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June 13, 2007

## Via Electronic Comment Filing System

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Re: WT Docket No. 01-309  
Further Supplement to Petition for Temporary Waiver  
Airadigm Communications, Inc.

Dear Ms. Dortch:

On behalf of Airadigm Communications, Inc. ("Airadigm"), this is to supplement Airadigm's Petition for Temporary Waiver submitted on September 20, 2006 ("Waiver Petition").

On May 29, 2007, Airadigm indicated that it complies with Section 20.19(d)(2) of the Commission's rules, which requires that "each provider of public mobile radio service must...[i]nclude in its handset offerings at least two handset models per air interface that comply with Section 20.19(b)(2) by September 18, 2006, and make available in each retail store owned or operated by the provider all of these handset models for consumers to test in the store..."<sup>1</sup> Specifically, Airadigm stated that it was offering the following handsets that had a T3 rating: Motorola RAZR V3 (FCC ID # IHDT56EU1) and Motorola V197 (FCC ID # IHDT56GA1).

Upon further inquiry, Airadigm has now determined that each of these phones has an M3 rating but that neither of these handsets has a T3 rating. Nonetheless, Airadigm is diligently working with its vendors in order to make available two T3 rated handsets to

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<sup>1</sup> Rule Section 20.19(b)(2) specifies that a "wireless phone used for public mobile radio services is hearing aid compatible...if it meets, at a minimum" a UT3 rating for radio frequency interference under ANSI Standard C63.19.

consumers to test in each retail store owned or operated by Airadigm as soon as practically possible.

As a rural, Tier III wireless carrier, Airadigm is absolutely dependant on its vendors for the availability of compliant handsets. Unlike larger carriers, Airadigm has no ability to obtain priority access to equipment. Given the limited supply of T3-rated handsets, Airadigm has been unable to timely offer two handsets with a T3 rating. As the Commission has recognized, wireless carriers are largely dependant on the availability of equipment from manufacturers with respect to equipment-related deadlines.<sup>2</sup> Further, handset manufacturers have only recently been able to obtain the necessary certifications to comply with the T-coil requirement and ramp up production of T3-rated handsets for GSM in quantities sufficient to satisfy the needs of small carriers. So unavailability of equipment access in this instance should not be surprising.

Nonetheless, Airadigm should be offering at least two (2) different T3-rated handsets in each of its retail stores for consumers to test by the end of the month. It expects to have the Motorola V3i available to consumers by no later than June 30, 2007. In addition, Airadigm has just received from its vendor the Nokia 6085H (FCC ID # LJPRM198H), which it has been told has a T3 rating. It is in the process of testing this handset, and if it determines that this handset is compatible with its GSM network, Airadigm will make it available in each of its retail outlets by June 30, 2007. As for the Motorola V3e, another GSM phone that is T3-rated, Airadigm has been informed by its Vendor that this model will not be available until August, 2007. Airadigm has also been informed by its vendor that the Sony Ericsson W580 (FCC ID # PY7A1052041/ PY7A1052042) has a T3 rating, but it will not be available until the end of August 2007.

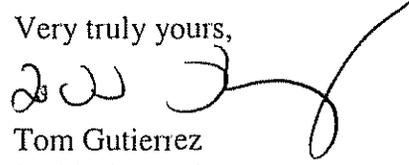
As explained in its Waiver Petition, Airadigm expected to offer at least two T3-rated handsets by no later than November 1, 2006. In the Waiver Petition, Airadigm stated that it “expects” this timing, but it did not request a waiver until only November 1<sup>st</sup>. Rather, because the timing was out of its control, Airadigm requested a waiver “until handsets with a 3T rating are available from its vendors.” Waiver Petition, at 4. Therefore, since Airadigm requested a waiver “until handsets with a 3T rating are available from its vendors,” it respectfully requests that the waiver be granted until such time. In the event that the Commission deems it necessary, Airadigm respectfully requests an additional waiver *nunc pro tunc* from November 1, 2006 to June 30, 2007.

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<sup>2</sup> See *In the Matter of Section 68.4(a) of the Commission's Rules Governing Hearing Aid-Compatible Telephones, T-Mobile USA, Inc. Petition for Waiver of Section 20.19(c)(3) of the Commission's Rules, Memorandum Opinion and Order*, 20 FCC Rcd 15147, para 7 (2005); see also *Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems: Phase II Compliance Deadlines for Non-Nationwide CMRS Carriers, Order to Stay*, 17 FCC Rcd 14,841, paras 11-13, 17 (2002).

Should any questions arise with respect to this matter, please feel free to communicate directly with the undersigned.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Tom Gutierrez', with a long, sweeping flourish extending to the right.

Tom Gutierrez

Todd Slamowitz

Counsel for Airadigm Communications, Inc.