



PUBLIC NOTICE

Federal Communications Commission
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DA 03-20

January 3, 2003

WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON REQUEST BY SPRINT FOR SIX MONTH EXTENSION OF DEADLINE FOR 100% LOCATION- CAPABLE HANDSET ACTIVATION

(CC Docket No. 94-102)

Comments Due: January 24, 2003
Reply Comments Due: February 3, 2003

On October 12, 2001, the Commission approved an Enhanced 911 (E911) Phase II compliance plan for Sprint Spectrum, L.P., d/b/a Sprint PCS (Sprint), which, among other conditions, requires Sprint to ensure that 100% of new digital handsets activated are location-capable by December 31, 2002 and thereafter.¹ On December 20, 2002, Sprint filed a request for a six month extension of this deadline to June 30, 2003 to achieve the 100% activation goal (Waiver Request).²

Sprint states that its previous record of meeting and exceeding Phase II deadlines demonstrates its commitment to providing Phase II service.³ It argues that an extension of the § 20.18(g)(1)(iv) deadline is justified because of the impact of the recent market downturn on the communications industry and Sprint's resulting loss of subscribers and negative subscriber growth rates.⁴ Sprint asserts that, in this economic market, location-capable phones are at a competitive disadvantage because they are more expensive than non-location-capable phones and because Sprint believes that it cannot advertise the benefits of location-capable phones until more Public Safety Answering Points (PSAPs) can process Phase II location data.⁵ Sprint notes

¹ Revision of Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Request for Waiver by Sprint Spectrum L.P., CC Docket 94-102, Order, 16 FCC Rcd 18330 (2001); 47 C.F.R. § 20.18(g)(1)(iv).

² Request by Sprint Corporation for Limited and Temporary Rule Waiver, CC Docket No. 94-102, filed November 20, 2002 (Waiver Request).

³ Waiver Request at 1, 3-4.

⁴ *Id.* at 2-3, 6.

⁵ *Id.* at 3.

that the Commission has already granted longer extensions to competing carriers using the same technology, and argues that carriers in direct competition should be subject to similar Phase II deadlines to avoid market distortion.⁶ Sprint anticipates that 100% of the phones it sells to distributors will be location-capable by March 31, 2003, but asserts that it will take additional time for distributors to sell out their remaining non-location-capable inventory.⁷

We seek comment on the Waiver Request. Interested parties may file comments on or before January 24, 2003. Reply comments are due February 3, 2003. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.⁸ Comments and reply comments should be filed in the docket number, CC Docket No. 94-102.

This is a "permit but disclose" proceeding pursuant to § 1.1206 of the Commission's Rules.⁹ Ex parte presentations that are made with respect to the issues involved in the Waiver Request will be allowed but must be disclosed in accordance with the requirements of § 1.1206(b) of the Commission's Rules.¹⁰

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, filing parties should include their full name, Postal Service mailing address, and the applicable docket number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, parties 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>.

Parties who choose to file by paper must file an original and four copies of each filing. Each filing should include the applicable docket number. 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

⁶ *Id.*

⁷ *Id.* at 5.

⁸ See *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322, 11326, para. 8 (1998); 63 Fed. Reg. 24121 (1998).

⁹ 47 C.F.R. § 1.1206.

¹⁰ 47 C.F.R. § 1.1206(b).

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 Request and responsive 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. Documents 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 Peter Trachtenberg, Policy Division, Wireless Telecommunications Bureau, at (202) 418-7369 (voice) or (202) 418-1169 (TTY).

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