

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Revision of the Commission's Rules	)	
To Ensure Compatibility with	)	CC Docket No. 94-102
Enhanced 911 Emergency Calling Systems	)	
	)	
Petitions for Limited Waiver of Wireless E911	)	
Phase I Rules by Texas Wireless Carriers	)	
	)	
Response of Poka Lambro Telecommunications,	)	
Inc. to Alleged Violation of Section 20.18 and	)	
Request for Waiver of Section 20.18	)	

**ORDER**

**Adopted: February 25, 2004**

**Released: February 27, 2004**

By the Acting Associate Chief, Public Safety and Critical Infrastructure Division, Wireless Telecommunications Bureau:

1. Before us are requests from nine small, rural Texas wireless carriers<sup>1</sup> for limited waivers to allow more time to deploy wireless Enhanced 911 (E911) Phase I service. For the reasons set forth below, we dismiss eight of the requests as moot, and grant a motion to withdraw the ninth request.

2. On July 12, 2000, the Texas Commission on State Emergency Communications (Texas CSEC) submitted a petition seeking assistance in implementing Phase I service.<sup>2</sup> The Texas CSEC stated that it had requested Phase I service from thirty-one wireless carriers subject to the E911 rules, in almost all cases more than six months earlier, but only one carrier was operational with Phase I as of the date of the filing.<sup>3</sup> The Texas CSEC requested FCC oversight to help get wireless E911 Phase I service operational as soon as possible, but no later than August 31, 2000, a deadline mandated by the Texas Legislature.<sup>4</sup> As the August 31, 2000

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<sup>1</sup> CGKC&H No. 2 Rural Cellular Limited Partnership; CT Cube, Inc.; Mid-Tex Cellular Limited; Plateau Telecommunications; South RSA No. 5, LP d/b/a Brazos Cellular Communications; SPCS Joint Venture, LLC d/b/a SOL Communications; Texas RSA 3 Limited Partnership; Texas RSA 7B3 d/b/a Peoples Cellular; and Poka Lambro Telecommunications.

<sup>2</sup> Texas Commission on State Emergency Communications' Emergency Petition for FCC Compliance Oversight and Conditional Petition for Maximum Sanctions, CC Docket No. 94-102 (filed July 12, 2000) (Texas CSEC Petition).

<sup>3</sup> *Id.* at 1-4. Under the Commission's wireless E911 rules, wireless carriers subject to the rule are required to begin providing Phase I service (*i.e.*, providing information regarding the location of the cell site receiving the call and a callback number) within six months of a valid request by a public safety answering point (PSAP). *See* 47 C.F.R. § 20.18(d).

<sup>4</sup> Texas CSEC Petition at 4-5. The Texas CSEC also requested that the Commission impose the maximum sanctions under its authority against each carrier that was not in compliance by August 31, 2000. *Id.* at 5.

deadline approached, eight small, rural Texas wireless carriers<sup>5</sup> filed requests for limited waivers to allow more time to deploy Phase I within the Texas SCEC program area. Each sought limited additional time after the August 31, 2000 deadline to complete deployment. No party filed comments or oppositions concerning these petitions. Subsequently, another small Texas carrier, Poka Lambro Telecommunications (Poka Lambro) filed a report on its E911 deployment plan in which it also requested a temporary waiver of the Phase I deadline.<sup>6</sup> On November 29, 2000, the Texas SCEC, after consultation with the Commission's Wireless Telecommunications Bureau (WTB) and Enforcement Bureau, filed a motion to withdraw its Petition, while stating that it might pursue individual complaints or petitions against wireless licensees.<sup>7</sup>

3. More recently, the Texas CSEC reports that implementation of Phase I in its program area is now almost complete. All of the 353 PSAPs participating in its program reportedly can receive Phase I service, all have at least one wireless carrier providing the service, and ninety-seven percent have implemented Phase I with all of the wireless carriers providing service in their region.<sup>8</sup> With respect to the pending waiver requests, the Texas CSEC confirmed, in response to inquiries by WTB staff, that all eight of the Texas carriers who had filed initial waiver requests have now fully deployed Phase I in the Texas CSEC program area. In addition, on February 18, 2004, Poka Lambro similarly confirmed that it has completed deployment of Phase I and sought leave to withdraw its request for waiver.<sup>9</sup> Thus, the successful deployment of Phase I in the Texas CSEC program area by these carriers effectively moots the waiver petitions filed by the eight Texas carriers and warrants approval of Poka Lambro's withdrawal request.

