

REDACTED – FOR PUBLIC INSPECTION

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
)
Revision of the Commission's Rules To) CC Docket No. 94-102
Ensure Compatibility with Enhanced 911)
Emergency Calling Systems)
)
)

To: The Commission

**REQUEST FOR FURTHER LIMITED WAIVER BY
SOUTHERNLINC WIRELESS**

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November 9, 2007

EXECUTIVE SUMMARY

Through this Request for a Further Limited Waiver, SouthernLINC Wireless seeks limited relief of its deadline of November 12, 2007, to achieve ninety-five percent penetration of location-capable handsets among its subscribers. Specifically, for the reasons set forth herein, SouthernLINC Wireless requests that (1) the Commission consider it in compliance with the 95 percent benchmark for all low power handsets and (2) extend until June of 2009 its compliance deadline for its customers using high power handsets; or (3) extend its overall deadline until June 2009. As of the date of this Request, approximately 93.47 percent of SouthernLINC Wireless' customers use location-capable handsets.

As described herein, the unique and unusual circumstances surrounding SouthernLINC Wireless' efforts to comply with Section 20.18(g)(1)(v) of the Commission's Rules merit grant of the relief requested. SouthernLINC Wireless has made every effort to meet the Commission's Phase II penetration requirements in light of these circumstances and the resources available. The company has designed and implemented numerous programs and initiatives, spent millions of dollars, and dedicated thousands (if not tens of thousands) of personnel hours towards achieving ninety-five percent penetration of location-capable handsets among its subscriber base, and will continue to do so until this level is achieved. It has also worked closely with the PSAPs in its service area to ensure that they are kept informed of the status of the company's E911 Phase II compliance efforts and its impact on subscribers. All of this demonstrates that SouthernLINC Wireless has a clear path to full compliance and is fully committed to achieving the ninety-five percent penetration level as rapidly as possible.

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Furthermore, the limited relief requested will enable SouthernLINC Wireless to continue to provide services to subscribers using higher power phones who may experience decreased access to emergency services if compelled to switch to lower power location-capable phones as a result of strict enforcement of the current November 12, 2007, deadline. SouthernLINC Wireless' vendor has recently advised SouthernLINC Wireless that it intends to offer a high power A-GPS capable handset in early 2009. This proposed extension will give SouthernLINC Wireless a reasonable amount of time to migrate these users to a compliant handset that will still meet these customers' unique needs and ensure that they do not experience decreased access to emergency services. Apart from the Commission's own waiver standard, this circumstance alone warrants the grant of the requested relief pursuant to the standards established by Congress through the *ENHANCE 911 Act*.

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Pursuant to Section 1.925 of the Rules of the Federal Communications Commission (“FCC” or “Commission”), 47 C.F.R. § 1.925, Southern Communications Services, Inc. d/b/a SouthernLINC Wireless (“SouthernLINC Wireless”) respectfully requests a further limited waiver of Section 20.18(g)(1)(v) of the Commission’s Rules, 47 C.F.R. § 20.18(g)(1)(v), which requires commercial mobile radio service (CMRS) providers utilizing handset-based E911 Phase II solutions to achieve ninety-five percent penetration of automatic location identification (ALI)-capable handsets among their subscribers by December 31, 2005.

Specifically, for the reasons set forth below, SouthernLINC Wireless requests that (1) the Commission consider it in compliance with the 95 percent benchmark for all low power handsets and (2) extend until June of 2009 its compliance deadline for its customers using high power handsets; or (3) extend its overall deadline until June 2009.

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As of the date of this Request, approximately 93.47 percent of SouthernLINC Wireless' customers use location-capable handsets. As described herein, but for the cohort of users who need a high power handset for which there is currently no A-GPS capable model on the market, SouthernLINC Wireless' overall penetration rate would be approximately 98 percent. SouthernLINC Wireless' vendor has recently advised SouthernLINC Wireless that it intends to offer a high power A-GPS capable handset in early 2009. This proposed extension will give SouthernLINC Wireless a reasonable amount of time to migrate these users to a compliant handset that will still meet these customers' unique needs.

I. BACKGROUND

On July 26, 2005, SouthernLINC Wireless, a “qualified Tier III carrier” as that term is defined in Section 107 of the *ENHANCE 911 Act*,¹ filed a Request for Waiver which sought a 24-month extension of the Commission's December 31, 2005, deadline to achieve ninety-five percent penetration of location-capable handsets among its subscriber base.² As set forth in the Request for Waiver and in subsequent filings, SouthernLINC Wireless faced, and continues to face, numerous challenges in its efforts to achieve the required level of penetration of location-capable handsets.³

¹ / National Telecommunications and Information Administration Organization Act – Amendment, Pub. L. No. 108-494, 118 Stat. 3986 (2004) (“*ENHANCE 911 Act*”), § 107(a).

² / Request for Waiver by SouthernLINC Wireless, CC Docket No. 94-102, filed July 26, 2005 (“Request for Waiver”).

³ / See, e.g., Request for Waiver at 2 – 3; see also SouthernLINC Wireless Notice of *Ex Parte* Presentation, CC Docket No. 94-102, filed Sept. 9, 2005; SouthernLINC Wireless Response to Request for Additional Information Supporting its Request for Waiver of the E911 Phase II handset Deployment Deadline, CC Docket No. 94-102, filed Oct. 26, 2005 (“Supplemental Filing”).

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In its *Order* released November 3, 2005, the Commission granted SouthernLINC Wireless a ten-month extension of the E911 Phase II deadline until November 3, 2006.⁴ The Commission also placed certain conditions on its grant of waiver in the *Order*, including quarterly reporting requirements and a requirement that SouthernLINC Wireless file a compliance plan with the Commission within six months of the effective date of the *Order*.⁵ On December 5, 2005, SouthernLINC Wireless filed a Petition for Reconsideration and Clarification of the *Order*, which is still pending before the Commission.⁶

Since filing its Petition, SouthernLINC Wireless has, without prejudice to its pending Petition, submitted quarterly reports as required by the *Order*.⁷ On May 3, 2006,

⁴ / *Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems; Request for Waiver by Southern Communications Services, Inc. d/b/a SouthernLINC Wireless*, CC Docket No. 94-102, Order, FCC 05-188 (rel. Nov. 3, 2005) (“*Order*”).

⁵ / *Id.* at ¶ 22 – 23.

⁶ / Petition for Reconsideration and Clarification of SouthernLINC Wireless, CC Docket No. 94-102, filed Dec. 5, 2005 (“*Petition*”). The *Petition* made clear that SouthernLINC Wireless had shown a “clear path to full compliance” and specifically addressed the points raised by the Commission as underlying its decision not to grant the full relief requested. *Id.* at 6 – 12. The *Petition* also asked the Commission to reconsider the November 3, 2006, deadline established by the *Order* and grant SouthernLINC Wireless additional time until December 31, 2007, which SouthernLINC Wireless believed to be necessary for it to achieve ninety-five percent penetration of location-capable handsets. *Id.* at 16 – 18.

⁷ / SouthernLINC Wireless E911 Phase II Quarterly Report: February 1, 2007, CC Docket No. 94-102, filed Feb. 1, 2007 (“1st Quarter 2007 Report”); SouthernLINC Wireless E911 Phase II Quarterly Report: May 1, 2007, CC Docket No. 94-102, filed May 1, 2007 (“2nd Quarter 2007 Report”); SouthernLINC Wireless E911 Phase II Quarterly Report: August 1, 2007, CC Docket No. 94-102, filed Aug. 1, 2007 (“3rd Quarter 2007 Report”); SouthernLINC Wireless E911 Phase II Quarterly Report: November 1, 2007, CC Docket No. 94-102, filed Nov. 1, 2007 (“4th Quarter 2007 Report”) (collectively, “Quarterly Reports”). SouthernLINC Wireless hereby

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SouthernLINC Wireless filed its required Compliance Plan – a requirement that the Commission has not imposed on any other carrier requesting a waiver.⁸ As of the date of the instant filing, SouthernLINC Wireless has yet to receive any comment or communication from the Commission regarding any aspect of its Compliance Plan.

On November 2, 2006, SouthernLINC Wireless filed for a further extension of the penetration deadline which the Commission partially granted, giving SouthernLINC Wireless until November 12, 2007, to comply with the penetration requirement.⁹ In granting this limited extension, the Commission found that “it appears likely that a strict enforcement of SouthernLINC Wireless’ current November 3, 2006 deadline...would impair the ability of certain 911 callers [referring to customers using high power handsets] to reach emergency assistance...”¹⁰ The Commission held that, because this would result in consumers having decreased access to emergency services, relief should be granted pursuant to the *ENHANCE 911 Act*.¹¹ In granting this relief, the Commission imposed on SouthernLINC Wireless an obligation to continue to inform its customers and

incorporates by reference all of these Quarterly Reports, as well as all of the quarterly reports SouthernLINC Wireless filed with the Commission in 2006.

