

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

In the Matter of	)	
	)	File No. EB-04-SE-054
	)	NAL/Acct. No. 200432100002
Sprint Spectrum L.P. d/b/a Sprint PCS	)	FRN # 0007165210

**ORDER**

**Adopted: July 15, 2005**

**Released: July 20, 2005**

By the Acting Chief, Enforcement Bureau:

1. In this Order, we adopt the attached Consent Decree entered into between the Enforcement Bureau and Sprint Spectrum L.P. d/b/a Sprint PCS (“Sprint”). The Consent Decree terminates the enforcement proceeding initiated by the Enforcement Bureau against Sprint for its apparent violation of Section 20.18(d) of the Commission’s Rules (“Rules”)<sup>1</sup> regarding its deployment of Enhanced 911 (“E911”) Phase I services in the County of Santa Cruz, Arizona.

2. The Enforcement Bureau and Sprint have negotiated the terms of a Consent Decree that would resolve this matter and terminate the enforcement proceeding. A copy of the Consent Decree is attached hereto and incorporated by reference.

3. Based on the record before us, we conclude that no substantial or material questions of fact exist with respect to this matter as to whether Sprint possesses the basic qualifications, including those related to character, to hold or obtain any FCC license or authorization.

4. After reviewing the terms of the Consent Decree, we find that the public interest will be served by adopting the Consent Decree and terminating the enforcement proceeding.

5. Accordingly, **IT IS ORDERED** that, pursuant to Section 4(i) of the Communications Act of 1934, as amended,<sup>2</sup> and Sections 0.111 and 0.311 of the Rules,<sup>3</sup> the Consent Decree attached to this Order **IS ADOPTED**.

6. **IT IS FURTHER ORDERED** that the Enforcement Bureau’s enforcement proceeding **IS TERMINATED**.

7. **IT IS FURTHER ORDERED** that Sprint Spectrum L.P. d/b/a Sprint PCS will make a voluntary contribution to the United States Treasury in the amount of thirty-five thousand dollars (\$35,000) within 30 calendar days after the Effective Date of the Adopting Order. Payment of the forfeiture must be made by check or similar instrument, payable to the order of the Federal Communications Commission. The payment must include the NAL/Acct. No. and FRN No. referenced above. Payment by check or money order may be mailed to Federal Communications Commission, P.O. Box 358340, Pittsburgh, PA 15251-8340. Payment by overnight mail may be sent to Mellon Bank /LB

<sup>1</sup> 47 C.F.R. § 20.18(d).

<sup>2</sup> 47 U.S.C. § 154(i).

<sup>3</sup> 47 C.F.R. §§ 0.111, 0.311.

358340, 500 Ross Street, Room 1540670, Pittsburgh, PA 15251. Payment by wire transfer may be made to ABA Number 043000261, receiving bank Mellon Bank, and account number 911-6106.

8. **IT IS FURTHER ORDERED** that a copy of this Order and Consent Decree shall be sent by first class mail and certified mail, return receipt requested, to Luisa L. Lancetti, Vice President, Wireless Regulatory Affairs, Sprint Corporation, 401 9<sup>th</sup> Street, N.W., Suite 400, Washington, D.C. 20004.

FEDERAL COMMUNICATIONS COMMISSION

Kris Anne Monteith  
Acting Chief, Enforcement Bureau

**CONSENT DECREE**

The Enforcement Bureau (“Bureau”) of the Federal Communications Commission (“Commission”) and Sprint Spectrum L.P. d/b/a Sprint PCS (“Sprint”) hereby enter into this Consent Decree regarding a possible violation of Section 20.18(d) of the Commission's Rules (“Rules”) concerning Sprint’s deployment of Enhanced 911 (“E911”) Phase I services in the County of Santa Cruz, Arizona.

**Background**

1. On September 15, 2003, Sprint received a request to implement E911 Phase I services on behalf of two Public Safety Answering Points (“PSAPs”) located in Santa Cruz, Arizona. Under the requirements of Section 20.18(d), Sprint was required to deploy service to these two PSAPs by March 15, 2004, provided the PSAP requests were valid under the requirements of the rule.

