

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Facilitating the Deployment of Text-to-911 and Other Next Generation 911 Applications)	PS Docket No. 11-153
)	
Framework for Next Generation 911 Deployment)	PS Docket No. 10-255
)	
Petition of Iowa Wireless Services Holding Corporation for a Limited Waiver of Section 20.18(n)(7) of the Commission's Rules.)	
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PETITION FOR LIMITED WAIVER

Iowa Wireless Services Holding Corporation (“i wireless”), by its undersigned attorneys, and pursuant to Section 1.3 of the Federal Communications Commission’s (“FCC” or “Commission”) rules,¹ respectfully requests a limited waiver of Section 20.18(n)² of the Commission’s regarding the provision of bounce-back messages to wireless customers sending text messages to 911. Specifically, i wireless requests a waiver only of Section 20.18(n)(7),³ which requires i wireless and its brand partners to provide an automatic bounce-back message to any customer roaming on its network.⁴

As further explained below, although i wireless can provide bounce-back messages to its own subscribers, it cannot provide bounce-back messages to roaming customers. The requirement to provide bounce-back messages to roamers would impose an unduly burdensome

¹ 47 C.F.R. § 1.3.

² 47 C.F.R. § 20.18(n).

³ 47 C.F.R. § 20.18.(n)(7).

⁴ i wireless also requests a waiver on behalf of its brand partners, which are comprised of small rural telecommunications carriers in Iowa. All of i wireless’s brand partners provide service under the “i wireless” brand. A list of i wireless’s brand partners is attached hereto as Exhibit A.

obligation on i wireless and its brand partners, who serve primarily rural areas. Moreover, any attempt to implement a solution would not work, as there are industry-wide technical standards that must be deployed before bounce-back messages can be sent to roamers. Accordingly, a waiver of Section 20.18(n)(7) is warranted for i wireless and its brand partners. In support hereof, the following is respectfully shown:

I. BACKGROUND

By way of background, i wireless is a Tier III PCS and AWS licensee providing service in Iowa and western Illinois. i wireless provides mobile voice and data services in conjunction with 114 other small companies, which are primarily small, rural independent telephone companies, or affiliates of those companies (the “ITCs”). i wireless and the ITCs focus on providing service in rural, historically underserved areas.⁵ Most of the ITCs serve small geographic areas that are limited to the towns and communities in which they are located because their missions are to provide advanced, high quality telecommunications services to their rural, local subscribers. Because the ITCs serve low population areas that have no more than a few hundred subscribers, i wireless and the ITCs work together to ensure that their networks and operations work smoothly to provide their customers with seamless coverage throughout Iowa, as well as coverage across the nation on a roaming basis with other carriers.

On May 17, 2013, the FCC released its Report Order in the above-captioned dockets in which it promulgated rules that require all Commercial Mobile Radio Service (“CMRS”) providers, and providers of interconnected text messaging services, to provide an automatic “bounce-back” text message in situations where a consumer attempts to send a text message to

⁵ The ITCs each hold their own PCS and AWS licenses, and provide service to their own customers under the i wireless brand name.

911 in a location where text-to-911 is not available.⁶ The new rule goes into effect on September 30, 2013. New Section 20.18(n)(7) requires CMRS carriers to provide bounce-back messages to roamers. Specifically, that section states as follows:

A CMRS provider subject to § 20.12 shall provide an automatic bounce-back message to any consumer roaming on its network who sends a text message to 911 when (a) the consumer is located in an area where text-to-911 service is unavailable or (b) the CMRS provider does not support text-to-911 service at the time.

The Commission's Report and Order recognized that waivers of the bounce-back requirement may be necessary.⁷ i wireless is able to comply with all other sections of Section 20.18(n) with respect to its own subscribers.⁸ If an i wireless subscriber attempts to send a text message to 911, i wireless is able to either route the text message to the appropriate 911 call center, or send an automatic bounce-back message to the subscriber that text-to-911 service is not available. However, i wireless is currently unable to send text-to-911 bounce-back messages to users that roam on i wireless's network for two reasons.

First, i wireless's switching equipment does not currently support text-to-911 bounce-back messages for roamers. i wireless has had preliminary discussions with its switch vendor regarding the acquisition of 911 text bounce-back capabilities for roamers. The manufacturer has indicated that such a solution would require custom software to be created for i wireless and for each of its 114 brand partners. Such a solution would be extremely expensive given that i wireless is a small Tier III carrier, and that the ITCs are even smaller than i wireless. They do

⁶ See *In the Matter of Facilitating the Development of Text-to-911 and Other Next Generation 911 Applications; In the Matter of Framework for Next Generation 911 Deployment*, Report and Order, 28 FCC Rcd 7556 (2013) ("Report and Order").