⁸ / *Revision of the Commission’s Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems; Request for Waiver by Southern Communications Services, Inc. d/b/a SouthernLINC Wireless*, CC Docket No. 94-102, SouthernLINC Wireless E911 Phase II “Compliance Plan”, filed May 3, 2006 (“Compliance Plan”). SouthernLINC Wireless hereby incorporates the Compliance Plan by reference.

⁹ / *Request for Further Waiver by SouthernLINC Wireless*, CC Docket No. 94-102, filed Nov. 2, 2006 (“Request for Further Waiver”); *Revision of the Commission’s Rules to ensure compatibility with enhanced 911 Emergency Call Systems; Request for Waiver by Southern Communications Services, Inc. d/b/a SouthernLINC Wireless*, CC Docket No. 94-102, Order, DA 07-659 (rel. Feb. 12, 2007) (“February 2007 Order”).

¹⁰ / *Id.* at ¶ 13.

¹¹ / *Id.*

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PSAPs of the status of its E-911 compliance and to provide the Commission detailed quarterly reports on its progress. SouthernLINC Wireless has complied fully with these requirements.¹²

As discussed below, SouthernLINC Wireless has shown a “clear path to full compliance,” with new customer programs and initiatives to persuade subscribers to reflash their existing handsets or upgrade to location-capable phones. As a result of the aggressive programs it has undertaken, SouthernLINC Wireless has made substantial progress towards compliance with the ninety-five percent penetration requirement, and since February 2007 has been able to increase its handset penetration by over ten percent from 82.8 percent to 93.47 percent. While it is very close to achieving full compliance, there continues to be unique circumstances related to the segment of its customer base which uses high power handsets for which there is currently no A-GPS capable replacement. Since users of high power handsets still represent approximately [] percent of SouthernLINC Wireless’ customer base, SouthernLINC Wireless would need to persuade nearly every other remaining customer not currently using an A-GPS handset to switch in order to reach 95 percent penetration among its entire subscriber base. Put

¹² / See, e.g., SouthernLINC Wireless E911 Phase II Quarterly Report: February 1, 2007, CC Docket No. 94-102, filed Feb. 1, 2007 (“1st Quarter 2007 Report”); SouthernLINC Wireless E911 Phase II Quarterly Report: May 1, 2007, CC Docket No. 94-102, filed May 1, 2007 (“2nd Quarter 2007 Report”); SouthernLINC Wireless E911 Phase II Quarterly Report: August 1, 2007, CC Docket No. 94-102, filed Aug. 1, 2007 (“3rd Quarter 2007 Report”); SouthernLINC Wireless E911 Phase II Quarterly Report: November 1, 2007, CC Docket No. 94-102, filed Nov. 1, 2007 (“4th Quarter 2007 Report”).

another way, but for customers using high power handsets, SouthernLINC Wireless would have already exceeded the 95 percent benchmark.¹³

In its original and subsequent Requests for Waiver, Petition for Reconsideration, and related filings, SouthernLINC Wireless described in detail several unique and unusual circumstances that prevented it from meeting the original December 31, 2005, compliance deadline prescribed by Section 20.18(g)(1)(v) of the Commission's Rules.¹⁴ Among other things, SouthernLINC Wireless showed that its ability to achieve full compliance with the 95 percent penetration requirement was substantially hindered by several circumstances beyond its control, including:

- (i) a July 2004 latent software defect in sole-source vendor Motorola's A-GPS-equipped handsets used by SouthernLINC Wireless subscribers that instantly rendered all such handsets incapable of providing E911 location information;
- (ii) the need to either update or upgrade thousands of individual handsets to enable them to operate at new frequency positions as mandated by the Commission's *800 MHz Rebanding Order*;
- (iii) the substantial portion of handsets assigned to enterprise or government accounts that typically have long-term equipment replacement cycles and are reluctant to undergo an "out-of-cycle" upgrade from their current handsets to new location-capable handsets; and
- (iv) the number of SouthernLINC Wireless subscribers who utilize and rely on the range and coverage of high-power 1 and 3 watt phones and who are unwilling to upgrade to a lower-power (0.6 watt) location-

¹³ / SouthernLINC Wireless estimates that, but for its high-power handset users, its penetration rate would be at approximately 98 percent.

¹⁴ / See, e.g., Request for Waiver, Request for Further Waiver, Supplemental Filing, Petition, Quarterly Reports, and Compliance Plan, all of which are incorporated by reference herein. Also incorporated by reference herein are SouthernLINC Wireless' Notices of *Ex Parte* Presentation filed September 9, 2005, September 28, 2005, and October 4, 2005 in CC Docket No. 94-102.

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capable handset, which could potentially decrease their ability to receive any communications services – including emergency services – in remote areas.¹⁵

By and large due to extraordinary efforts, SouthernLINC Wireless has overcome almost all of these formidable logistical, operational, and financial barriers to achieving the 95 percent penetration goal established by the Commission. Although a solution for the lack of an A-GPS high power handset is on the horizon, the obstacle presented by customers using high-power handsets continues to exist. SouthernLINC Wireless relies on a sole-source vendor for all of its iDEN handsets and equipment and, as a smaller Tier III carrier, is not in a position to drive the manufacturing decisions of the vendor. It also has more limited resources than those of the much larger Tier I and Tier II carriers. These realities underpin Congress' decision to extend special relief to Tier III carriers under the *ENHANCE 911 Act*.¹⁶

For these and other reasons discussed herein, SouthernLINC Wireless has satisfied the Commission's standards for grant of the requested limited waiver of Section

¹⁵ / See, e.g., Request for Waiver at 2 – 3; see also SouthernLINC Wireless Notice of *Ex Parte* Presentation, CC Docket No. 94-102, filed September 9, 2005; Supplemental Filing at 6.

¹⁶ / See H.R. REP. NO. 108-311, at 12 (2003). SouthernLINC Wireless notes that the Commission granted two other waiver requests for extension of the ninety-five percent penetration deadline based on circumstances, similar to those presented here, where subscribers were reluctant to trade their higher power handsets for Phase II compliant phones. See *Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems; Petition of ACS Wireless for Limited Waiver*, CC Docket No. 94-102, Order, DA 06-1420 (rel. July 10, 2006); See also *Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems; Request for Extension/Waiver of Sagebrush Cellular, Inc., Nemont Communications, Inc., and Triangle Communication System, Inc.*, CC Docket No. 94-102, Order, DA 06-1419 (rel. July 10, 2006).

20.18(g)(1)(v) of the Rules.¹⁷ SouthernLINC Wireless also continues to meet the separate and distinct “decreased access to emergency services” standard established by the *ENHANCE 911 Act*, which was the sole stated basis for the Commission’s partial grant of the company’s initial and subsequent Requests for Waiver.¹⁸

II. ENHANCE 911 ACT CONDITIONS STILL EXIST

Section 107(a) of the *ENHANCE 911 Act* requires the Commission to grant a request for waiver of Section 20.18(g)(1)(v) of the Commission’s Rules if “strict enforcement of the requirements of that section would result in consumers having decreased access to emergency services.”¹⁹

As the Commission found in its initial waiver *Order*, “certain of SouthernLINC Wireless’ customers having high power handsets would likely find it more difficult and, at times, impossible, to contact a PSAP in some parts of its service area if they were forced to convert to lower-power A-GPS handsets.”²⁰ Again in the subsequent *February 2007 Order* the Commission noted: “[C]onsistent with the directive of the *ENHANCE 911 Act*, we find that certain of SouthernLINC Wireless’ customers would likely find it more difficult, and at times impossible, to contact a PSAP in parts of SouthernLINC Wireless’ service area if those customers were forced to convert from analog [*sic*]

¹⁷ / The Commission’s Section 20.18(g)(1)(v) waiver standards recognize that unique and unusual circumstances may justify extension of Phase II deployment deadlines for Tier III carriers. *See Order* at ¶ 6, 7 (and cases cited therein)

¹⁸ / *See Order* at ¶ 6 and *February 2007 Order* at ¶ 13.

¹⁹ / *ENHANCE 911 Act*, § 107(a).

²⁰ / *Order* at ¶ 19

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bagphones to location-capable handsets.”²¹ As summarized below, these circumstances continue to exist today, thus a decision denying a further waiver requested herein “would result in consumers having decreased access to emergency services.”²²

As SouthernLINC Wireless has previously explained, many of its subscribers place a high value on certain characteristics of their existing handsets that are currently not available in the newer location-capable handsets. Although SouthernLINC Wireless is working to reduce these numbers and they are slowly coming down, approximately [] percent of SouthernLINC Wireless’ subscribers still use handsets with 1 watt power capability which are designed to military specifications for ruggedness, durability, and the ability to operate in harsh and adverse conditions, or use vehicle-mounted units with a power capability of 3 watts. In contrast, all of the location-capable handsets available to SouthernLINC Wireless and its subscribers operate at 0.6 watts, meaning that their range is less extensive than that of a 1 watt handset or a 3 watt vehicle unit. While Motorola has developed – and SouthernLINC Wireless has offered since mid-2004 – a location-capable handset that offers the same ruggedness and durability features, the lower wattage makes this new handset an inadequate substitute in the eyes of customers, and they appear to regard it as a less attractive product.

