

**Texas RSA 15B2 Limited Partnership d/b/a Five Star Wireless  
955 Water Street  
Kerrville, Texas 78029**

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

**Re: CC Docket No. 94-102,  
95% ALI-Capable Handset Penetration Requirement,  
Rule Section 20.18(g)(1)(v).**

**Sixth Quarterly Report**

Dear Ms. Dortch:

By *Order (CC Docket No. 94-102)*, FCC 06-32, released March 15, 2006 (the "*Order*"), the Commission granted the Filer, Texas RSA 15B2 Limited Partnership d/b/a Five Star Wireless, an extension of time, up to and including March 15, 2007, within which to comply with the Rule Section 20.18(g)(1)(v) requirement that it achieve a 95% penetration level among its subscribers of ALI-capable handsets. The Filer has elected to deploy a handset-based E-911 solution. On March 15, 2007, the Filer filed a second petition requesting a December 31, 2007 compliance deadline, which was granted in full by *Order (CC Docket No. 94-102)*, Mimeo DA 07-2682, released June 18, 2007.

This report is submitted pursuant to the requirements of Paragraph No. 20 of the March 15, 2006 *Order* and Paragraph No. 15 of the June 18, 2007 *Order*, and is as follows:

**Item 1: The number and status of E-911 Phase II requests from Public Safety Answering Points ("PSAPs"), including those requests that the Filer may consider invalid:** The Filer has not received any PSAP requests for E-911 Phase II service.

**Item 2: The dates on which E-911 Phase II service has been implemented or will be available to the PSAPs served by the Filer's system:** E-911 Phase II service has not been implemented on the Filer's system. In accordance with Commission requirements, E-911 Phase II service will be implemented within six months following receipt of a valid PSAP request.

**Item 3: The status of the Filer's coordination efforts with PSAPs for alternative 95% ALI-capable handset penetration dates:** The Filer is in regular contact with the PSAPs in its service area by means of e-mail and scheduled meetings which address the status of Phase II progress. The Filer has notified the PSAPs of the Filer's current distribution efforts for ALI-capable handsets. The Filer actively works

with the PSAPs to keep them informed of the Filer's progress in achieving higher location-capable handset penetration rates.

**Item 4: The Filer's efforts to encourage customers to upgrade to ALI-capable handsets:** The Filer has a system-wide advertising campaign offering new service plans at prices competitive with those of the national carriers. These new service plans require customer use of a Code Division Multiple Access ("CDMA") air interface ALI-capable handset. With a minimum duration service contract, one model of an ALI-capable handset has been provided without charge. As discussed in the next paragraph, this offering has been revised to eliminate the requirement of a minimum duration service contract for existing customers upgrading to a new, ALI-capable handset. Since June of 2006, the Filer has been using (and will continue to use) bill inserts to encourage customers with non-ALI-capable Time Division Multiple Access ("TDMA") handsets to trade them in for ALI-capable CDMA handsets. In addition, the Filer had a promotion offering a free Kyocera Model KX16 CDMA ALI-capable handset to all new and renewal subscribers who donate one can of food to a food bank, a promotion which has now been discontinued.

The Filer has advertised (and will continue to advertise) the need to replace non-ALI-capable handsets in bill inserts (as noted above), telephone calls to customers, newspaper advertisements, and radio broadcast and cable television advertisements; and will continue with, and expand the scope of, its promotional offerings designed to persuade its existing customers to switch to ALI-capable handsets. Earlier this year, the Filer hired an additional person whose sole job is to call each and every customer (repeatedly, if necessary) with a non-ALI-capable handset to persuade them to obtain an ALI-capable one. These customers are given a new, ALI-capable handset free of charge, and no minimum duration service contract is required. The Filer has also offered to provide boosters (at cost) for the CDMA ALI-capable handsets as an additional incentive for analog bag-phone customers to switch to the ALI-capable handsets.

The Filer notifies its customers that, to date, no PSAP requests for Phase II service have been received. The Filer further notifies its customers that by upgrading their handsets to ALI-capable ones they will have the ability to automatically transmit their location information once Phase II service has been implemented, but that they will be unable to do so with a non-ALI-capable handset.

As discussed in the "Petition for Temporary Waiver or Temporary Stay," filed December 14, 2005, which forms the basis for the original relief granted in the Order, the Filer's TDMA system has been overbuilt with a replacement CDMA system. The CDMA facilities are E-911 Phase II capable, while the TDMA facilities (which are to be phased out) are not E-911 Phase II capable.

**Item 5: The percentage of the Filer's customers with ALI-capable phones:** 91.54%.

**Item 6: Until the Filer satisfies the 95% penetration requirement, detailed information on the Filer's status in achieving compliance, and whether the Filer is on schedule to meet the revised, March 15, 2007, deadline. In this regard, the Filer must include a detailed, specific explanation of how it arrived at its estimate of whether it is on track to meet the compliance deadline, including an explanation of any assumptions it has made. The Filer must also include a discussion of how its compliance efforts compare with the efforts of other Tier III carriers – particularly efforts the Commission has cited in previous orders – and an explanation of why the Filer has chosen the compliance efforts it has chosen: All new customers and existing customers who renew their service arrangements are required to obtain an ALI-capable handset. Given the progress made to date, the Filer anticipates that it will achieve compliance with the 95% ALI-capable handset penetration requirement by December 31, 2007.**

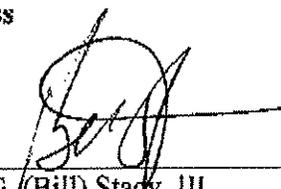
To determine that penetration is currently at 91.54%, the Filer ran a report on data obtained from the cellular switch, which data discloses for each unit the particular air interface that the unit last locked onto. To determine that it is on track to meet the December 31, 2007 deadline, the Filer assumed that approximately 200 subscribers per month will switch to ALI-capable handsets.

The Filer's compliance efforts compare favorably with those of other Tier III carriers, as described in *Sprint Nextel Corporation*, FCC 06-183, released January 5, 2007 at Paragraph No. 32, as discussed at footnote 40 of the June 18, 2007 *Order*. Indeed, the Filer submits that its efforts are more effective than those recited in *Sprint Nextel Corporation* because: a) customers are being given an ALI-capable handset free of charge with no minimum duration service contract required as an incentive to change out their handsets for ALI-capable ones; and 2) the Filer has offered to provide boosters (at cost) to analog bag-phone users to further encourage them to change out their handsets for ALI-capable ones.

Very truly yours,

**Texas RSA 15B2 Limited  
Partnership d/b/a Five Star  
Wireless**

Dated: 7/30/2007

By:   
W.G. (Bill) Stacy, III  
General Manager

**In accordance with Rule Section 1.12, please refer any inquiries or correspondence to:**

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