

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

Commercial Mobile Radio Services) WT Docket No. 08-27
Market Competition)

To: Chief, Wireless Telecommunications Bureau

COMMENTS OF COMMNET WIRELESS, LLC

Commnet Wireless, LLC (“Commnet”), a provider of commercial mobile radio service (“CMRS”) in rural and remote areas of the country, hereby comments in response to the Public Notice released by the Wireless Telecommunications Bureau (“Bureau”) in the above-captioned proceeding.¹ Specifically, Commnet addresses the misguided effect of current policy regarding implementation of E911 rules in very remote and rural areas. Current policy, which demands *enhanced* 911 service even in wilderness areas, impairs Commnet’s ability to provide service in remote areas and actually reduces consumers’ access to emergency services in remote areas.

Because of a system that occasionally subsidizes local subscribers in rural areas but does not fund any service focusing on the needs of incoming roamers to remote areas, companies like Commnet have no funds – or incentive – to continue operating facilities in many remote areas. Commnet asks the Bureau to consider as part of this proceeding the unintended and perverse consequences of the current system.

Discussion

Commnet is a wireless telecommunications company that operates in rural and remote areas of Kansas, Missouri, Montana, Wyoming, Colorado, Arizona, New Mexico,

¹ *Public Notice*, “Wireless Telecommunications Bureau Seeks Comment on Commercial Mobile Radio Service Market Competition,” WT Docket No. 08-27, DA 08-453, rel. Feb. 25, 2008.

South Dakota and Utah, as well as the Florida Keys. As a “carrier’s carrier,” Commnet provides wholesale wireless telephone service to all of the major U.S. carriers via roaming agreements, which in turn allows these carriers to include Commnet’s coverage areas within their respective coverage footprints. Commnet serves incoming roamers in remote areas such as the Navajo Native American Reservation, Dixie National Forest, Glen Canyon National Recreation Area, the Sonoran Desert, Carson National Forest, the Tohono O’odham Native American Reservation, the Kaibab National Forest and the Lewis & Clark National Forest. Commnet’s facilities are placed to ensure that subscribers to major carriers have seamless cellular access, even in vast uninhabited portions of the country, and often when far from their vehicles.

Because there are few “home” subscriber opportunities in many areas, often it is not economically feasible for Commnet to advertise and offer service directly to the public – the population base simply would not support the level of investment needed to establish retail facilities, back office functions and customer service. In some rural areas where there is sufficient population, Commnet is planning to offer retail services that would provide rural residents another choice (or, in many cases a first choice) in “home” cellular service.

However, because Commnet does not yet offer cellular service to subscribers and does not advertise the availability of service in its licensed areas, it has not been eligible in the past to obtain a determination from state commissions that it is an “eligible telecommunications carrier” (“ETC”) qualified to receive universal funding support.²

² See 47 U.S.C. §214(e)(1). Commnet is currently prosecuting an application for ETC status before the Colorado Public Utilities Commission (“CPUC”) and is preparing similar ETC applications for neighboring states, with the intention of offering retail

Consequently, Commnet receives no universal service support at this time, despite the fact that it has established facilities in some of the most sparsely populated parts of the country.

Manifestly, there are many remote areas with significant wireless demand, but where that demand is almost entirely incoming roamers visiting, whether for camping, hiking, skiing, mountain-climbing, hunting or bird-watching. Because of the nature of the activities in which people are engaged when in wilderness areas, and their unfamiliarity with their surroundings, the need for basic 911 service in such areas is greater on a *per minutes-of-use* basis than it is in urban areas. However, the Commission's rules and policies are forcing carriers like Commnet into impossible choices.

Commnet always provides basic 911 service where it provides commercial service. But without the ability to triangulate in rural areas, there is no way to provide Phase 2 enhanced 911 service. So, lacking any access to subsidy money, Commnet is forced into removing some remote cell sites from operation where, as is all too often the case, the site generates insufficient revenue to pay for such enhanced 911 service.³

service and otherwise complying in all respects with the statutory requirements immediately upon certification, where certified. However, even if Commnet were later certified as an ETC in some areas, it is doubtful that Commnet would receive sufficient ETC funding to subsidize all money needed to fund rural E911 on top of the other funding needs involved in serving subscribers in remote areas. This is especially so given the likely reductions in wireless ETC funding under discussion. *See High-Cost Universal Service Support*, Notice of Proposed Rulemaking, CC Docket No. 96-45, FCC 08-4, rel. Jan. 29, 2008. Comments in this proceeding (and two other proceedings related to universal service) are due April 3, 2008. *See* 73 Fed. Reg. 11580 (Mar. 4, 2008).