In order to provide more detail for the Commission on the types of customers who rely on the greater coverage and capabilities of high power handsets, SouthernLINC Wireless encloses with the confidential version of this filing a confidential attachment

²¹ / *February 2007 Order* at ¶13. SouthernLINC Wireless notes that all of its iDEN phones are digital.

²² / *See ENHANCE 911 Act* at § 107(a)

(“Attachment A”) that provides additional information concerning this unique customer segment.²³

In order to address the needs of this important customer segment, SouthernLINC Wireless has had numerous discussions with Motorola over the past few years regarding the need for a new A-GPS capable high power handset and wants to emphasize to the Commission that it has been persistent and insistent in its quest for such a handset. SouthernLINC Wireless has been equally persistent in raising to the Commission’s attention, beginning with its filing in September 2001 of a waiver of the deadline to begin selling A-GPS capable handsets, the obstacle that the lack of a high power replacement phone presents to its Phase II compliance efforts.²⁴ The company has been advised on multiple occasions by Motorola that it did not intend to manufacture an A-GPS compliant 1 watt handset.²⁵ However, Motorola recently informed SouthernLINC Wireless that it

²³ / Attachment A. This attachment is not for public disclosure and has been redacted from the public version of this Request for Further Limited Waiver.

²⁴ / See *Revision of the Commission’s Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, CC Docket No. 94-102, SouthernLINC Petition for Limited Waiver of Section 20.18 of the Commission’s Rules (filed Sept. 18, 2001) at 25 – 26 (“2001 Waiver Request”); See also Request for Waiver at 11-13, 27-28; Petition at 10-11 and Exhibit A; Request for Further Waiver at 5-6.

It is also important to note that while the A-GPS Phase II solution for iDEN has not covered this important segment of customers, the other choice, a network-based solution, would have failed to produce the level of location accuracy on SouthernLINC Wireless’ network that is required by Commission regulations. See 2001 Waiver Request at 12 – 16.

²⁵ / See Attachment B (Letter dated Dec. 2, 2005, from Julio Abdala, Motorola, to Michael D. Rosenthal, SouthernLINC Wireless, confirming that “Motorola has never offered and has no plans to develop” an A-GPS capable iDEN handset with a power level greater than 0.6 watts). SouthernLINC Wireless has previously filed copies of this letter with the Commission as an attachment to its December 5, 2005 Petition and May 3, 2006
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now intends to produce an A-GPS compliant 1 watt handset by early 2009.²⁶

SouthernLINC Wireless expects that this handset will be an acceptable substitute for the current 1 watt unit and that its customers will be willing to upgrade to this new A-GPS compliant equipment.

The combined characteristics of a rugged handset with higher wattage has been the necessary choice among many of SouthernLINC Wireless' utility, government, industrial and public safety subscribers, who must often work in challenging environments and remote areas. While SouthernLINC Wireless has had some limited success in attempting to transition these subscribers to lower wattage location-capable handsets, the sales proposition continues to be a challenging one. Due to SouthernLINC Wireless' efforts, the size of this group of customers now represents approximately [] percent of the company's subscriber base. However, the pace of customer transition away from higher power handsets is still very slow, and SouthernLINC Wireless has encountered strong resistance from subscribers who do not want to trade in their higher power handsets no matter what incentives they are offered.

There continues to be a concern among such subscribers that the lower power capability of the location-capable handsets could result in the inability to communicate from areas that can currently be reached by their existing 1 watt and 3 watt handsets.²⁷

Compliance Plan. *See* Petition at 10 – 11 and Exhibit A; Compliance Plan at 6 and Exhibit A.

²⁶ / *See* Attachment C (Letter dated Nov. 7, 2007, from Greg Page, Motorola, to Marlene H. Dortch, Secretary, FCC).

²⁷ / *See* Attachment D (Letter dated Oct. 26, 2007, from Art Faulkner, State 9-1-1 Coordinator, Alabama Department of Homeland Security; Letter dated Nov. 2, 2007, from Kevin Dodd, Asst. Chief, Law Enforcement Section, Wildlife and Freshwater

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For example, one of the largest groups of users of the r750 high power handset consists of the crewmen who work for SouthernLINC Wireless' affiliated electric utility operating companies. This high power unit is an absolute necessity for these crews, who must be prepared to restore electricity anywhere in their company's network in the event of any emergency, such as the hurricanes that are frequent in this area of the country. These crews must also work in remote and rural areas when performing routine maintenance of the electric grid.

The ability to communicate is essential to accomplishing both routine maintenance and power restoration. Communications ensures that the work can be done accurately, rapidly, and safely. Knowing whether the next step in a job is ready to be performed impacts efficiency, and knowing whether a wire is "hot" or not can mean the difference between life and death. Thus, the ability to communicate using these high power headsets in all situations is the primary reason that they rely on SouthernLINC Wireless' network. A lower power handset with A-GPS capability would in many instances be a *detriment* to their safety, since there are areas in which they would not be able to communicate. Management of the electric utility operating companies have made the decision that the high power handset is essential to the safety of their crews, and they are in the best position to evaluate whether a switch to a lower power unit is prudent. This is the kind of informed decision-making that the *ENHANCE 911 Act* was intended to permit.

Fisheries Division, Alabama Department of Conservation; Letter dated Nov. 6, 2007, from Roy A. Case, IT Manager, Alabama Department of Public Health).

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Other examples of customers who rely on these handsets include game wardens in the Alabama Department of Conservation who have responsibility for monitoring hunting activities in rural and remote parts of the state.²⁸ These individuals usually carry out their employment responsibilities alone and are required to travel and monitor activities in parks and other rural and remote areas of the state that are wildlife habitats. The high power handset is their lifeline to assistance and reinforcement in carrying out their daily job responsibilities, as well as in seeking emergency assistance should it be required. Forcing this type of customer to switch to a lower power handset that would not have the effective range to communicate would decrease their access to essential communications services, including emergency services.

State troopers in the Alabama Department of Public Safety are another example of customers who use the high power handset. They are required to travel throughout the state, covering both urban and rural and remote areas, and need instant access to communications with fellow troopers or dispatchers. Likewise, the state Emergency Management Agency (Alabama EMA) personnel that provide emergency service in the event of hurricanes or other natural disasters use these high power handsets. Alabama EMA personnel can be called upon to bring assistance to communities in any part of the state and require assurance that they have communications anywhere they travel. The high power handset allows them not only to effectively carry out their public responsibilities for others' safety but also to use their phones in areas of the state where a lower power unit would not have sufficient range to enable them to communicate. Staff

²⁸ / See Attachment D.

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in the state Department of Transportation who are involved in all aspects of the maintenance and operation of the state's highway system use the r750 handset. These individuals can be on roads in any part of the state at any time. They also have responsibility for establishing evacuation routes in the event of natural disasters. Their ability to communicate reliably throughout the state is paramount.

These state workers represent just a few of the customers who would have decreased access to emergency services if they were forced to change their handset to a low power model and as a result could not communicate effectively.²⁹ Others include logging and construction crews, trucking companies and school buses that operate in rural areas. These customers have all been advised of the availability of the 0.6 watt units. Nevertheless, they have made the decision that the high power unit more effectively meets their overall needs, including for emergency communications, in the important jobs that they have to carry out.³⁰

SouthernLINC Wireless' experience is similar to that of cellular carriers with customers who prefer to have analog equipment for use in the more challenging and remote areas of their footprints. However, there is a significant difference in that SouthernLINC Wireless' customers are already using digital handsets that are not subject to any "phase-out" requirements and which could potentially remain operationally viable for several years – particularly given the ruggedized nature of the equipment in question.

²⁹ / *Id.*

³⁰ / All of these individuals use their phones for job-related communications. They may also have handsets for personal use which would be, in all likelihood, A-GPS-capable.

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In SouthernLINC Wireless' case, expanded network build-out does not change this situation, as it merely "pushes out" the area where higher power handsets can be used.³¹

As stated above, these subscribers make up approximately [] percent of SouthernLINC Wireless' subscriber base, yet strict enforcement of the Commission's handset deployment deadlines would require that a significant portion of these subscribers be migrated to a lower power location-capable handset, even if this would result in a loss of coverage in certain areas where these subscribers operate and, accordingly, would result in decreased access to emergency services. As the Commission is well aware, this is exactly the sort of outcome that Congress sought to avoid in adopting Section 107 of the *ENHANCE 911 Act*.