⁷ *Id.* at 7579, ¶ 62.

⁸ In this Petition, the discussion regarding i wireless's ability to comply with the text-to-911 rules in Section 20.18(n) also applies to all of its brand partners set forth in Exhibit A.

not have the economies of scale to drive down the costs of a custom solution, nor do they have a large nationwide customer base over which to spread those costs. Second, the switch manufacturer has informed i wireless that even if a custom solution were to be implemented, that solution is unlikely to work in light of the way text messages are handled by the wireless industry.

Because it would be unduly burdensome for i wireless and the ITCs to implement a costly custom-made software solution to implement bounce-back messages to roamers, and because that solution will not work until new standards are adopted and tested by the wireless industry, i wireless now files the instant Petition for a Limited Waiver of Section 20.18(n)(7).

II. DISCUSSION

A. Standard for Waiver

Beginning on September 30, 2013, Petitioner will be required to provide text-to-911 bounce-back messages to all users on its network. As discussed above, i wireless is able to do so for its own subscribers, but not for roaming customers that subscribe to other carriers. Generally, the Commission's rules may be waived only for good cause shown.⁹ The FCC has consistently ruled that a waiver is appropriate only if the requested relief would not undermine the policy objective of the rule in question, special circumstances warrant a deviation from the general rule, and that such deviation will serve the public interest.¹⁰ As demonstrated below, all of these requirements are met.

⁹ 47 C.F.R. § 1.3.

¹⁰ See generally, *WAIT Radio v. FCC*, 418 F.2d 1153 (D.C. Cir. 1969), *cert. denied*, 409 U.S. 1027 (1972); *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164 (D.C. Cir. 1990).

A. The Policy Objectives of Section 20.18(n)(7) Would Not Be Undermined by Grant of the Requested Limited Waiver

Section 20.18(n) requires all CMRS providers to provide an automatic bounce-back text message to wireless users attempting to send texts to 911. The purpose of the rule is to reduce the risk of a person sending a text message to 911 in an emergency and mistakenly believing that 911 authorities have received it.¹¹ i wireless will be able to comply with the requirement to send bounce-back messages to its own subscribers, and it only seeks a limited waiver of the requirement in Section 20.18(n)(7) to send such messages to roamers. i wireless does not seek an unrestricted waiver of Section 20.18(n)(7). Rather, i wireless seeks a waiver of limited duration that is sufficient for the responsible wireless industry organizations to develop standards for text-to-911 messaging, and for the Tier I carriers to test and implement those standards.

As discussed above, i wireless is a small Tier III wireless carrier, and it does not have the resources to implement a custom solution that will not work, nor does it have the necessary influence to dictate industry standards for text-to-911 messaging for roamers. It is inequitable for small Tier III carriers, such as i wireless, to bear that burden alone. The deployment of text-to-911 bounce-back messaging capabilities requires a coordinated industry effort. It is impossible for i wireless to comply with Section 20.18(n)(7) unless and until the industry standards-setting organizations and the Tier I carriers ensure that text-to-911 for roaming customers is properly and successfully implemented first.

B. Special Circumstances Exist Warranting a Limited Waiver Because No Solution is Available to Enable i wireless to Comply with Section 20.18(n)(7)

i wireless has proactively sought to comply with the FCC's bounce-back rule by configuring its network to implement the text-to-911 requirements for its own subscribers, and

¹¹ Report and Order, 28 FCC Rcd at 7557, ¶ 1.

contacting its equipment providers to discuss necessary upgrades to afford the same service to roaming customers. As discussed above, i wireless's switch vendor informed the company that text-to-911 bounce-back messages can only be sent to roamers if costly custom-made software is written for i wireless. However, even if such software were to be installed, the vendor opined that the program would likely not work as intended due to the way text messages to roamers are handled by current wireless network architectures.

