

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

In the Matter of:)	
)	
CTC Telcom, Inc. d/b/a Mosaic Telecom)	
)	
Amendment of the Commission's Rules)	WT Docket No. 07-250
Governing Hearing Aid-Compatible Mobile)	
Handsets)	
)	

To: Chief, Wireless Telecommunications Bureau

SECOND AMENDMENT TO PETITION FOR TEMPORARY WAIVER

CTC Telcom, Inc. d/b/a Mosaic Telecom (“Mosaic” or “the Company”), by its attorneys, hereby submits this second amendment to update the record in connection with its January 15, 2010 petition for temporary waiver of Commission’s hearing aid compatibility (or “HAC”) rules (the “Mosaic Petition”).¹ In particular, Mosaic is pleased to report that, as of February 1, 2011, the Company has obtained the additional HAC-enabled WCDMA handsets it needs to demonstrate full compliance with Section 20.19(b) of the Commission’s rules.

As shown in the attached chart with Mosaic’s current handset offerings (Attachment A), the Company is currently offering its customers a total of twenty-three (23) WCDMA handsets, of which fourteen (14) have achieved at least an M3 rating, and seven (7) have achieved at least a T3 rating. This meets or exceeds the current FCC requirement that Tier III carriers must offer at least 50% or a minimum of ten (10) handsets/devices that are rated M3- or better, and at least 33% or a minimum of seven (7) handsets/devices that are rated T3- or better.²

¹ See CTC Telcom d/b/a Mosaic Telecom *Petition for Temporary Waiver*, WT Docket No. 07-250 (filed January 15, 2010); CTC Telcom d/b/a Mosaic Telecom *Amendment to Petition for Temporary Waiver*, WT Docket No. 07-250 (filed November 19, 2010).

² See 47 C.F.R. § 20.19(b)(1) and (b)(2).

With the recent expiration of exclusivity arrangements (for some devices), and emerging availability of other AWS band WCDMA phones through less-traditional secondary market sources (such as eBay), Mosaic has found that it is now able to secure a limited supply of HAC-enabled phones that were previously unavailable to the Company. But this solution is far from ideal. In order to comply with the Commission's rules, Mosaic is being forced to include among its handset offerings a number of devices that are pre-loaded with a competing Tier I service provider's software and firmware (which cannot be removed), and that are branded with this competing service provider's trademarks (which have been obscured). As a result, Mosaic must sell these products as "used" or "refurbished" even if they're essentially brand new, and it must limit their availability only to customers seeking HAC functionality. This is a bitter pill for a small Tier III service provider to swallow when it is already at such a great competitive disadvantage. However, Mosaic is willing to take these extraordinary measures as a showing of good faith, and to alleviate regulatory uncertainty.

As the Commission is aware, it is never easy for a small CMRS service provider to gain a foothold in the marketplace. Mosaic has been able to survive and to grow its business in a difficult economy because it has always focused on the needs of its rural customers. Mosaic notes that it is following the path intended by the Commission. The record in this proceeding shows that Mosaic was among the first service providers in the country to deploy AWS-band WCDMA facilities, and the Company is serving important public policy goals through its small business status and deployment of advanced wireless services in a rural service area. At the same time, Mosaic has always strived to provide its hearing impaired customers with a choice from among *every HAC-enabled wireless handset that was available to the Company and that was found after testing to be technically compatible with its WCDMA network*. It should not now be punished for matters that are out of its control, such as exclusivity agreements that have

restricted access to HAC-enabled phones, the limited availability of products generally when new air-interface technologies are introduced, and the unwillingness of handset manufacturers to make their latest products available in generic trade dress and in affordable quantities for Tier III service providers.

WHEREFORE, good cause shown, Mosaic requests that January 15, 2010 Petition for Temporary Waiver, as amended herein, be granted.

Respectfully submitted,

CTC Telecom, Inc. d/b/a Mosaic Telecom



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Filed: March 11, 2011

DECLARATION UNDER PENALTY OF PERJURY OF RICKY S. VERGIN

1. My name is Ricky S. Vergin, and I am the President of CTC Telcom, Inc. d/b/a Mosaic Telecom, P.O. Box 64, Cameron, WI 54822.
2. I hereby certify under penalty of perjury that I have reviewed the foregoing Second Amendment to Petition for Temporary Waiver, and except for those matters of which the Federal Communications Commission may take official notice, or those matters attributed to other persons, the factual assertions set forth in the Petition are true and correct to the best of my knowledge.

Signed: _____

Ricky S. Vergin

Dated: March 11, 2011

Exhibit A

**WCDMA AWS-1 Band Phones
Currently Offered by Mosaic Telecom**

Manufacturer	Device Model Name/Number	FCC ID	HAC	Initial Offer Date	Comments
HTC	Edge 3G	NM8MAPL100	n/a	<i>Oct. 2009</i>	<i>Exclusivity issues</i>
Huawei	U7519 Tap	QISU7519	n/a	<i>Aug. 2010</i>	<i>Generic</i>
Huawei	U8100	QISU8100	n/a	<i>Dec. 2010</i>	<i>Generic</i>
Nokia	3710	PPIRM-509	n/a	<i>July 2010</i>	<i>Generic</i>
Nokia	C7	QFXRM-675	n/a	<i>Nov. 2010</i>	<i>Generic</i>
Nokia	N8	PDNRM-596	n/a	<i>Nov. 2010</i>	<i>Generic</i>
Samsung	Behold II	A3LSGHT939	n/a	<i>Oct. 2010</i>	<i>Exclusivity issues</i>
Samsung	SGH-T819	A3LSGHT819	n/a	<i>Sept. 2009</i>	<i>Exclusivity issues</i>
Sony Ericsson	Xperia X10	PY7A388056	n/a	<i>Oct. 2010</i>	<i>Generic</i>
Alcatel	981A - Tribe	RAD149	M3	<i>Feb. 2011</i>	<i>Generic</i>
HTC	NexusOne	NM8PB99100	M4	<i>Jan. 2010</i>	<i>Generic</i>
LG	dLite	BEJGD570	M3/T3	<i>Feb. 2011</i>	<i>Exclusivity issues - Gray market</i>
Motorola	Milestone XT-720	IHDP56KC6	M3	<i>Sept. 2010</i>	<i>Generic</i>
Nokia	6263	QTKRM-207	M3/T3	<i>July 2009</i>	<i>Mfr discontinued</i>
Nokia	3555	QMNRM-257	M3/T3	<i>July 2009</i>	<i>Mfr discontinued</i>
Nokia	N900	LJPRX-51	M3	<i>Sept. 2010</i>	<i>Generic</i>
Nokia	3711	PPIRM-511	M3/T3	<i>Feb. 2011</i>	<i>Exclusivity issues - Gray market</i>
Samsung	SGH-T919 Behold	A3LSGHT919	M3	<i>Feb. 2011</i>	<i>Exclusivity issues - Gray market</i>
Samsung	SGH-T929 Memoir	A3LSGHT929	M3	<i>Feb. 2011</i>	<i>Exclusivity issues - Gray market</i>
Samsung	SGH-T659	A3LSGHT659	M3/T3	<i>Feb. 2011</i>	<i>Exclusivity issues - Gray market</i>
Samsung	SGH-T959 Vibrant	A3LSGHT959	M3/T3	<i>Dec. 2010</i>	<i>Exclusivity issues -</i>
Sharp	PV300	APYNAR0065	M3	<i>Feb. 2011</i>	<i>Generic – Gray market</i>
Sony Ericsson	Equinox	PY7A3880030	M3/T3	<i>Feb. 2011</i>	<i>Exclusivity issues - Gray market</i>