SouthernLINC Wireless believes that users of its high power handsets fit squarely within the mandates of the *ENHANCE 911 Act*, and the Commission has previously cited this precise reason in granting relief to SouthernLINC Wireless on two previous occasions.³² Since the lack of A-GPS compliant high power handsets will continue until a replacement model reaches the market in early 2009, it would be arbitrary and capricious for the Commission to now find that these same facts do not fit within the *ENHANCE 911 Act's* criteria for relief. SouthernLINC Wireless, however, remains committed to converting these customers to high power A-GPS capable handsets as soon as they are available.

³¹ / Petition at 8 – 10; Compliance Plan at 4 – 5 (providing additional detail about the company's cell site construction program).

³² / See Order at ¶19 and February 2007 Order at ¶13.

III. SOUTHERNLINC WIRELESS' HANDSET PENETRATION LEVELS

SouthernLINC Wireless estimates that, as of the date of the instant Request, approximately 93.47 percent of its customers currently use location-capable handsets. If SouthernLINC Wireless were to not count its customers using high power handsets, its penetration level would be approximately 98 percent.

Although short of the required ninety-five percent penetration level, this level of penetration demonstrates that SouthernLINC Wireless has made substantial progress since February 2007. The fact that SouthernLINC Wireless has been able to make so much progress should be considered within the context of the unique and unusual circumstances that the company continues to face, as well as the costs of achieving ninety-five percent penetration and the resources available to the company for all of its compliance efforts.

IV. SOUTHERNLINC WIRELESS CONTINUES TO FACE UNIQUE AND UNUSUAL CIRCUMSTANCES IN IMPLEMENTING THE E911 PHASE II REQUIREMENTS

As a company, SouthernLINC Wireless has always taken its regulatory obligations very seriously and has always made every possible effort to ensure that it is in full compliance with the Commission's rules and regulations. To this end, SouthernLINC Wireless has expended – and continues to expend – considerable effort and resources to achieving ninety-five percent penetration of location-capable handsets among its subscriber base.³³

³³ / SouthernLINC Wireless has previously provided to the Commission confidential financial information relevant to its compliance efforts. *See* Request for Further Waiver, Attachment A, filed November 2, 2006; *See also* Letter of Nov. 2, 2006, from Christine M. Gill, Counsel for SouthernLINC Wireless, to Kenneth Moran, Acting Bureau Chief, (continued...)

V. SOUTHERNLINC WIRELESS HAS SHOWN A CLEAR PATH TO FULL COMPLIANCE WITH THE E911 PHASE II REQUIREMENTS

SouthernLINC Wireless has shown a “clear path to full compliance” with the ninety-five percent E911 Phase II handset deployment requirement, both prior to and since the Commission’s *February 2007 Order*. Specifically, SouthernLINC Wireless has described the programs and initiatives it has undertaken, and continues to undertake, in all areas that affect its Phase II compliance results including: (1) reversing the substantial impact of the July 2004 software glitch; (2) educating consumers on the benefits of ALI E911 capabilities; and (3) providing incentives and inducements to subscribers – including users of higher-power handsets – to upgrade to A-GPS capable phones. In conjunction with a grant of the extension requested herein, SouthernLINC Wireless will continue to aggressively pursue achievement of at least ninety-five percent penetration of location-capable handsets among its subscribers as soon as possible.

A. Programs and Initiatives to Increase Customer Adoption of Location-Capable Handsets

SouthernLINC Wireless has undertaken numerous aggressive efforts to increase customer adoption of location-capable handsets as rapidly as possible, as described in its May 3, 2006 Compliance Plan,³⁴ as well as in previous quarterly status reports³⁵ and the Request for Further Waiver.³⁶ SouthernLINC Wireless notes that many of these efforts – such as “Call the Customer” and direct-mail campaigns, direct customer outreach

Public Safety and Homeland Security Bureau (requesting confidential treatment pursuant to Sections 0.457 and 0.459 of the Commission’s Rules, 47 C.F.R. § 0.457, 0.459).

³⁴ / See Compliance Plan at 6 – 9.

³⁵ / See, e.g., 2007 Quarterly Reports.

³⁶ / See Request for Further Waiver at 13 – 19.

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programs, numerous offers of free phones and heavily discounted phones without a required contract extension, rebates, free accessories, and offers of free services (including free minutes and a month of free location/navigation services) – have also been taken by other carriers and cited to approvingly by the Commission.³⁷

However, SouthernLINC Wireless does want to emphasize here the intensive effort made since February 1, 2007 to attain the goal of 95 percent penetration.³⁸

- In June 2007, SouthernLINC Wireless launched a targeted program offering free A-GPS-capable phones *with no contract requirements* to customers with non-location-capable phones. To make this offer even more attractive, SouthernLINC Wireless is offering these customers a choice from among four different phone models, thus enabling customers to select a replacement phone that most closely suits their service needs and most closely matches the features and capabilities they enjoy in their current phones (or that they wish their current phone provided). A copy of the SouthernLINC Wireless press release announcing this program is provided as Attachment E.
- If a customer using a non-location capable phone wishes to upgrade to a model other than one of the four free models described above, the customer may upgrade by paying the current promotional price for the phone and *will not be subject to any additional contract terms*. In addition to the free phone offer, SouthernLINC Wireless' 3rd Quarter promotional pricing offered a wide array of phones for less than \$100. Its 4th Quarter promotional phone offers are similarly attractive.
- To advertise the free phone offer described above, SouthernLINC Wireless began by launching a text messaging campaign aimed at subscribers believed to be using non-compliant phones. The initial round of text messages sent in June 2007 went to customers located in close

³⁷ / See, e.g., *Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems; Request for Waiver of Location-Capable Handset Penetration Deadline by Sprint Nextel Corporation*, CC Docket No. 94-102, Order, FCC 06-183 (rel. Jan. 5, 2007) ("*Sprint Nextel Waiver Order*"), ¶ 32 (citing examples of aggressive efforts by Tier III carriers, including free and discounted phones, free minutes, a month of free service, customer calling campaigns, etc.).

³⁸ / These efforts are also reported in SouthernLINC Wireless' 3rd Quarter 2007 Report and 4th Quarter 2007 Report.

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proximity to a SouthernLINC Wireless retail store. These messages were accompanied by phone calls to these same customers. A second round of text messages was launched in July 2007 and was targeted at *all* customers believed to be using non-compliant phones (please note that not all customers have text messaging capability). As of November 9, 2007, approximately 17,650 messages had been sent. These text messages have been followed up with a direct mail campaign, which is described below.

- In early August, SouthernLINC Wireless launched its direct mail campaign. The mailings targeted customers who were believed to be using non-compliant phones and presented them with the free A-GPS phone offer. The campaign involved two rounds of direct mail. The first one was sent in early August 2007. Copies of materials utilized in this effort are provided as Attachment F.
- SouthernLINC Wireless sent a second round of direct mail in late September/early October to all customers who had not responded to all previous outreach efforts. Copies of materials utilized in this effort are provided in Attachment G.
- The mailings described above were followed by a calling campaign targeted at customers who did not respond to the direct mailings. A second calling campaign was undertaken the first week of November 2007.
- Customers who received the first mailing also received follow-up text messages during August, encouraging them to take advantage of the A-GPS phone offer.
- Since October 1, 2007, customers with text messaging capability have been sent weekly follow-up messages to try to reach customers who have not responded to direct mailings.
- In addition to the text message, customer calling, and direct mail campaigns described above, SouthernLINC Wireless is also promoting A-GPS capability and its offer of a free phone with no additional contract requirements through window displays and brochures in its retail stores. A copy of the window poster for SouthernLINC Wireless' retail stores is provided as Attachment H. A copy of the in-store brochure is provided as Attachment I.
- SouthernLINC Wireless is attending and setting up booths at various trade shows and government conferences attended by SouthernLINC Wireless business and government customers in order to describe and promote the benefits of A-GPS and encourage upgrades to A-GPS-capable handsets, including through special upgrade incentives. Examples of recent conferences that SouthernLINC Wireless representatives have attended

include the Alabama Sheriffs' Association, the Alabama Police Chiefs' Association, the Georgia Sheriffs' Association, the Georgia Department of Transportation, the Alabama School Transportation Conference, the Georgia Public Health Annual Conference and Training, the Georgia Department of Family and Children Services Annual Conference, the Alabama Primary Health Care Association Conference, the Alabama Association of Emergency Managers Conference, and the State of Alabama Transportation Conference.

VI. SOUTHERNLINC WIRELESS CONTINUES TO HAVE A CLOSE WORKING RELATIONSHIP WITH PSAPS AND THE PUBLIC SAFETY COMMUNITY

A significant factor for the Commission in determining whether to grant a waiver of its E911 rules is the extent of the carrier's cooperation and communication with PSAPs and other public safety representatives.³⁹

In its *Order*, the Commission found “a close working relationship between SouthernLINC Wireless and some of the affected PSAPs, and an understanding by the PSAPs of SouthernLINC Wireless' status and efforts in achieving compliance with the ninety-five percent rate.”⁴⁰ SouthernLINC Wireless continues to work closely with the PSAPs in its service territory to ensure that community expectations are consistent with its projected compliance deadline. It remains in constant contact with all PSAPs in its service area regarding E911 services, its ability to provide Phase I and Phase II services, and any problems that might affect service availability. These communications, both written and verbal, include information on SouthernLINC Wireless' ability to provide

³⁹ / See, e.g., *Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, E911 Compliance Deadlines for Non-Nationwide Tier III CMRS Carriers*, CC Docket No. 94-102, Order to Stay, 18 FCC Rcd 20987, 20997 (2003) at ¶ 28.