2. On February 25, 2004, Santa Cruz filed an informal complaint against Sprint alleging that Sprint had failed to deploy E911 Phase I services by the required date. On March 24, 2004, the Enforcement Bureau issued a letter of inquiry (“LOI”) to Sprint. Sprint responded to the LOI on April 20, 2004, and reported that E911 Phase I service had been deployed in the area under investigation on April 15, 2004.

3. On October 21, 2004, the Enforcement Bureau issued a *Notice of Apparent Liability for Forfeiture*<sup>4</sup> to Sprint (the “NAL”) in the amount of fifty thousand dollars (\$50,000) for the apparent willful and repeated violations of Section 20.18(d). Sprint timely responded to the NAL.

**Definitions**

4. For the purposes of this Consent Decree, the following definitions shall apply:
- (a) “Commission” or “FCC” means the Federal Communications Commission;
  - (b) “Bureau” means the Enforcement Bureau of the Federal Communications Commission;
  - (c) “Sprint” means Sprint Spectrum L.P. d/b/a Sprint PCS, its subsidiaries, affiliates and any successors and assigns;
  - (d) “Parties” means Sprint and the Bureau;
  - (e) “Adopting Order” means an order of the Bureau adopting the terms and conditions of this Consent Decree;
  - (f) “Effective Date” means the date the Adopting Order is released by the Bureau;
  - (g) “Enforcement Proceeding” means the investigation of the alleged Rule violations by Sprint culminating in the *Notice of Apparent Liability for Forfeiture*;
  - (h) “*Notice of Apparent Liability for Forfeiture*” or “NAL” means Sprint Spectrum L.P. d/b/a/ Sprint PCS, 19 FCC Rcd 19901 (Enf. Bur. 2004);
  - (i) “Rules” means the Commission’s Rules found in Title 47 of the Code of Federal Regulations; and
  - (j) “Act” means the Communications Act of 1934, as amended, 47 U.S.C. §§151 *et seq.*

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<sup>4</sup> See *Sprint Spectrum LP d/b/a Sprint PCS*, 19 FCC Rcd 19901 (Enf. Bur. 2004)(“NAL”).

### Terms of Settlement

5. The Parties agree that the provisions of this Consent Decree shall be subject to final approval by the Bureau by incorporation of such provisions by reference in the Adopting Order.

6. The Parties agree that this Consent Decree shall become binding on the Parties on the Effective Date. Upon release, the Adopting Order and this Consent Decree shall have the same force and effect as any other final order of the Commission and any violation of the terms or conditions of this Consent Decree shall constitute a violation of a Commission order.

7. Sprint acknowledges that the Bureau has jurisdiction over the matters contained in this Consent Decree and the authority to enter into and adopt this Consent Decree.

8. The Parties waive any rights they may have to seek administrative or judicial reconsideration, review, appeal or stay, or to otherwise challenge or contest the validity of this Consent Decree and the Adopting Order, provided that the Adopting Order adopts the Consent Decree without change, addition, modification or deletion.

9. The Parties agree that this Consent Decree does not constitute either an adjudication on the merits or a factual or legal finding or determination of any compliance or noncompliance with the Act or the Rules. The Parties further agree that this Consent Decree is for settlement purposes only and that by agreeing to this Consent Decree, Sprint does not admit or deny any liability for violating the Rules in connection with the matters that are the subject of this Consent Decree.

10. In express reliance on the covenants and representations in this Consent Decree and to avoid further expenditure of scarce public resources, the Bureau agrees to terminate the Enforcement Proceeding at such time as both Parties sign this Consent Decree and the Bureau adopts this Consent Decree.

11. Sprint has implemented certain administrative changes and created an automated database for tracking E911 Phase I and II implementations as more fully described in the Compliance Plan attached hereto. Sprint will continue to track E911 Phase I implementations for its CDMA network to facilitate timely Phase I deployments. Further, while this proceeding was solely with respect to Phase I implementations, Sprint has agreed, on a voluntary basis, to track Phase II implementations on its CDMA network in the same manner as it tracks Phase I implementations. Sprint reserves the right to modify this attached plan as necessary to better ensure continuing compliance with the Commission's Rules.

12. The Parties agree that Sprint's obligations set forth in paragraph 11 will remain in effect for twenty-four (24) months from the Effective Date.