4. Accordingly, IT IS ORDERED that the requests for waiver of the Phase I rules filed by CGKC&H No. 2 Rural Cellular Limited Partnership; CT Cube, Inc.; Mid-Tex Cellular Limited; Plateau Telecommunications; South RSA No. 5, LP d/b/a Brazos Cellular Communications; SPCS Joint Venture, LLC d/b/a SOL Communications; Texas RSA 3 Limited Partnership; and Texas RSA 7B3 d/b/a Peoples Cellular ARE DISMISSED AS MOOT.

5. IT IS FURTHER ORDERED, that the request by Poka Lambro Telecommunications, Ltd. to withdraw its request for waiver of the E911 Phase I rules IS GRANTED.

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<sup>5</sup> CGKC&H No. 2 Rural Cellular Limited Partnership; CT Cube, Inc.; Mid-Tex Cellular Limited; Plateau Telecommunications; South RSA No. 5, LP d/b/a Brazos Cellular Communications; SPCS Joint Venture, LLC; d/b/a SOL Communications; Texas RSA 3 Limited Partnership; Texas RSA 7B3 d/b/a Peoples Cellular.

<sup>6</sup> Letter from Sylvia Lesse, Counsel to Poka Lambro Telecommunications to Magalie Roman Salas, Secretary, FCC, *Re* Response of Poka Lambro Telecommunications, Inc. to Alleged Violation of Section 20.18(d)(1), dated February 9, 2001. The report was filed in response to a "Petition Against Poka Lambro Telecommunications" filed by TX-CSEC and the referral of this Petition to Poka Lambro by the Commission's Enforcement Bureau by letter dated January 26, 2001. TX-CSEC subsequently withdrew this Petition. Letter from Rupaco Gonzalez, Jr. to James Daley, Deputy Chief, Technical and Public Safety Division, Enforcement Bureau, FCC, dated May 14, 2001.

<sup>7</sup> Motion to Withdraw Petition, CC Docket No. 94-102, filed by Texas Commission on State Emergency Communications, November 29, 2000. *See also ex parte* letter from Rupaco T. Gonzalez, Jr. to Alex Starr, Chief, Market Disputes Resolution Division, Enforcement Bureau, FCC, CC Docket No. 94-102, dated November 29, 2000. The motion to dismiss was granted in 2001. *See* Emergency Petition for FCC Compliance Oversight and Conditional Petition for Maximum Sanctions, *Order*, 16 FCC Rcd 746 (WTB PD 2001).

<sup>8</sup> Texas CSEC Staff Report, "Plan for Implementing Wireless Phase II E9-1-1 Service", dated October 29, 2003; [http://www.911.state.tx.us/browse.php/wireless\\_reports](http://www.911.state.tx.us/browse.php/wireless_reports)

<sup>9</sup> Letter from Sylvia Lesse, Counsel to Poka Lambro Telecommunications to Marlene H. Dortch, Secretary, FCC, *Re*, Poka Lambro Telecommunications, Ltd. Motion to Withdraw Request for Waiver of Section 20.18 of the Commission's Rules, dated February 18, 2004. The company known as Poka Lambro Telecommunications, Inc. at the time of the waiver request in 2001 is now known as Poka Lambro Telecommunications, Ltd.

6. This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Scot Stone  
Acting Associate Chief  
Public Safety and Critical Infrastructure Division  
Wireless Telecommunications Bureau