⁴⁰ / *Order* at ¶ 18.

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Phase II service to its customers and the degree to which its customers can benefit from Phase II capabilities.

SouthernLINC Wireless' 911 services coordinator also interacts with the 911 community on a regular basis, including attending meetings where she provides updates on SouthernLINC Wireless' Phase II deployment.⁴¹ For example, over the past year alone, SouthernLINC Wireless' 911 services coordinator has provided updates at the Northwest Alabama E911 Directors Meetings, the Alabama APCO Quarterly Meeting, the Alabama NENA Quarterly Meetings, the Alabama Association of 911 Directors Legislative Meeting, the Alabama E-911 Study Committee, and the Georgia APCO Fall Training Conference.⁴²

Further, as previously described to the Commission, SouthernLINC Wireless has undertaken a communications program for Phase II-capable PSAPs in its service territory focusing on the customer handset penetration issue.⁴³ Specifically, SouthernLINC Wireless is providing these PSAPs with regular updates every two months on the number of SouthernLINC Wireless customers using location-capable handsets and its progress towards the goal of ninety-five percent penetration of location-capable handsets. These communications are in addition to the written confirmation to PSAPs of Phase II implementation once all activities, including testing, have been completed. As a result of the communications made with, and information provided to, the PSAPs, SouthernLINC

⁴¹ / *See, e.g.*, 3rd Quarter 2007 Report at 6.

⁴² / *See, e.g.*, 1st Quarter 2007 Report at 6; 2nd Quarter 2007 Report at 6; 3rd Quarter 2007 Report at 5 – 6; 4th Quarter 2007 Report at 6.

⁴³ / *See, e.g., Id.* at 5 – 7.

Wireless enjoys exceptionally good relationships with its PSAPs as it pertains to E911 compliance.⁴⁴

A chart summarizing SouthernLINC Wireless' deployment of E911 Phase II services to PSAPs is provided as Attachment J hereto. It is noteworthy that only 148 PSAPs out of a total of 302 in SouthernLINC Wireless' service area currently have, or have requested, Phase II E911 capability.⁴⁵

VII. SOUTHERNLINC WIRELESS HAS A CLEAR PATH TO FULL COMPLIANCE

The Commission has indicated that it is important for carriers to demonstrate that they have a clear path to full compliance. Southern believes that its very aggressive customer outreach efforts which have enabled it to raise its penetration by over ten percent in the last nine months clearly indicate that these efforts have been successful in reaching nearly every customer who is not operating with a high power handset. And, as the Commission recognized in setting the compliance target at 95 percent, there are a certain number of customers who will be unwilling to change their handsets regardless of the incentives they are offered.⁴⁶ While it will continue to be difficult to convince this

⁴⁴ / In fact, several PSAPs submitted letters to the Commission explicitly supporting SouthernLINC Wireless' request to be granted an extension until December 31, 2007, to achieve the ninety-five percent handset penetration level. *See, e.g.*, SouthernLINC Wireless Notices of *Ex Parte* Presentations, filed September 28 and October 4, 2005.

⁴⁵ / Of the 302 PSAPs in SouthernLINC Wireless' service area, 148 have requested Phase II service, 138 have had the service deployed to date, and 10 have requests pending.

⁴⁶ / *See 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, 17455-56 ¶ 36 (2000); *See also Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, CC Docket No. 94-102, Third Report and Order, 14 FCC Rcd 17388, 17412, (continued...)

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very last segment to switch, SouthernLINC Wireless will nevertheless continue to try to reach this segment of its customer base.

However, until being advised very recently by Motorola that it intended to manufacture an A-GPS capable high power handset, SouthernLINC Wireless did not see a viable option to convince its customers who use high power handsets to relinquish them for a lower power A-GPS capable handset. SouthernLINC Wireless strongly agrees with the policy enacted by Congress in the *ENHANCE 911 Act* that customers should not be forced to take an A-GPS capable handset in situations where that would result in them having less access to E-911 services. For commercial and government customers that operate in remote and rugged conditions where the ability to communicate is extremely important, SouthernLINC Wireless does not believe it is prudent to force these customers to relinquish these valuable handsets when the customer has decided, after weighing all of the aspects of their work environment, these handsets are a better option for them. With the introduction of an A-GPS capable high power handset, SouthernLINC Wireless will now have a reasonable option to reach this customer segment.

SouthernLINC Wireless believes that it will continue to make some progress in changing out the high power handsets used by some of these customers and that more of these customers will be amenable to changing out their handsets when a replacement high power handset is available in early 2009. SouthernLINC Wireless' aggressive A-GPS

17413-14 ¶¶ 51, 54 (1999) (“We recognize that carriers do not have complete control over their customers’ handset choices or over handset manufacturers and that it will likely be impossible to literally achieve 100 percent penetration of ALI-capable handsets, since some subscribers may simply choose to keep their non-ALI handsets.”).

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marketing efforts, together with its ability to offer an A-GPS compliant high power handset, will undoubtedly allow it to achieve an overall 95 percent penetration rate.

As a smaller regional carrier, SouthernLINC Wireless is not in a position to drive the manufacturing schedule of its handset vendor. Now that Motorola has indicated that it intends to produce the A-GPS compatible high power handset, its availability is reasonably assured. The normal manufacturing process, however, does take time and, according to Motorola, this handset will not be available until early 2009. SouthernLINC Wireless will nevertheless continue in its efforts to achieve compliance at the earliest possible date, even without the availability of this handset. It should not be penalized during the interim.

VIII. CONCLUSION

The unique and unusual circumstances surrounding SouthernLINC Wireless' efforts to comply with Section 20.18(g)(1)(v) of the Commission's Rules merit grant of the relief requested herein. SouthernLINC Wireless has made every effort to meet the Commission's Phase II penetration requirements in light of these circumstances and the resources available. The company has designed and implemented numerous programs and initiatives, spent millions of dollars, and dedicated thousands (if not tens of thousands) of personnel hours towards achieving ninety-five percent penetration of location-capable handsets among its subscriber base, and will continue to do so until this level is achieved. It has also worked closely with the PSAPs in its service area to ensure that they are kept informed of the status of the company's E911 Phase II compliance efforts and its impact on subscribers. All of this demonstrates that SouthernLINC

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Wireless has a clear path to full compliance and is fully committed to achieving the ninety-five percent penetration level as rapidly as possible.

Furthermore, the limited relief requested will enable SouthernLINC Wireless to continue to provide services to subscribers using higher power phones who may experience decreased access to emergency services if compelled to switch to lower power location-capable phones as a result of strict enforcement of the current November 12, 2007, deadline. Apart from the Commission's own waiver standard, this circumstance alone warrants the grant of the requested relief pursuant to the mandates of the *ENHANCE 911 Act*.

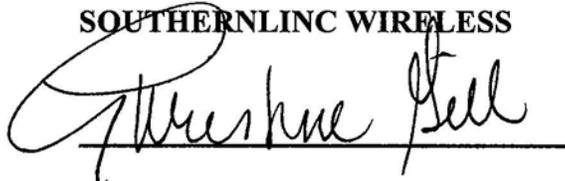
For all of the reasons set forth herein, SouthernLINC Wireless submits that its request that (1) the Commission consider it in compliance with the 95 percent benchmark for all low power handsets and (2) extend until June of 2009 its compliance deadline for its customers using high power handsets; or (3) extend its overall deadline until June 2009, is in the public interest under the Commission's Rules and consistent with the provisions of the *ENHANCE 911 Act*, and that grant of the requested limited relief is thus warranted.

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WHEREFORE, THE PREMISES CONSIDERED, SouthernLINC Wireless respectfully requests the Commission to grant the requested further waiver of Section 20.18(g)(1)(v) of the Commission's Rules.

Respectfully submitted,

SOUTHERNLINC WIRELESS

A handwritten signature in black ink, appearing to read "Christine M. Gill", is written over a solid horizontal line.

