



PUBLIC NOTICE

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WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON ACS WIRELESS PETITION FOR 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 20, 2002

Reply Comments Due: May 30, 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 18, 2002, ACS Wireless, Inc. (ACSW), filed a petition for a temporary waiver of this deadline. Specifically, ACSW requests a waiver of Section 20.18(c) for its Time Division Multiple Access (TDMA) network because it is in the process of deploying a Code Division Multiple Access (CDMA) network to comply with the build-out requirements for its three PCS licenses, and plans to migrate all of its present customers to the CDMA technology and phase out the use of its other equipment. The Wireless Telecommunications Bureau seeks comment on this petition.

As a small regional wireless carrier serving Alaska, ACSW asserts that the cost associated with deploying TTY-compatible software in both networks simultaneously is prohibitive because of the other regulatory mandates with which it must comply and the high costs associated with providing service to its largely rural customers.² In addition, ACSW argues that, in light of indications that TDMA is not likely to be a sustainable technology in the future, the availability of TDMA handset equipment may be compromised.³ ACSW launched its CDMA network on April 28, 2002, in compliance with its five-year build-out requirements, and it intends to use reasonable efforts to migrate all of its existing TDMA customers to 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, ACSW was to have obtained software and equipment necessary to implement this capability in its networks by December 31, 2001. *Fourth Report and Order*, 15 FCC Rcd at 25218. ACSW requests a retroactive waiver of this deadline as well. ACS Wireless Petition for Waiver of 47 C.F.R. § 20.18(c) at 8 (Petition).

² Petition at 4-5.

³ Petition at 7.

CDMA system by 2007.⁴ Also on April 28, 2002, ACSW deployed 911 TTY technology in its new CDMA network.⁵

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 petition, 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 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 petition 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 20, 2002, and reply comments on or before May 30, 2002. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.⁶ 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. 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. 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, SW, Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. 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 petition, 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

⁴ Petition at 5.

⁵ ACSW will continue to operate its Advanced Mobile Phone Service (AMPS) so TDMA customers will continue to have the option of using analog technology for 911 TTY calls. Petition at 7-8.

⁶ See Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24121 (1998).

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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