13. The Parties acknowledge and agree that this Consent Decree shall constitute a final and binding settlement between Sprint and the Bureau regarding the possible violations of Section 20.18(d) of the Rules specified by the *NAL*. In consideration for termination by the Bureau of the Enforcement Proceeding and in accordance with the terms of this Consent Decree, Sprint agrees to the terms set forth in this Consent Decree.

14. The Bureau agrees that it will not institute, on its own motion, any new proceeding, formal or informal, take any action on its own motion, or recommend to the Commission any forfeiture or other sanction, against Sprint for the possible violations of Section 20.18(d) of the Rules specified by the *NAL*. Nothing in this Consent Decree shall prevent the Bureau from instituting investigations or enforcement proceedings against Sprint in the event of any other alleged misconduct that violates this Consent Decree or that violates any provision of the Act or the Rules.

15. The Parties agree that any provision of this Consent Decree which conflicts with any subsequent rule, order of general applicability or other decision of general applicability adopted by the Commission will be superseded by such Commission rule, order or other decision.

16. Sprint agrees that it will make a voluntary contribution to the United States Treasury in the amount of thirty five thousand dollars (\$35,000) within 30 calendar days after the Effective Date of the Adopting Order. Payment of the forfeiture must be made by check or similar instrument, payable to the order of the Federal Communications Commission. The payment must include the NAL/Acct. No. and FRN No. referenced above. Payment by check or money order may be mailed to Federal Communications Commission, P.O. Box 358340, Pittsburgh, PA 15251-8340. Payment by overnight mail may be sent to Mellon Bank /LB 358340, 500 Ross Street, Room 1540670, Pittsburgh, PA 15251. Payment by wire transfer may be made to ABA Number 043000261, receiving bank Mellon Bank, and account number 911-6106.<sup>5</sup> The payment should reference the NAL/Acct. and FRN No. referenced above.

17. If either Party (or the United States on behalf of the Commission) brings a judicial action to enforce the terms of the Adopting Order, neither Sprint nor the Commission shall contest the continuing validity of the Consent Decree or Adopting Order. The Parties agree to comply with, defend and support the validity of this Consent Decree and the Adopting Order in any proceeding seeking to nullify, void, or otherwise modify the Consent Decree or the Adopting Order.

18. The Parties agree that in the event that any court of competent jurisdiction renders this Consent Decree invalid, this Consent Decree shall become null and void and may not be used in any manner in any legal proceeding.

19. Sprint waives any rights it may have under any provision of the Equal Access to Justice Act, 5 U.S.C. § 504 and 47 C.F.R. § 1.1501 *et seq.*, relating to the matters addressed in this Consent Decree.

20. This Consent Decree cannot be modified without the advance written consent of both Parties except as indicated in paragraph 11.

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<sup>5</sup> 47 C.F.R. § 1.1914.

21. This Consent Decree may be signed in counterparts.

For the Enforcement Bureau:

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Kris Anne Monteith  
Acting Chief, Enforcement Bureau

\_\_\_\_\_  
Date

For Sprint Spectrum L.P.:

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Luisa L. Lancetti  
Vice President, Wireless Regulatory Affairs

\_\_\_\_\_  
Date

**COMPLIANCE PLAN****Summary of Sprint Spectrum L.P. ("Sprint") Administrative Changes**

As part of its effort to ensure compliance with the Communications Act of 1934, as amended, and the FCC's rules and regulations, Sprint's 911 implementation group (the "911 Group") has developed, and will continue to implement and oversee, the following administrative changes to its implementation of E911 Phase I requests on its CDMA network. Sprint will also voluntarily track E911 Phase II requests on its CDMA network in the same manner:

1. Establish a computer database known as the Network Element Object ("NEO") Database to track all ongoing E911 projects including the status of implementation and the responsible Numbering Solutions employee handling implementation.
2. Require a supervisor to conduct random audits of employee projects to determine that such projects have been entered in NEO, formal E911 Phase I and II requests from PSAP(s) are filed, dates are correct in NEO, and employee adherence to Sprint's E911 processes are followed.
3. With the use of NEO, a supervisor will track project status on a regular basis.
4. Sprint will provide contact escalation information to requesting PSAPs, including levels from Director to Supervisor with name, phone number (office and mobile) and address, to permit notification to Sprint management of any deployment concerns.
5. Through NEO provide e-mail notification to all employees with status of all projects that they own when the projected due date is within 60 days.