



PUBLIC NOTICE

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WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON REQUEST FOR TEMPORARY WAIVER OF DEADLINE BY WHICH DIGITAL WIRELESS SYSTEMS MUST BE CAPABLE OF TRANSMITTING 911 CALLS FROM TTY DEVICES

CC DOCKET NO. 94-102

Comments Due: May 9, 2002

Reply Comments Due: May 20, 2002

In the *Fourth Report and Order* in the Enhanced 911 (E911) proceeding, the Commission established June 30, 2002, as the deadline by which digital wireless service providers must be capable of transmitting 911 calls using TTY devices.¹ On April 11, 2002, Amarillo License, L.P. ("Amarillo") and High Plains Wireless, L.P. ("High Plains") filed with the Commission a request for waiver of this deadline. Specifically, Amarillo and High Plains seek (1) to extend the deadline to December 31, 2002, in which to upgrade their systems to achieve TTY compatibility, and (2) to extend the deadline to June 30, 2002, to integrate TTY compatibility with the Public Service Answering Point (PSAP). The Wireless Telecommunications Bureau seeks comment on these requests.

Amarillo and High Plains assert they are small carriers that use Lucent Technologies as the infrastructure provider for their TDMA systems. According to the petitioners, they have been unable to schedule with Lucent deployment of the necessary software upgrades prior to the June 30, 2002, deadline specified in Section 20.18(c) of the Commission's rules, because Lucent has placed a priority on servicing its larger customers first. Amarillo and High Plains also assert that the PSAP is not yet ready to receive TTY digital service, therefore the public would not benefit from the hardware and software upgrades to the wireless switch. In addition, the petitioners assert that they are unaware of any available TTY digital handsets for TDMA. Amarillo and High Plains state that they intend to complete the necessary hardware and software upgrades in a reasonably short time frame as soon as Lucent provides the upgrades.

Unless otherwise provided, requests for waiver of the Commission's Rules are subject to treatment by the Commission as restricted proceedings for *ex parte* purposes under Section 1.1208 of the Commission's Rules, 47 C.F.R. § 1.1208. Because of the policy implications and potential impact of this proceeding on persons not parties to the waiver request, we believe it would be in the public interest to treat this case as a permit-but-disclose proceeding under the *ex parte* rules. See Sections 1.1200(a), 1.1206 of the

¹ Revision of the Commission's Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, Fourth Report and Order, 15 FCC Rcd 25216, 25218 (2000) (*Fourth Report and Order*). See also 47 C.F.R. § 20.18(c) and accompanying note (2001). In addition, these carriers were to have obtained software and equipment necessary to implement this capability in their networks by December 31, 2001. *Fourth Report and Order*, 15 FCC Rcd at 25218.

Commission's Rules, 47 C.F.R. §§ 1.1200(a), 1.1206. Therefore, subsequent to the release of this *Public Notice*, *ex parte* presentations that are made with respect to the issues involved in the subject waiver request will be allowed but must be disclosed in accordance with the requirements of Section 1.1206(b) of the Commission's Rules, 47 C.F.R. § 1.1206(b).

Pursuant to Sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments on or before May 9, 2002, and reply comments on or before May 20, 2002. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.² Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply. Parties who choose to file by paper must file an original and four copies of each filing. All filings must be addressed to the Commission's Acting Secretary, William F. Caton, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Washington, D.C. 20554. Filings can be sent first class by the U.S. Postal Service, by an overnight courier or hand and messenger-delivered. Hand and messenger-delivered paper filings must be delivered to 236 Massachusetts Avenue, N.E., Suite 110, Washington, DC 20002. Overnight courier (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. In addition, a diskette copy should be sent to the Commission's copy contractor, Qualex International, Portals II, 445 12th Street, S.W., Room CY-B402, Washington, DC, 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail to qualexint@aol.com.

The full text of the waiver request, comments and reply comments will be available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC, 20554. This document may also be purchased from the Commission's duplicating contractor. Alternative formats (computer diskette, large print, audio recording and Braille) are available to persons with disabilities by contacting Brian Millin, of the Consumer and Governmental Affairs Bureau, at (202) 418-7426 (voice) or (202) 418-7365 (TTY), or at bmillin@fcc.gov. This Public Notice can also be downloaded in Text and ASCII formats at: <http://www.fcc.gov/cib/dro>. For further information concerning this proceeding, contact Mindy Littell, Policy Division, Wireless Telecommunications Bureau, at (202) 418-1310 (voice) or (202) 418-1169 (TTY).

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² See Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24121 (1998).