

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

In the Matter of)
)
Section 68.4(a) of the Commission's) WT Docket No. 01-309
Rules Governing Hearing)
Aid-Compatible Telephones)
)
SunCom Wireless, Inc. Petition for Waiver of)
Section 20.19(d)(2) of the Commission's Rules)

To: The Commission

**SUNCOM WIRELESS, INC.
AMENDMENT TO
PETITION FOR WAIVER OF SECTION 20.19(d)(2)
OF THE COMMISSION'S RULES**

SunCom Wireless, Inc. ("SunCom") hereby amends its petition for waiver ("Petition"), filed on September 15, 2006 in this docket, to seek an additional time, until April 1, 2007, to come into compliance with Section 20.19(d)(2) of the Commission's rules,^{1/} which requires carriers to offer for sale two handset models per air interface that satisfy a "T3" or greater rating for compatibility with T-coils. SunCom does currently offer one such compliant handset, and the delay in obtaining a second compliant handset is due to circumstance beyond its control. Nevertheless, SunCom is using its best efforts to secure a second compliant handset as soon as feasible by working with two different vendors.

At the time of filing the Petition, SunCom's suppliers had indicated that they expected to be able to supply SunCom with T3-rated GSM handsets sometime in the 4th quarter

^{1/} 47 U.S.C. § 20.19 was promulgated to implement the Hearing Aid Compatibility ("HAC") Act of 1988, Pub. L. 100-394, § 3(a), 102 Stat. 976 (1988) (codified at 47 U.S.C. § 610(b)(1)(B)).

2006. ^{2/} Therefore, SunCom's Petition requested a waiver until January 18, 2007 to comply with Section 20.19(d)(2), with the expectation that this date would provide SunCom with sufficient time to obtain the handsets and to distribute them to all of its retail locations. However, in the process of polling the suppliers for updated information on expected ship dates for the T3-rated handsets, SunCom learned in November that the target ship date for the Nokia 6126H had been postponed until mid-January 2007, and the target ship date for the Sony Ericsson W710 had been postponed until the end of January 2007. SunCom informed the Commission of these revised supplier-reported dates in SunCom's HAC status report filed in this docket on November 17, 2006 as part of the submission made by the Alliance for Telecommunications Industry Solutions ("ATIS"). ^{3/}

In December, SunCom introduced a version of the W710 model, which it was told was not T3-compliant, in advance of receiving the updated, compliant version which was expected in late January. This week, however, SunCom learned from Sony Ericsson that this current W710 model has, in fact, qualified for a M3/T3-rating. *Thus, SunCom does have one T3-compliant handset available to consumers.* SunCom is working to obtain appropriate package labeling for the units already in inventory.

SunCom also obtained an update this week from Nokia, which informed SunCom that there would be yet another delay in the ship date for the 6126H. Nokia is now projecting that handsets will not be available to SunCom until the end of first quarter 2007.

^{2/} As noted in the Petition, SunCom had selected the M3/T3-rated versions of the Nokia 6126 (the "6126H") and the Sony Ericsson W710. Because it was already offering (or had already planned to offer) earlier versions of these handset models, SunCom believed that it could make these handsets available the fastest, given that little or no additional network compatibility testing would be necessary.

^{3/} This filing satisfied SunCom's §1.65 obligation to maintain the accuracy of its pending application.

In addition to the Nokia and Sony Ericsson models, SunCom is seeking to obtain a third T3-rated handset, after it learned recently that Motorola has a new version of the V3 which is T3-compliant.^{4/} Similar to the Nokia model, however, SunCom was told that it will not be able to obtain shipments of the Motorola handset until the end of first quarter 2007. Nevertheless, SunCom's efforts to obtain both the 6126H and the new V3 will increase the possibility that at least one of these models will be received by SunCom's requested extension date, thereby bringing SunCom into compliance with the rules. SunCom is in regular contact with handset vendors and will continue to use its best efforts to obtain a second compliant handset as soon as possible.

CONCLUSION

The delay in obtaining a second T3-rated handset is beyond SunCom's control. Like other smaller, regional carriers, ^{5/} SunCom has no bargaining leverage with the manufacturers, as compared to the Tier I carriers which need to acquire large quantities of T3-rated handsets to supply their retail locations throughout the country. Therefore, for all the same

^{4/} SunCom already offers an M3-rated version of the V3, so introducing an M3/T3-rated version could be implemented quickly without the usual delay of network compatibility testing.

^{5/} SunCom is not alone among smaller carriers in being forced to seek an extension of its waiver request. *See, e.g.*, Litchfield County Cellular, Inc. D/B/A Ramcell of Oregon, Amendment to Petition for Limited Waiver of Section 20.19(d)(2), WT Docket No. 01-309 (filed Dec. 29, 2006) (seeking an additional extension due to the inability to obtain handsets from its vendor by the expected date listed in its original waiver request).

reasons described in the Petition, SunCom requests that it be allowed until April 1, 2007 to come into full compliance with Section 20.19(d)(2).

Respectfully submitted,

SUNCOM WIRELESS, INC.

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