Christine M. Gill
David D. Rines
McDERMOTT WILL & EMERY LLP
600 Thirteenth Street, N.W.
Washington, D.C. 20005-3096
T: 202.756.8000
F: 202.756.8087

Holly Henderson
External Affairs Manager
SouthernLINC Wireless
5555 Glenridge Connector, Suite 500
Atlanta, GA 30342
T: 678.443.1500

Michael D. Rosenthal
Director of Legal and External Affairs
SouthernLINC Wireless
5555 Glenridge Connector, Suite 500
Atlanta, GA 30342
T: 678.443.1500

Its Attorneys

November 9, 2007

ATTACHMENT A

[REDACTED]

ATTACHMENT B

December 2, 2005 Letter from Motorola to SouthernLINC Wireless



MOTOROLA

December 2, 2005

Mr. Michael Rosenthal
Director, Legal and External Affairs
SouthernLINC Wireless
5555 Glen Ridge Connector
Suite 500
Atlanta, GA 30342

Re: AGPS Capability in iDEN Communication Products

Dear Mr. Rosenthal,

Motorola includes the AGPS capability in all its currently shipping iDEN communication subscriber products. Motorola has never offered and has no plans to develop iDEN communication subscriber products that can support both AGPS and a power level of greater than .6 watts. While some of our legacy products, developed long before the AGPS feature was developed on the iDEN platform and currently still in use by SouthernLINC Wireless customers, did provide power levels of 1 watt and greater, the power level of .6 watts is the maximum level supported by our current subscriber product platform.

If further information regarding this matter is required from Motorola, please do not hesitate to contact me directly.

Respectfully,


Julio Abdala
Senior Director of Engineering
iDEN Mobile Devices
Motorola, Inc.

8000 West Sunrise Boulevard
Ft. Lauderdale, Florida 33322
Telephone: 954-723-6093

ATTACHMENT C

November 7, 2007 Letter from Motorola to the FCC



Nov. 7th, 2007

To: Ms. Marlene Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Re: E-911 Implementation; SouthernLINC Wireless Request for Waiver, Docket No.
94-102

Dear Secretary,

This is to confirm that Motorola has plans for a 1 Watt, GPS enabled iDEN handset device on its development and production roadmap. This device would be useable on the SouthernLINC Wireless network. Our current best estimate calls for availability of this product in early 2009. We have the project funded in our budget, done preliminary engineering analysis of its feasibility, developed an initial requirements document for the device and we have a high degree of confidence in our ability to develop and deliver the device within this timeframe.

Sincerely,

A handwritten signature in black ink, appearing to read 'Greg Page', written over a horizontal line.

Greg Page
Director of Distribution
iDEN International Mobile Devices
Motorola Inc.

ATTACHMENT D

Letter from State 9-1-1 Coordinator, Alabama Department
of Homeland Security

Letter from Asst. Chief, Law Enforcement Section, Wildlife and Freshwater
Fisheries Division, Alabama Department of Conservation

Letter from Alabama Department of Public Health



Bob Riley
Governor

Department of Homeland Security
State of Alabama



Jim Walker
Director

October 26, 2007

Ms. Marlene Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Re: E-911 Implementation; SouthernLINC Wireless Request for Waiver, Docket No. 94-102

Dear Ms. Dortch:

I am a long time subscriber of SouthernLINC Wireless and use the high powered handset model R-750. Currently, I hold the position State 9-1-1 Coordinator and Communications Officer with the Alabama Department of Homeland Security. I am also a member of the Elmore County E 9-1-1 Board of Directors. Previously, I served as the Director of Operations with the Alabama Emergency Management Agency. I live in a rural area of the state and travel extensively around the state in performance of my official duties. I believe the ability to communicate via my R-750 handset in the areas where I travel is essential. I have not upgraded my high powered handset and do not intend to until a new equally high powered handset with the AGPS capability is available. I believe with high power, my current handset gives me better access to emergency services than a newer low powered handset with AGPS capability. Therefore, being forced to exchange my handset would give me decreased access to emergency services.

Since SouthernLINC holds the state contract to provide communications, statewide in Alabama, personnel rely heavily on the high powered handset because it gives them coverage in areas outside major metropolitan areas and interstate highways. When disaster strikes emergency personnel throughout Alabama depend on SouthernLINC to provide reliable communications that help save lives and reduce damage to property. Many of these responders utilize high powered handsets. With the reduced coverage of a lower powered handset, some of these responders will have little to no service.

Accordingly, I support SouthernLINC Wireless' request for extension of their handset penetration deadline and urge the Commission to take into account the fact that the iDEN high powered handset is a valuable tool for people who depend on them in remote and rural areas. I request the Commission consider these factors when reviewing SouthernLINC's request for an extension.

Sincerely,

A handwritten signature in black ink, appearing to read "Art Faulkner".

Art Faulkner
State 9-1-1 Coordinator



STATE OF ALABAMA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
WILDLIFE AND FRESHWATER FISHERIES DIVISION

64 NORTH UNION STREET, SUITE 567
POST OFFICE BOX 301456
MONTGOMERY, ALABAMA 36130-1456
(334) 242-3465
FAX (334) 242-3032
www.outdooralabama.gov



BOB RILEY
GOVERNOR

M. BARNETT LAWLEY
COMMISSIONER

*The mission of the Wildlife and Freshwater Fisheries Division is to
manage, protect, conserve, and enhance the wildlife and aquatic resources
of Alabama for the sustainable benefit of the people of Alabama.*

M. N. 'CORKY' PUGH
DIRECTOR

FRED R. HARDERS
ASST. DIRECTOR

November 2, 2007

Ms. Marlene Dortch
FCC
445 12th Street SW
Washington, DC 20554

Re: Southernlinc Waiver E911 Implementation

Dear Ms. Dortch:

The Alabama Department of Conservation, Wildlife and Freshwater Fisheries Law Enforcement Section has utilized the Southernlinc Wireless Communications system for many years. Our assigned duties require approximate 170 personnel to work in various remote rural areas of the state. Since wireless reception strength is often weak in these areas we have come to rely upon the high powered Motorola R750 handset. My understanding is that the more recent handset models do not perform as well in areas with spotty coverage.

Officer safety is our primary concern and the wireless radio handset is often their only link to emergency assistance. We intend to continue use of our existing R750 units until an equal powered unit is available or they cease to function.

We support Southernlinc's extension request of the handset penetration deadline and urge the FCC to consider the product needs of customers like the Alabama Wildlife and Freshwater Fisheries Division.

Thank you for your attention to this matter.

Sincerely,

Kevin Dodd, Assistant Chief
Law Enforcement Section
Wildlife and Freshwater Fisheries Division
Alabama Department of Conservation

JKD/kc



STATE OF ALABAMA DEPARTMENT OF
PUBLIC HEALTH

Donald E. Williamson, MD
State Health Officer

November 6, 2007

Ms. Marlene Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Re: E-911 Implementation; SouthernLINC Wireless Request for Waiver, Docket No. 94-102

Dear Ms. Dortch:

Alabama Department of Public Health is a long time subscriber of SouthernLINC Wireless and use the high powered handset model R-750. Currently, Alabama Department of Public Health utilizes the R-750 in every hospital Emergency Room in the State for interoperability during disasters. It is imperative that we have the functionality of the full one watt unit in order to communicate in the most rural areas.

Accordingly, I support SouthernLINC Wireless' request for extension of their handset penetration deadline and urge the Commission take into account the fact that the iDEN high powered handset is valuable tool for people whose work takes them into the more remote and rural areas. The Commission should take these factors into account in reviewing SouthernLINC's request for an extension.

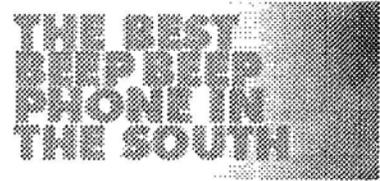
Very truly yours,

A handwritten signature in cursive script that reads "Roy A. Case".

Roy A. Case
IT Manager
ADPH-Computer Systems Center
201 Monroe Street Suite 881
Montgomery, AL 36104
334-206-7000
roycase@adph.state.al.us

ATTACHMENT E

June 6, 2007 Press Release on SouthernLINC Wireless'
Handset Replacement Program



Home Consumer Business Government Shop Online Customer

SEARCH SITE SEARCH [input field] [submit button]

FIND A STORE [input field] [submit button]

PRESS ROOM

SouthernLINC - Press Releases

Recent

Media Contacts

Valerie Holpp
SouthernLINC Wireless
(770) 550-0635
VHolpp@southernco.com

Lindsey Larkins
Edelman
(404) 262-3000
Lindsey.Larkins@edelman.co

Archived

CAREERS

SouthernLINC Wireless Ensures Customers Benefit From Assisted Global Positioning System (AGPS) Capability

PRIVACY & TERMS

ATLANTA - June 06, 2007 - SouthernLINC Wireless, a Southern Company (NYSE: SO), is taking steps to ensure all of its customers own phones equipped with Assisted Global Positioning System (AGPS) technology, which automatically provides 911 operators, who are equipped to receive the information, with the caller's approximate location in the event of an emergency.