Indeed, a pending Petition for Reconsideration¹² filed by CTIA confirms i wireless's understanding that the transmission of bounce-back messages to roamers cannot be done without a coordinate industry effort. In its Petition for Reconsideration, CTIA asserts that the Report and Order imposes technically infeasible obligations on CMRS providers. CTIA noted that both the Joint ATIS/TIA Native SMS to 9-1-1- non-proprietary technical standard and the Commission's Emergency Access Advisory Committee reports have emphasized that the technical feasibility of providing an automatic bounce-back message to a roaming subscriber has not yet been determined.¹³ Furthermore, CTIA stated, and i wireless has confirmed in its discussions with its switch vendor, that current wireless network architectures do not permit serving carriers to provide roamers with an automatic bounce-back message because only the home carrier is capable of generating a bounce-back message for roamers.¹⁴

In light of the lack of technical standards for text-to-911 messaging for roaming customers, and how inequitable, onerous, and unduly burdensome it would be for i wireless to implement a custom-made software solution that would not work for roamers, special

¹² See Petition for Reconsideration, or in the Alternative, For Clarification of CTIA – The Wireless Association, PS Docket Nos. 11-153 and 10-255, filed June 28, 2013.

¹³ *Id.* at 3.

¹⁴ *Id.* at 4.

circumstances exist warranting a limited waiver of Section 20.18(n)(7) for i wireless and its brand partners.

C. Grant of a Limited Waiver is in the Public Interest

Rural subscribers have few choices for wireless service providers that focus on their unique needs due to the low population densities and associated low returns on investment for the wireless service provider. It would make no sense to require i wireless to invest in a custom text-to-911 bounce-back solution of dubious utility when ATIS and TIA have not yet issued standards to implement text-to-911 for roaming customers. Moreover, i wireless's switch vendor cannot provide any assurance that any solution that it would develop for i wireless would work given that only the home carrier, and not the service carrier, is capable of generating a bounce-back message for roamers.

The public interest is not served by requiring i wireless to make significant capital expenditures on a system that will not work. Rather, the public interest is better served by granting a limited waiver of Section 20.18(n)(7) until such time as the wireless industry has adopted appropriate standards, and Tier I carriers have deployed the necessary infrastructure to ensure that text-to-911 bounce-back capabilities for roaming customers can be successfully deployed for all carriers.

III. CONCLUSION

In its Report and Order, the Commission recognized that waivers may be necessary for carriers that are unable to implement the bounce-back requirement by the September 30, 2013 deadline.¹⁵ i wireless is able to meet all the requirements of the bounce-back rule, with the exception of the requirement to provide automated bounce-back messages to roaming customers.

¹⁵ Report and Order, 28 FCC Rcd at 7579, ¶ 62.

Given that i wireless's deployment of bounce-back messages for roamers is necessarily dependent on factors outside its control, i wireless cannot provide a date certain by which it will be able to comply with Section 20.18(n)(7). Accordingly, i wireless requests a waiver of Section 20.18(n)(7) until six months after the Tier I carriers have all declared that they have successfully deployed automatic text-to-911 bounce-back messages for roaming customers in accordance with standards established by ATIS and/or TIA, or such other industry standards-setting body responsible for the Native SMS to 9-1-1 non-proprietary technical standard or its equivalent. i wireless further requests that such a limited waiver be granted to i wireless's brand partners set forth in Exhibit A, and that the Commission grant such other relief as is necessary and in the public interest.

