

**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

**AMENDMENT TO REQUEST FOR LIMITED WAIVER BY  
SOUTHERNLINC WIRELESS**

On July 18, 2008, Southern Communications Services, Inc. d/b/a SouthernLINC Wireless ("SouthernLINC Wireless") filed a Request for Limited Waiver to extend its deadline to achieve 95 percent penetration of location capable handsets among its subscribers. In that filing, SouthernLINC Wireless asked the Commission to either exclude certain high-power handsets from its compliance percentage calculation or extend its compliance deadline until June 2009. Subsequent to that filing, on September 8, 2008, SouthernLINC Wireless achieved compliance with the 95 percent handset penetration requirement pursuant to Section 20.18(g)(1)(v) of the Commission's Rules, 47 C.F.R. § 20.18(g)(1)(v). Accordingly, SouthernLINC Wireless wishes to amend its Limited Waiver Request to ask for an extension of its August 15, 2008, deadline only until September 8, 2008, the date by which it achieved compliance.

Further, SouthernLINC Wireless also requests that the Commission modify its reporting requirements outlined in the Commission's *Order* of February 15, 2008, which granted

SouthernLINC Wireless an extension until August 15, 2008, to achieve the 95 percent benchmark.<sup>1</sup> In that *Order*, SouthernLINC Wireless was required to report until August 2009 on the following: (1) the number and status of Phase II requests from PSAPs, including those requests it may consider invalid; (2) the dates on which Phase II service has been implemented or will be available to PSAPs served by its network; (3) the status of its coordination efforts with PSAPs for alternative 95 percent handset penetration dates; (4) its effort to encourage customers to upgrade to location-capable handsets; (5) the percentage of its customers with location-capable phones; and (6) until it satisfies the 95 percent penetration rate, detailed information on its status in achieving compliance and whether it is on schedule to meet the revised deadline.<sup>2</sup>

Consistent with the reporting requirements that the Commission has imposed on other carriers, SouthernLINC Wireless believes that, because it has now achieved 95 percent penetration of location capable handsets, provision to the Commission of the information specified in items 2, 3, 4, 5 and 6 above is no longer necessary.<sup>3</sup>

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<sup>1</sup> / *Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Call Systems; Request for Further Waiver by Southern Communications Services, Inc. d/b/a SouthernLINC Wireless*, CC Docket No. 94-102, Order, DA 08-406 (rel. Feb. 15, 2008) ("2008 Order")

<sup>2</sup> / *Id.* at ¶ 15.

<sup>3</sup> / *See, e.g., Request for Waiver of Location Capable Handset Penetration Deadline by Sprint Nextel Corporation*, WT Docket No. 05-286, Order, 22 FCC Rcd 400, 412-13 ¶ 34 (2007) (indicating that Sprint Nextel only needed to submit quarterly reports on its efforts to encourage customers to upgrade to location capable handsets and the percentage of its customers with location capable handsets "until Sprint achieves 95 percent handset penetration."). Accordingly, for one year following the date in which Sprint Nextel achieved compliance with the handset penetration benchmark, it was required to file only: (1) quarterly reports on the number and status of Phase II requests from PSAPs (including those requests it may consider invalid); and (2) the estimated dates on which Phase II service will be available on PSAPs served by Sprint Nextel's network. Similar reporting requirements were imposed on Alltel, US Cellular, and Nextel Partners (pending the completion of its merger with Sprint Nextel). *Alltel Corporation Petition for Limited Waiver of Location Capable Handset Penetration Rule*, WT Docket No. 05-287, Order, 22 FCC Rcd 337, 347 ¶ 25 (2007); *Request for a Limited Waiver of United States Cellular Corporation*, WT Docket No. 94-102, Order, 22 FCC Rcd 360, 368-69 ¶ 22 (2007);

SouthernLINC Wireless intends to continue working closely with the PSAPs in its service territory to assist them in whatever way possible to implement Phase II capability. In this regard, it is reasonable for the Company to continue to report on the status of PSAP activation through August 1, 2009, should the Commission wish to continue to receive that information (Item 1 above). SouthernLINC Wireless does not believe it is necessary to continue to report on Item 2, the date by which Phase II service was implemented or available to all PSAPs, since SouthernLINC Wireless utilizes a handset-based solution that makes Phase II service available to any requesting PSAP once the PSAP has taken all of the technical steps necessary to receive the service.

If required to meet all of these ongoing reporting requirements specified in the *Order*, SouthernLINC Wireless would be compelled to devote scarce employee resources to gathering, compiling and verifying handset data. This burden is not an insignificant one for a small carrier, and it takes resources away from other critical responsibilities which these employees have. In view of the fact that the Commission did not impose this type of ongoing reporting requirement (identified in Items 4, 5 and 6 above) on Tier I and Tier II carriers after those carriers had achieved the 95 percent penetration benchmark, SouthernLINC Wireless submits that it is unduly burdensome and not in keeping with the spirit of reducing regulatory burdens on smaller entities to ask small Tier III carriers like itself to continue making these reports after they have achieved

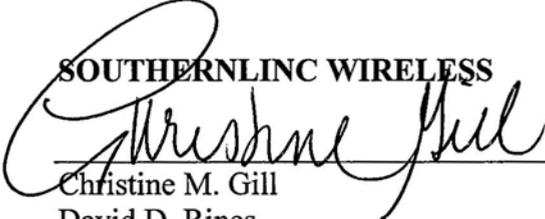
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*Request for Waiver of Location Capable Handset Penetration Deadline by Nextel Partners, Inc.*, WT Docket No. 05-302, Order, 22 FCC Rcd 416, 428 ¶ 30 (2007). For some reason, however, the prospective reporting requirement for most Tier III carriers requires that these carriers continue reporting information such as handset penetration levels and efforts to increase penetration even after 95 percent penetration has been achieved – information that is not required from the larger Tier I and Tier II carriers once compliance has been achieved. *See, e.g., Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems; Petition for Extension of Waiver by Cable & Communications Corporation*, WT Docket No. 94-102, Order, 22 FCC Rcd 18952, 18956-57 ¶ 15 (2007).

compliance. Accordingly, SouthernLINC Wireless respectfully requests that the Commission limit its prospective reporting requirements, if any, to only the information requested in Item 1 above; namely, the number and status of Phase II requests from PSAPs (including those requests it may consider invalid).

SouthernLINC Wireless urges the Commission to act affirmatively on the requests herein.

Respectfully submitted,

**SOUTHERNLINC WIRELESS**  


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

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

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

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