Terms And Conditions

Privacy Policy

CPNI Guidelines

Acceptable Use Policy

Return Policy

Effective immediately, SouthernLINC Wireless is actively reaching out to its customers without AGPS-enabled phones and giving them the opportunity to choose from a Motorola i265, Motorola i355, Motorola i560 or Motorola i670 at no cost and without requiring a contract extension to ensure that they can benefit from the AGPS technology. All of these phones are AGPS capable. The free phone offer without a contract extension applies only to SouthernLINC Wireless customers who have an active phone that is not AGPS capable.

SL IN THE COMMUNITY

Southern Heroes

TESTIMONIALS

"For several years now, SouthernLINC Wireless has been educating customers on the benefits of owning AGPS-equipped phones and offering various upgrade opportunities," said Bob Dawson, president and CEO, SouthernLINC Wireless. "The current SouthernLINC Wireless offer is one of the most the most significant endeavors within the industry to ensure customers have the opportunity to own an AGPS capable phone."

In 1999, the Federal Communications Commission (FCC) mandated that all wireless carriers implement technology enabling outfitted 911 centers to automatically receive a caller's latitude and longitude coordinates to identify his/her location. Today, SouthernLINC Wireless' entire suite of phones is AGPS-enabled.

For more information, visit: http://www.southerlinc.com/e911.asp

About SouthernLINC Wireless

SouthernLINC Wireless, a Southern Company (NYSE: SO), is an Atlanta-based regional major metro and rural areas in Alabama, Georgia, southeastern Mississippi and northern Louisiana. SouthernLINC Wireless bundles multiple communication options into one phone including push to talk, wireless Internet access and wireless data. More information about SouthernLINC Wireless by calling 1-800-818-LINC (5462) or visiting the SouthernLINC Wireless Web site at www.southernlinc.com

ATTACHMENT F

Materials for August 2007 Mailing Campaign

Choose from Four FREE AGPS Capable Phones

It's easy to get your AGPS capable phone:

1. Review the four FREE phone models
2. Select a model for each of your eligible accounts on the enclosed AGPS Equipment Form
3. Fax or mail your completed form by September 2, 2007
4. As soon as your equipment arrives, call Customer Support to transfer service and register your phone(s)

For more information, call us at 1-866-461-LINC.

 **SouthernLINC**
Wireless

A Southern Company

i265



- Sleek and stylish – only 4.5 oz
- Vibrant color screen
- Keypad designed for quick and easy dialing
- AGPS capable
- Push to Talk functionality

- Compact flip design – only 4.06 oz
- Built to MIL Standard 810F
- Color screen
- AGPS capable
- Push to Talk functionality

i670



Over for more phone models. 



i560

- Durable, rugged flip design – built to MIL Standard 810F
- Only 4.6 oz
- External color display
- AGPS capable
- Push to Talk functionality

- Rugged design – built to MIL Standard 810F
- Weather resistant
- Vivid color screen
- AGPS capable
- Push to Talk functionality



Over for more phone models.



i355

Respond by September 2, 2007
to replace your old equipment
without cost or additional obligation.

Choose from four **FREE AGPS capable phones**. Your new equipment will be shipped to the address on your **AGPS Equipment Form**.

For more information,
call us at **1-866-461-LINC**.

 **SouthernLINC**
Wireless

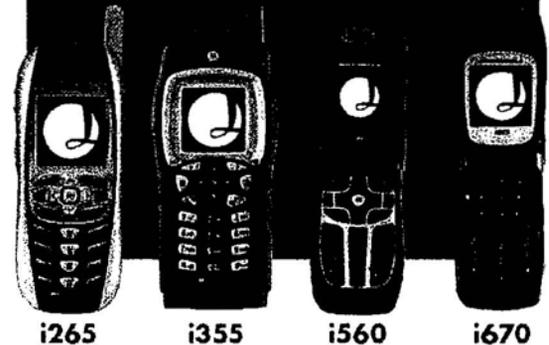
A Southern Company

To avoid the \$150 equipment fee, call Customer Service at 1.866.461.LINC within 30 days of the order date to transfer service and register your new phone(s). The equipment, and promotions set forth herein are subject to changes as are the terms and conditions contained in the SouthernLINC Wireless customer agreement. Offer ends on 11/12/07. Motorola and the stylized M logo are registered with the U.S. Patent & Trademark Office. © Motorola, Inc. 2007. © 2007 Southern Communications Services, Inc. d/b/a/ SouthernLINC Wireless.

Sample Name
Address Line 1
Address Line 2
City, State 00000

**Receive FREE AGPS
Capable Phones.**

**For all accounts listed on
the enclosed form.**



Dear [Name]:

As a valued SouthernLINC Wireless customer, we are writing to make you aware of some important regulatory changes that affect your phone equipment.

In order to comply with Federal Communications Commission (FCC) regulations on 911 calls, SouthernLINC Wireless must soon ensure that that 95% of the phones on its network have Assisted Global Positioning System (AGPS) capability. AGPS technology enables emergency response personnel who use current technology to map the appropriate location of a 911 cellular call to within 135 yards. **This capability can be invaluable in times of emergency, when every second counts.**

Ensure Your Safety with AGPS

You have been identified as a customer with active phone(s) that may not have the AGPS functionality. To ensure that you have AGPS phone(s) we are offering you, without additional cost or obligation, one of four brand-new AGPS CAPABLE cellular phones to replace the equipment associated with each of the sub-accounts listed on the enclosed AGPS Equipment Form.

Get FREE Replacement of Your non-AGPS Phone Equipment Now

Receiving new AGPS capable phone(s) is easy. Here's how:

- 1) **Review the four FREE phone models** available to you.
- 2) **Select a new model** for each of your eligible accounts listed on the enclosed AGPS Equipment Form.
- 3) **Fax or mail your completed form** using the fax #1.877.765.6329 or envelope provided. You'll receive your phone(s) by UPS at the master account shipping address listed on the AGPS Equipment form.
- 4) **Call Customer Support at 1.866.461.LINC to transfer service and register your phone(s).** We are providing free replacement phone(s) to ensure that you are using an AGPS capable phone. **If you do not call to transfer service and register your phone(s) within 30 days of your order date, a \$150 equipment fee will be applied to your account for each unregistered replacement phone.**

We must receive your selection before **September 2, 2007** to replace your equipment FREE of charge without any contract extension required.

Thank you for being a valued SouthernLINC Wireless customer. We hope you'll take advantage of this equipment replacement offer for the sub-accounts listed on the AGPS Equipment Form. We want all of our customers to have equipment that can serve them should an emergency arise.

Sincerely,



Julie T. Pigott

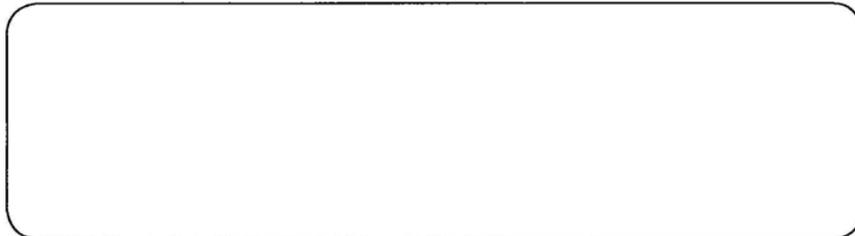
Vice President, Marketing and Customer Support

P.S. You must respond by September 2, 2007 to receive your new FREE phones!



RETURN SERVICE REQUESTED

PRESORTED
FIRST-CLASS MAIL
US POSTAGE PAID
ATLANTA, GA
PERMIT NO. 2550



EQUIPMENT REPLACEMENT NOTICE
RESPOND BY: SEPTEMBER 2, 2007



Priority Handling
New Equipment Request Enclosed



NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES

BUSINESS REPLY MAIL
FIRST-CLASS MAIL PERMIT NO. 26706 ATLANTA GA

POSTAGE WILL BE PAID BY ADDRESSEE

SOUTHERNLINC WIRELESS
5555 GLENRIDGE CONNECTOR NE STE 500
ATLANTA GA 30342-9908



ATTACHMENT G

Materials for September/October 2007 Mailing Campaign

Choose from Four FREE AGPS Capable Phones

It's easy to get your AGPS capable phone:

1. Review the four FREE phone models
2. Select a model for each of your eligible accounts on the enclosed AGPS Equipment Form
3. Fax or mail your completed form by November 12, 2007
4. As soon as your equipment arrives, call Customer Support to transfer service and register your phone(s)

For more information, call us at 1-866-461-LINC.

 **SouthernLINC**
Wireless

A Southern Company

i265



- Sleek and stylish — only 4.5 oz
- Vibrant color screen
- Keypad designed for quick and easy dialing
- AGPS capable
- Push to Talk functionality

- Compact flip design — only 4.06 oz
- Built to MIL Standard 810F
- Color screen
- AGPS capable
- Push to Talk functionality

i670



Over for more phone models. 



i560

- Durable, rugged flip design – built to MIL Standard 810F
- Only 4.6 oz
- External color display
- AGPS capable
- Push to Talk functionality

- Rugged design – built to MIL Standard 810F
- Weather resistant
- Vivid color screen
- AGPS capable
- Push to Talk functionality

 Over for more phone models.



i355

Respond by November 12, 2007
to replace your old equipment
without cost or additional obligation.

