

WT 07-15

Before the
Federal Communications Commission
Washington, DC 20554

In re Request)
Of Corr Wireless Communications, LLC)
for Waiver of)
Section 22.901(b))
of the Commission's Rules)

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Federal Communication Commission
Bureau / Office

To: Chief, Wireless Telecommunications Bureau

SUPPLEMENT TO REQUEST FOR WAIVER

Corr Wireless Communications, LLC ("Corr Wireless") hereby submits this supplement to the Request for Waiver which it filed on January 31, 2006. In the nearly eight months that this waiver request has been being reviewed by the Commission, the circumstances warranting the waiver have become even more compelling. First, Corr Wireless estimates that there are now no more than twenty or thirty analog-only subscribers remaining on its system. These twenty or thirty users nevertheless require the dedication of nearly 28% of the Corr system's available TDMA channels, plus the maintenance of an entirely separate and costly E-911 infrastructure. The number of calls from these few subscribers is estimated to be less than a millionth of total call volume. By any rational economic analysis, there can be no justification for continuing to make available a service which virtually no one wants solely because of the requirement of Section 22.901(b) of the rules. The rule, at least as applied to Corr's situation, serves no public interest purpose whatsoever and, indeed, has the contrary effect of imposing wholly unnecessary costs on the carrier which must then be recouped from the entire customer base.

The second development is that Corr is required by other provisions of the Commission's rules to provide advanced CALEA capabilities over the TDMA system on which the analog

service is provided. Because the TDMA system is, in a practical sense, obsolete, no vendors will supply or support the software or hardware need to provide the advanced CALEA capabilities. Moreover, the CALEA implementation process is founded on the presumption that network upgrades will be installed in a natural, organic fashion as networks are updated and improved. Such evolutionary network upgrades are intended to minimize the burden on carriers who must meet CALEA obligations. This presumption, however, is wholly inapplicable in the case of TDMA systems, which are universally being phased out. Any software or hardware added for CALEA purposes to Corr's TDMA system would be added *solely* for that purpose. Moreover, any such equipment would be discarded as soon as the analog service obligation is lifted, whether by action on this waiver request or the sunseting of the obligation by operation of law in 2008. When last Corr was able to get any kind of estimate on the cost of the necessary hardware for CALEA purposes, the estimate was over \$250,000 for the hardware alone, not to mention the significant on-going costs of maintaining the capability -- assuming it could be implemented at all, which is highly doubtful given the response Corr has gotten from vendors. The sheer economic waste called for by this situation is not justifiable under any public interest analysis. Of course, 99.99+ % of Corr's traffic volume goes over its GSM system, which is fully CALEA-capable, so the interests of law enforcement are almost certainly met.¹

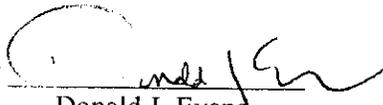
Section 1.925 of the Commission's rules requires a waiver proponent to show either that application of the rule would not serve its underlying purpose or that, in view of unique or unusual factual circumstances, application of the rule would be inequitable, unduly burdensome, or contrary to the public interest, or that the applicant has no reasonable alternative. Corr can imagine no clearer situation where the rule is not serving its underlying purpose while at the

¹ Corr has timely petitioned the Commission for an extension of time to comply with CALEA on the basis that it will be fully CALEA-compliant as soon as the TDMA/analog system is retired.

same time being both unduly burdensome and contrary to the public interest. The waiver should be granted.

Respectfully submitted,

CORR WIRELESS COMMUNICATIONS, LLC

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Its Counsel

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