Respectfully submitted,



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EXHIBIT A

List of Iowa Wireless Brand Partners

List of ITCs Covered by i wireless's Waiver

FRN	IWS Consortium**	FRN	IWS Partner
0004770434	Carroll County Wireless, LLC	0002574861	Bernard Communications, Inc..
0002591774	Breda Telephone Corporation	0004194585	Dixon Telephone Co.
0003757374	Arcadia Telephone Cooperative	0002595874	Goldfield Telephone Company (North Central Wireless)
0003724705	Templeton Telephone Company	0004193983	LaMotte Telephone Company Inc.
0002576833	Cedar County Wireless, LLP (listed as: Cedar County PCS L.L.C.	0002588333	Swisher Telephone Company
0003772787	Clarence Telephone Company	0002588192	Cooperative Telephone Company
0003748340	Mechanicsville Telephone Co (also FRN 0003766284)	0002587863	South Slope Wireless
0004770475	Community Digital Wireless	0002592061	Minerva Valley Telephone Co., Inc.
0002594893	Northeast Iowa Telephone Co.	0002594315	Montezuma Mutual Telephone Co. (listed as Windstream Montezuma, Inc.
0002557627	East Buchanan Telephone Coop	0002588051	Modern Coop. Telephone Co.
0002595734	Hawkeye Telephone Co.	0002589307	Webster-Calhoun Coop. Telephone Assn.
0002594067	Oran Mutual Telephone Company	0002575561	DC Communications
0002593655	Readlyn Telephone Co.	0002588606	Center Junction Tel. Co. Inc.
0004794996	Fibercomm LC	0002592517	Corn Belt Telephone Company
0002592285	CML Telephone Cooperative Assn.	0002590586	Onslow Coop. Telephone Assn.
0005097175	Hill Telephone Company, Inc.	0002589778	Miller Telephone Company
0002587707	Hospers Telephone Company (also FRN 0018596965)	0002593481	Sac County Mutual Telephone Co.
0002594190	Mutual Telephone Company	0002592509	Radcliffe Telephone Co., Inc.
0002595858	Northern Iowa Telephone Company	0002592921	Stratford Mutual Telephone Co.
0002593986	Peoples Telephone Company	0002588192	Cooperative Telephone Company
0002592392	West Iowa Telephone Company	0002598464	Brooklyn Mutual Telephone Co.
0002590073	Western Iowa Telephone Assn	0004194361	Olin Telephone Co., Inc.
0004192795	FWC Communications	0002589281	Baldwin -Nashville Telephone Co.
0002590057	Winnebago Coop. Telephone Assn.	0002594778	Ogden Telephone Company
0002598209	Clear Lake Independent Tele. Co.	0002595452	Dumont Telephone Company
0003722790	Farmers Mutual Tele Co. - Nora Springs	0002587491	Andrew Telephone Company
0004770525	PST Digital, LLC	0002593440	Schaller Telephone Co.
0002594026	Pella Cooperative Electric Association	0005669668	Barnes City Cooperative Tele. Co.
0002592897	Sully Telephone Association	0002598076	Scranton Telephone Company
0002576858	Wapsi Wireless	0002580082	Lehigh Valley Cooperative Telephone
0011397759	Cascade	0002588655	Wilton Telephone Company
0003773827	Lost Nation-Elwood Telephone Co.	0011496445	Evertex Incorporated
0002577237	CST Communications, Inc.	0002576353	Rolling Hills Communications Inc.
0003726759	Farmers & Businessmen's Tele Co.		Interstate Communications (no FRN available)
0003748084	Grand Mound Coop. Telephone Assn.	0011431269	Cedar-Wapsi Communications
0003748589	Preston Telephone Company	0002576791	MAC Wireless
0003734951	Miles Coop. Telephone Assn.	0003722121	Central Scott Telephone
0004770566	Washington County PCS Consortium	0014663744	CCM Wireless (Colo Telephone Co.)
0002591154	Kalona Co-op Telephone Company	0004770509	Southeast Wireless
0006765291	SEI Wireless	0002557627	East Buchanan Telephone
0004194270	Sharon Telephone Co.	0002576742	FMTC Wireless, Inc. d/b/a OmniTel Wireless
0002592426	Wellman Coop. Telephone Assn.	0004197844	Hardin County Wireless
0014138598	Skylink, LC	0002576767	Central Iowa Wireless (Jefferson)
0005671128	Algona Municipal Utilities	0004193983	Mill Valley Wireless (listed as: LaMotte Tel. Co.)
0003749587	Titonka Burt Telephone Company	0002594125	Communications 1 Network, Inc.
0003748506	Palmer Mutual Telephone Co.	0015491459	Clay County Communications
0002576452	Northwest Iowa Telephone Company	0014045504	Van Buren Wireless
0002594976	Lone Rock Coop. Telephone Co.	0016136962	Hamilton County Wireless
0002596195	Fenton Coop. Tele. Co.	0003722758	Terril Telephone Company
0002835569	Ruthven LLD., Inc.	0002432672	Alliance Communicatons Coop
0017602756	LAW (Lakes Area Wireless)	0002561884	Spencer Municipal Utilities
0003734449	Ringsled Communications Co. Inc.	0003741964	Rockwell Cooperative Telephone Associatino
0003722758	Terril Telephone Cooperative	0002428175	Golden West SD (listed as: GW Wireless, Inc.)
0003730959	River Valley Telephone Coop. (also FRN 0005669791)	0006035513	Airwave Wireless, LLC
0016864878	Premier Wireless, Inc.	0002595734	Hawkeye Telephone
		0003722840	Minburn Communications
		0004192639	Casey Cable Company
		0003749181	Coon Valley Cellular
		0003767894	Prairie Telephone Co. Inc.
**The members of each consortium are listed under the consortium name.			