Choose from four FREE AGPS capable phones. Your new equipment will be shipped to the address on your AGPS Equipment Form.

**For more information,
call us at 1-866-461-LINC.**

 **SouthernLINC**
Wireless

A Southern Company

To avoid the \$150 equipment fee, call Customer Service at 1.866.461.LINC within 30 days of the order date to transfer service and register your new phone(s). The equipment, and promotions set forth herein are subject to changes as are the terms and conditions contained in the SouthernLINC Wireless customer agreement. Offer ends on 11/12/07. Motorola and the stylized M logo are registered with the U.S. Patent & Trademark Office. © Motorola, Inc. 2007. © 2007 Southern Communications Services, Inc. d/b/a/ SouthernLINC Wireless.

Sample Name
Address Line 1
Address Line 2
City, State 00000



Dear [Name]:

As a valued SouthernLINC Wireless customer, we are writing to make you aware of some important regulatory changes that affect your phone equipment.

In order to comply with Federal Communications Commission (FCC) regulations on 911 calls, SouthernLINC Wireless must soon ensure that that 95% of the phones on its network have Assisted Global Positioning System (AGPS) capability. AGPS technology enables emergency response personnel who use current technology to map the appropriate location of a 911 cellular call to within 135 yards. **This capability can be invaluable in times of emergency, when every second counts.**

Ensure Your Safety with AGPS

You have been identified as a customer with active phone(s) that may not have the AGPS functionality. To ensure that you have AGPS phone(s) we are offering you, without additional cost or obligation, one of four brand-new AGPS CAPABLE cellular phones to replace the equipment associated with each of the sub-accounts listed on the enclosed AGPS Equipment Form.

Get FREE Replacement of Your non-AGPS Phone Equipment Now

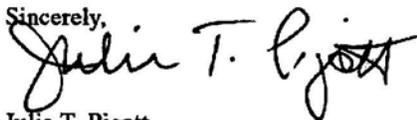
Receiving new AGPS capable phone(s) is easy. Here's how:

- 1) **Review the four FREE phone models** available to you.
- 2) **Select a new model** for each of your eligible accounts listed on the enclosed AGPS Equipment Form.
- 3) **Fax or mail your completed form** using the fax #1.877.765.6329 or envelope provided. You'll receive your phone(s) by UPS at the master account shipping address listed on the AGPS Equipment form.
- 4) **Call Customer Support at 1.866.461.LINC to transfer service and register your phone(s).** We are providing free replacement phone(s) to ensure that you are using an AGPS capable phone. **If you do not call to transfer service and register your phone(s) within 30 days of your order date, a \$150 equipment fee will be applied to your account for each unregistered replacement phone.**

We must receive your selection before **November 12, 2007** to replace your equipment **FREE** of charge without any contract extension required.

Thank you for being a valued SouthernLINC Wireless customer. We hope you'll take advantage of this equipment replacement offer for the sub-accounts listed on the AGPS Equipment Form. We want all of our customers to have equipment that can serve them should an emergency arise.

Sincerely,



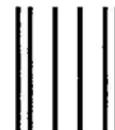
Julie T. Pigott

Vice President, Marketing and Customer Support

P.S. You must respond by November 12, 2007 to receive your new FREE phones!



Priority Handling
New Equipment Request Enclosed



NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES



BUSINESS REPLY MAIL
FIRST-CLASS MAIL PERMIT NO. 26706 ATLANTA GA

POSTAGE WILL BE PAID BY ADDRESSEE
SOUTHERNLINC WIRELESS
5555 GLENRIDGE CONNECTOR NE STE 500
ATLANTA GA 30342-9908



ATTACHMENT H

Window Display Poster for SouthernLINC Wireless
Retail Stores

Is your
phone A-GPS
capable?

Ask
today.

 **SouthernLINC**[®]
Wireless

A Southern Company

For more information on A-GPS capabilities see SouthernLINC.com. © 2007 Southern Company Services, L.P. SouthernLINC, the SouthernLINC logo, and Ask Today are registered trademarks of Southern Company Services, L.P. All other trademarks are the property of their respective owners.

ATTACHMENT I

**In-Store Brochure for SouthernLINC Wireless
Retail Stores**

Is your phone A-GPS capable?

What is A-GPS?

The Federal Communications Commission (FCC) has mandated that wireless carriers implement technology that would enable 911 centers, equipped with the appropriate technology, to automatically receive a caller's latitude and longitude coordinates in order to identify the caller's location.

Ultimately, it's a matter of safety. When dialing 911, an Assisted Global Positioning System (A-GPS) phone will automatically provide 911 operators who are equipped to receive this information with your number and approximate location, making it easier and faster for emergency responders to find you. In an emergency, this may be critical.

Because of this, SouthernLINC Wireless is actively reaching out to its customers without A-GPS-enabled phones and giving them the opportunity to choose from a Motorola i265, Motorola i355, Motorola i560 or Motorola i670 at no cost and without requiring a contract extension, to ensure that they can benefit from the A-GPS technology. This phone offer without contract extension applies only to SouthernLINC Wireless customers who have an active phone that is not A-GPS capable and is in good standing.

 **SouthernLINC**
Wireless

A Southern Company



Is my phone A-GPS capable?

The following Motorola phones are A-GPS capable:

• iM240	i355 ●	i736
i58sr	i415	i760
i88s	i450	i830
i205	i530	i833 ●
• i215	i560	i835
i265	i580	i836
i275	i605	i850 ●
i285 ●	i670	i855 ●
i305	i710	i860
i315	i720	i870
i325	i730	i875
i325IS	i733	i880

plus, the BlackBerry® 7100i™

What if my phone model is not listed above?

If your phone is not listed above, please visit your local SouthernLINC Wireless store or contact Customer Support at 1-866-461-LINC (or dial 611 from your phone). You may be eligible for a replacement phone with no contract extension.



A Southern Company

To avoid the \$150 equipment fee, call Customer Support at 1.866.461.LINC within 30 days to transfer service and register your new phone(s). Offer may be withdrawn at any time without notice. Southern Company and affiliate company employees are not eligible for free phone replacement. SouthernLINC Wireless does not guarantee that using an A-GPS-capable phone will ensure that you will be located in an emergency. The BlackBerry and RIM families of related marks, images and symbols are the exclusive properties of and trademarks of Research In Motion Limited – used by permission. ©2007 Southern Communications Services, Inc. d/b/a SouthernLINC Wireless. ©2007 Motorola, Inc. Motorola and the stylized M logo are registered in the U.S. Patent and Trademark Office. All rights reserved. SCS-4199-7/07

ATTACHMENT J

E911 Phase I and Phase II Deployment Chart

Legal External Affairs
Project Status Report

E911 Phase I and II



A Southern

SouthernLINC Wireless External Affairs
Project Update

Last Reviewed: 10/30/2007

911 Deployments

Status as of October 30, 2007		Phase 1 Requests					Phase 2 Requests				
911 Implementation	Total PSAPs	Total Rec'd	Total Pending	Total Deployed	2007 Deployments	Total Past Deployment Deadline	Total Rec'd	Total Pending	Total Deployed	2007 Deployments	Total Past Deployment Deadline
AL	85	74	0	74	5	0	55	1	54	8	0
FL	12	11	0	11	0	0	10	0	10	2	0
GA	180	107	1	106	16	0	77	9	68	21	0
MS	25	11	0	11	0	0	6	0	6	1	0
Total	302	203	1	202	21	0	148	10	138	32	0

Status as of December 31, 2006		Phase 1 Requests					Phase 2 Requests				
911 Implementation	Total PSAPs	Total Rec'd	Total Pending	Total Deployed	2006 Deployments	Total Past Deployment Deadline	Total Rec'd	Total Pending	Total Deployed	2006 Deployments	Total Past Deployment Deadline
AL	83	69	0	69	6	0	47	1	46	13	0
FL	12	11	0	11	4	0	10	2	8	2	0
GA	179	95	5	90	26	0	52	5	47	30	0
MS	24	11	0	11	3	0	6	1	5	2	0
Total	298	186	5	181	39	0	115	9	106	47	0

Status as of December 31, 2005		Phase 1 Requests					Phase 2 Requests				
911 Implementation	Total PSAPs	Total Rec'd	Total Pending	Total Deployed	2005 Deployments	Total Past Deployment Deadline	Total Rec'd	Total Pending	Total Deployed	2005 Deployments	Total Past Deployment Deadline
AL	83	63	0	63	2	0	34	1	33	8	0
FL	12	8	1	7	1	0	7	1	6	1	0
GA	179	67	3	64	23	0	23	6	17	12	0
MS	24	9	1	8	1	0	4	1	3	1	0
Total	298	147	5	142	27	0	68	9	59	22	0