



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION

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WASHINGTON, DC 20554

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WIRELESS TELECOMMUNICATIONS BUREAU SEEKS PUBLIC COMMENT ON PETITION FOR FORBEARANCE FROM E911 ACCURACY STANDARDS IMPOSED ON TIER III CARRIERS

WT Docket No. 02-377

Comments Due: January 24, 2003

Reply Comments Due: February 10, 2003

On November 20, 2002, the Tier III Coalition¹ filed a petition urging the Commission to forbear from enforcing the E911 accuracy and reliability standards set forth in Section 20.18(h) of the Commission's Rules with respect to Commercial Mobile Radio Service ("CMRS") provided by Tier III wireless carriers.² The relief sought relates only to the quantitative requirements and does not seek to delay E911 Phase II deployment schedules. The Tier III Coalition requests forbearance for a limited period, up to and including December 31, 2005.

The Tier III Coalition argues that no commercially available Phase II-compliant E911 location system has been identified that can be economically deployed and satisfy Section 20.18(h) accuracy standards throughout a licensed rural service area. Moreover, it asserts that there is no record support for imposing the same quantitative accuracy standards derived for a dense urban area on a sparsely-populated Tier III rural area where a 911 caller can be physically located more quickly notwithstanding a more flexible accuracy requirement.

¹ The Tier III Coalition is comprised of the following wireless carriers: Cal-One Cellular L.P.; California RSA #3 Limited Partnership, A California Limited Partnership d/b/a Golden State Cellular; El Dorado Cellular, A California Corporation d/b/a Mountain Cellular; Illinois Valley Cellular RSA 2-I Partnership d/b/a Illinois Valley Cellular; Illinois Valley Cellular RSA 2-II Partnership d/b/a Illinois Valley Cellular; Illinois Valley Cellular RSA 2-III Partnership d/b/a Illinois Valley Cellular; Iowa RSA No. 2 Limited Partnership d/b/a Lyrix Wireless; Minnesota Southern Cellular Telephone Company d/b/a HickoryTech Wireless; Missouri RSA No. 7 Limited Partnership d/b/a Mid-Missouri Cellular; Northwest Missouri Cellular Limited Partnership; Public Service Cellular, Inc.; and RSA 1 Limited Partnership d/b/a Cellular 29 Plus.

² Petition Pursuant to 47 U.S.C. § 160(c) for Forbearance from E911 Accuracy Standards Imposed on Tier III Carriers for Locating Wireless Subscribers under Rule Section 20.18(h), WT Docket No. 02-377 (filed Nov. 20, 2002) (Forbearance Petition). Tier III carriers are defined as those non-nationwide wireless CMRS carriers that had 500,000 subscribers or fewer as of year-end 2001. See *Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, CC Docket No. 94-102, Order to Stay, 17 FCC Red 14841 (2002) at para. 22-23.

Interested parties may file comments no later than January 24, 2003. Reply comments are due February 10, 2003. All filings should refer to WT Docket No. 02-377.

Parties who choose to file by paper must file an original and four copies of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Vistrionix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. A copy should also be sent to Eugenie Barton, 445 12th Street, S.W., Room 8-B458, Washington, D.C. 20554.

The Forbearance Petition and copies of the comments and reply comments filed in this matter may be obtained from Qualex, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, telephone (202) 863-2893. These documents are also available for public inspection and copying during normal reference room hours at the FCC Reference Information Center, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554.

Instead of filing paper comments, parties are encouraged to file comments using the Commission's Electronic Comment Filing System (ECFS). *See* Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24,121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Only one copy of an electronic submission must be filed. 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. Commenters also may obtain a copy of the ASCII Electronic Transmittal Form (FORM-ET) at <http://www.fcc.gov/e-file/email.html>.

Regardless of whether parties choose to file electronically or by paper, parties should also file one copy of any documents filed in this docket with the Commission's copy contractor, Qualex International, Portals II, 445 12th Street S.W., CY-B402, Washington, D.C. 20554 (telephone 202-863-2893; facsimile 202-863-2898) or via e-mail at qualexint@aol.com. A copy should also be sent to Eugenie Barton, 445 12th Street, S.W., Room 8-B458, Washington, D.C. 20554. Documents filed in this proceeding will be available for public inspection during regular business hours in the Commission's Reference Information Center, 445 12th Street, S.W., Washington, D.C. 20554, and will be placed on the Commission's Internet site.

For further information, contact Eugenie Barton, Policy Division, 418-1310.

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