Intrado, Chariton Valley's third-party E911 service provider.⁹ Chariton Valley, working with its E911 vendors, has since determined that the cause of the problem most likely lies within the Ericsson switch, which Chariton Valley shares with other GSM carriers.

Because a software change on the switch would also affect the other GSM carriers using that switch, Ericsson has advised Chariton Valley that it must ensure that it will not make any changes that would disrupt the provision of E911 service to the other carriers. Intrado is investigating changes that it can make to the switch to solve Chariton Valley's re-bid problem without disturbing other carriers, and both vendors continue to work together towards a solution. Unfortunately, Ericsson has not provided Chariton Valley with a specific timeframe by which it believes it can correct the problem. Further, Chariton Valley believes that Ericsson's personnel are now working around holiday schedules. Based on this information and Chariton Valley's prior experience with Ericsson regarding software changes to the GSM switch, Chariton Valley estimates that it will take Ericsson approximately five weeks to resolve the problem, factoring in staff vacations during the upcoming holiday season. After that, testing will have to be re-scheduled with Intrado and the PSAPs, a process that will take approximately three

⁸ In its *November Amendment*, Chariton Valley also noted that preliminary tests revealed an inability to provide acceptable accuracy and reliability information to the PSAP consistent with Section 20.18(h)(1) of the Commission's Rules. *November Amendment* at p. 3, n. 6. Chariton Valley is continuing to work with its vendors to isolate the causes of poor accuracy on several specific calls and to identify a combination of network and technical system improvements that will resolve the accuracy problems.

⁹ *Id.* at 3.

weeks. Therefore, Chariton Valley has no choice but to request another brief extension of time until February 12, 2007 to provide live Phase II service to the Macon, Shelby, and Chariton PSAPs.

III. Good Cause Exists for Grant of the Requested Extension

As Chariton Valley discussed in its *June Waiver Petition*,¹⁰ *September Amendment*,¹¹ and *November Amendment*,¹² Chariton Valley has encountered the sort of circumstances beyond its control that warrant waiver of the Commission's rules.¹³ This latest series of delays is just the sort of developments that the Commission has recognized as "technology-related issues" or "exceptional circumstances" that would justify a delay in a wireless carrier's ability to become Phase II compliant.¹⁴ 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 without disrupting other service providers on the GSM switch, 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."¹⁵

Grant of the requested additional eight 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 as reasonably possible."¹⁶ The local PSAPs have been advised of Chariton Valley's

¹⁰ *June Waiver Petition* at 11-13.

¹¹ *September Amendment* at 2-3.

¹² *November Amendment* at 2-4.

¹³ 47 C.F.R. § 1.3.

¹⁴ *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*").

¹⁵ *Fourth MO&O* at ¶ 44.

¹⁶ *Id.* at ¶ 17.

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."¹⁷

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**

By: _____/s/_____

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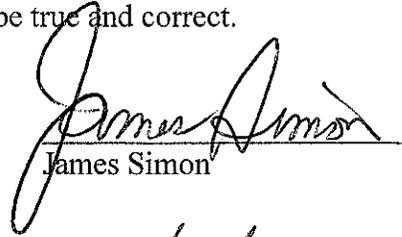
Dated: December 18, 2006

¹⁷ *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 Third 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

12/18/2006

Date