³ For GSM technology, one cannot, under the laws of physics, provide E911 location capability from a single cell site. The only way to comply is to add multiple cell sites to serve the same geographic area which barely generates enough traffic to pay for a single cell.

Thus, for example, Commnet formerly operated a cell site at Neihart, Montana. During the summer of 2003, that part of rural Montana suffered one of its worst forest fire seasons in memory. When other communications facilities went down, Commnet's cell site kept operating. According to both the District Ranger of Lewis & Clark National Forest and the Sheriff of Meagher County, Commnet's cell site (which offered basic 911 service but obviously not E911) provided the only viable communications service in the area, allowed for enhanced communication and safety efforts during the fire-fighting operations, and, in the Sheriff's words, "certainly saved lives and property during the fire-fighting effort."

That Neihart location is no longer in operation, and Commnet understands there is no replacement service available there. Commnet ultimately had to remove the site and return the license to the FCC due to operational costs, current and projected, including, among other things, the cost of enhanced 911 service.

Under current policy, if there are one hundred 911 calls and ninety-nine of the callers know where they are, but just need to reach a PSAP,⁴ those ninety-nine should be cut off from 911 service because the hundredth caller would be deprived of location accuracy technology while in the wilderness. As the attached letters from those who rely on our service attest, people would rather have some access to emergency services rather than none.⁵

⁴ PSAP stands for Public Safety Answering Point.

⁵ See March 18, 2008 letter from W. Steven Bailey, Powderhorn Ski Area, Colorado, and March 19, 2008 letter from David G. Anderson, Chief, Gateway-Unaweeep Fire District, copies attached hereto for convenience.

CONCLUSION

The Commission should revisit its policies, and reconsider its current position against providing permanent, or at least long-term (*e.g.*, six years) waivers of E911 location accuracy requirements in rural and remote areas.

Respectfully submitted,

COMMNET WIRELESS, LLC

March 26, 2008

By:



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March 18, 2008

Lou Tomasetti
President, Commnet Wireless
400 Northridge Road, Suite
130 Atlanta, GA 30350

Dear Mr. Tomasetti,

THANK YOU!!

We have owned Powderhorn Ski Area in Colorado for almost 10 years. One of our greatest-observed early needs was a requirement to provide cellular phone service to our guests. We made numerous contacts within the industry and found virtually no success. One company was willing to put a tower on our property, (at our expense) but would only promise to provide service from their own cell-phone company (which ultimately was swallowed up and disappeared).

For nine seasons we have had to make excuses and apologies to our guests for our lack of "modern conveniences." Late last fall we were approached by one of your representatives asking if we would ALLOW Commnet Wireless to establish a base from which we could provide the much-needed service. We somewhat tentatively agreed to look into your offer. We have learned that usually "if it seems too good to be true, it usually is." In this case we were wrong. As we progressed through the discussions and observed how your people kept their promises, our comfort level increased dramatically. EVERY promise was kept. EVERY deadline was met. EVERY contact was pleasant and professional. We were told that your equipment would be installed before Christmas and on December 24 by the close of business the equipment was in place.

After a couple of false starts with the phone company, the system is now up and running and we are delighted!! Thank you so very much for the high quality service, the high-quality personnel with whom we've had the pleasure of working and the extraordinarily high level of customer service we've experienced by working with your team.

The business world could take lessons from your company.

Sincerely,

W. Steven Bailey, CEO

GATEWAY - UNAWEEP FIRE DISTRICT



"Volunteers Serving Our Neighbors"

PO Box 126
Gateway, CO 81522

March 19, 2008

Mr. Lou Tomassetti- President
Commnet Wireless
400 Northridge Road, Suite 130
Atlanta, GA 30350

Mr, Tomassetti,

I would like to submit this letter of recommendation for your company. As Fire Chief of Gateway/UnawEEP Fire Department, the communication service you provide is invaluable. Prior to getting cell service in our area, we had noted delays in our response calls for 911 requests. Our volunteers would have to find the closest available telephone and call in for response instructions before responding. Now, thanks to your service we can start our response to the station immediately, and still get the required instructions via cell phone.

The cell service you provide, most people just take for granted. But, to emergency services providers, this is a much needed tool and valuable resource to our area.

Sincerely,

David G. Anderson
Fire Chief Gateway/UnawEEP Fire Department