



# PUBLIC NOTICE

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## WTB SEEKS COMMENT ON WIRELESS E911 PHASE II WAIVER REQUEST FILED BY QWEST WIRELESS, LLC AND TW WIRELESS, LLC

CC DOCKET NO. 94-102

**Comments Due: August 20, 2001**

**Reply Comments Due: August 30, 2001**

Federal Communications Commission (Commission) rules require wireless carriers to begin to deploy the capability to identify the precise location of wireless 911 calls beginning on October 1, 2001, provided that certain conditions are met.<sup>1</sup> This capability is called Phase II Automatic Location Identification (ALI). The Phase II rules establish deployment schedules and set accuracy and reliability requirements for both handset-based and network-based ALI technologies.<sup>2</sup>

On July 23, 2001, Qwest Wireless LLC and TW Wireless, LLC (Qwest Wireless) requested a limited waiver of the Phase II rules to permit it to deploy an assisted-global positioning satellite (A-GPS) hybrid E-911 Phase II solution on a schedule that deviates from the schedule contained in the Commission's rules.<sup>3</sup> Specifically, Qwest Wireless seeks a limited waiver of the following Commission rules: (1) Section 20.18(e), which establishes the requirement to provide Phase II service to Public Safety Answering Points (PSAPs); (2) the benchmark dates in Section 20.18(g)(1)(i)-(iv), governing the sale and activation of location capable handsets; and (3) Section 20.18 (g)(2), which establishes the E-911 Phase II network provisioning obligations associated with a hybrid solution.<sup>4</sup>

Qwest Wireless asserts that its decision to change its location technology from a network-based solution to a hybrid solution makes it necessary to seek waiver because of the availability of its desired location-

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<sup>1</sup> See 47 C.F.R. §§20.18(e)-(j).

<sup>2</sup> 47 C.F.R. §§20.18(f)-(h).

<sup>3</sup> *Qwest Wireless LLC and TW Wireless LLC Petition for Extension of Time or Waiver of Section 20.18 of the Rules*, CC Docket 94-102 (filed July 23, 2001) (*Qwest Wireless Petition*).

<sup>4</sup> See 47 C.F.R. §§20.18(e) and (g).

capable handsets.<sup>5</sup> In order to deploy its A-GPS hybrid solution, Qwest Wireless proposes the following schedule: begin selling and activating location-capable handsets by December 31, 2001; ensure that at least 25 percent of all new handsets activated are location-capable by March 31, 2002; ensure that at least 50 percent of all new handsets activated are location-capable by December 31, 2002; and ensure that 100 percent of all new handsets activated are location-capable by March 31, 2003. Qwest does not seek relief from the December 31, 2005, 95 percent penetration requirement.

Additionally, Qwest Wireless asserts that because a hybrid solution incorporates a network component, and because its network vendors cannot provide E911 Phase II equipment according to the existing 20.18(g)(2) schedule, a waiver of these requirements also is necessary.<sup>6</sup> In markets served by Lucent switches, Qwest Wireless requests an extension until the end of December 2001 to deploy its network upgrades. In markets served by Nortel switches, Qwest Wireless requests until October 2002 to deploy its network upgrades.

Further, Qwest Wireless claims that its request for a limited extension promotes safety and is in the public interest because the A-GPS Phase II solution will allow for the provision of more accurate information to PSAPs.<sup>7</sup>

We seek comment on this waiver request. Parties interested in filing comments may do so on or before **August 20, 2001** and may file reply comments on or before **August 30, 2001**.

This is a "permit but disclose" proceeding pursuant to § 1.1206 of the Commission's Rules.<sup>8</sup> Presentations to or from Commission decision-making personnel are permissible provided that *ex parte* presentations are disclosed pursuant to 47 C.F.R. § 1.1206(b).

Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the docket number of this proceeding. Parties that choose to file by paper must file an original and four copies of each filing with the Office of the Secretary, Federal Communications Commission, 445 12<sup>th</sup> Street, S.W., Washington, D.C. 20554, and a diskette copy with the Commission's copy contractor International Transcription Service, Inc. (ITS), Room CY-B400, Federal Communications Commission, 445 12<sup>th</sup> Street, S.W., Washington, D.C. 20554. The filing should include the docket number of this proceeding: CC Docket No. 94-102. Filings and comments are also available for inspection and copying during regular business hours in the Reference Information Center, Federal Communications Commission, Court Yard Level, Room CY-A257, 445 12<sup>th</sup> Street, S.W., Washington, D.C. or may be purchased from ITS.

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<sup>5</sup> *Qwest Wireless Petition* at 2-4, 18.

<sup>6</sup> *Id.* at 5.

<sup>7</sup> *Id.* at 6-7.

<sup>8</sup> 47 C.F.R. § 1.1206.

For further information concerning this proceeding, contact Andra Cunningham, Policy Division, Wireless Telecommunications Bureau, at (202) 418-1630.