



PUBLIC NOTICE

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WIRELESS TELECOMMUNICATIONS BUREAU REMINDS CELLULAR LICENSEES OF ANALOG REPORTING REQUIREMENT

Reports to be filed by February 20, 2006

In this Public Notice, the Wireless Telecommunications Bureau (WTB) reminds all 800 MHz Cellular Radiotelephone Service (Cellular) licensees providing nationwide coverage that reports documenting the status of compatible analog cellular services ("AMPS")¹ in the United States must be filed by February 20, 2006.² For purposes of this reporting requirement, a carrier is deemed to provide nationwide coverage if it offers facilities-based service in at least some portion of the western, midwestern, and eastern United States and has networks covering at least 200 million people.³ Cellular licensees that do not provide nationwide coverage as described herein as well as other interested parties are encouraged to file reports by this date as well.

Background. As a part of its Year 2000 Biennial Review of its regulations in WT Docket No. 01-108, the Commission issued the *AMPS Sunset Order* establishing a five-year sunset period (February 18, 2003 through February 18, 2008) after which cellular service licensees that provide two-way cellular mobile radiotelephone service will no longer be required to provide, or maintain the capability to provide,

¹ Compatible analog service ("AMPS"), for the purposes of the subject rule, is the cellular radiotelephone technology defined in technical standard ANSI/TIA/EIA-553-A-1999. See Telecommunications Industry Association, ANSI/TIA/EIA-553-A-1999, Mobile Station - Base Station Compatibility Standard (November 1999).

² Pursuant to the *AMPS Sunset Order*, such reports are due on the third and fourth anniversary of the effective date of the order, *i.e.* on February 18, 2006 and February 18, 2007, respectively. See Year 2000 Biennial Review – Amendment of Part 22 of the Commission's Rules to Modify or Eliminate Outdated Rules Affecting the Cellular Radiotelephone Service and Other Commercial Mobile Radio Services, WT Docket No. 01-108, *Report and Order*, 17 FCC Rcd 18401, 18420 (2002) (*AMPS Sunset Order*). Because February 18, 2006 falls on a Saturday, reports must be filed no later than February 20, 2006. See 47 C.F.R. § 1.4(j).

³ See *AMPS Sunset Order*, 17 FCC Rcd at 18406, n. 31; Implementation of Section 6002(b) of the Omnibus Budget Reconciliation Act of 1993; Annual Report and Analysis of Competitive Market Conditions With Respect to Commercial Mobile Services, WT Docket No. 05-71, *Tenth Report*, FCC 05-173, n. 44 (rel. Sept. 30, 2005). Upon release of the *AMPS Sunset Order*, there were six mobile telephony operators that analysts typically describe as nationwide in the United States: AT&T Wireless, Sprint PCS, Verizon Wireless, L.L.C., VoiceStream Wireless Corporation (now T-Mobile USA), Cingular Wireless, L.L.C., and Nextel Communications, Inc. (now Sprint Nextel Corp.). Three of those carriers, AT&T Wireless, Verizon Wireless, and Cingular Wireless, operated cellular service facilities subject to the AMPS requirement. With the subsequent merger of Cingular Wireless and AT&T Wireless, those three have become two: Cingular Wireless and Verizon Wireless.

AMPS.⁴ In that Order, the Commission found that the original goals of the AMPS requirement had largely been accomplished, and that it was therefore unnecessary to retain the AMPS requirement indefinitely. The record in that proceeding showed, however, that certain consumers, specifically persons with hearing disabilities and consumers that exclusively use their phones to access 911 emergency services,⁵ might not have readily available and accessible economic or technological alternatives to AMPS service.⁶ The Commission noted that individuals with hearing disabilities had become reliant on the availability of AMPS, because digital technology-based cellular telephones available at that time were incompatible with most hearing aids. The Commission also recognized that additional time was needed to transition emergency-only consumers to digital phones. The Commission recognized that, if the AMPS requirement was eliminated immediately, these persons would no longer have access to the cellular network.⁷ Accordingly, the Commission decided to sunset the AMPS requirement over a five-year period, to ensure continued AMPS availability while cellular telephone manufacturers and cellular service licensees worked to resolve problems associated with access to state of the art digital wireless service by individuals who have hearing disabilities as well as emergency-only users.

To monitor the progress of this effort, the Commission ordered cellular service licensees providing nationwide service to file reports at the beginning of the third and fourth years of the sunset concerning the availability and usability of hearing aid-compatible digital phones as well as emergency-only digital devices. Such carriers include Verizon Wireless and Cingular Wireless. Although these cellular service providers are required to file reports, we encourage other licensees and interested parties to submit reports or comments for the Commission's consideration. When establishing this reporting requirement, the Commission noted that if the reports show that progress in developing acceptable alternatives to AMPS service for hearing-impaired consumers is unsatisfactory, the Commission may decide to extend the sunset period or consider other alternatives to maintain service availability to these consumers.

Contents of the Reports. To better understand the current state of AMPS and licensees' future plans as the end of the sunset period approaches, the WTB asks that the reports address, at a minimum, the following:

(1) *Current state of AMPS.* Filers should provide an overview of the types of AMPS usage on their networks, the availability of AMPS equipment, the extent to which analog phone users are using relatively low-powered handhelds⁸ or high-powered three watt phones, such as bag phones or car phones (or an estimate if such information is not readily available), and provide insight into the amount of AMPS usage on their networks (e.g. the approximate number of AMPS-only subscribers and roamers, the average minutes of AMPS usage monthly, etc.). Filers should also provide trend information concerning

⁴ See *AMPS Sunset Order*, 17 FCC at 18414-20.

⁵ Emergency or 911-only users include (1) "unsubscribed" consumers of recycled phones that were previously, but are no longer, service-initialized by a wireless carrier, and have been reissued under some type of donor program, and (2) subscribers of newly manufactured 911-only phones that can only make 911 calls but are incapable of receiving any incoming calls.

⁶ Digital cellular telephones are also not capable of providing "traditional," or text (TTY)-based telecommunications relay service, whereby a hearing impaired user communicates by typing to a person who is using voice by means of a relay service.

⁷ *AMPS Sunset Order*, 17 FCC Rcd at 18417-18418.

⁸ Such handhelds typically have power levels around 600 mW (ERP), or about 950 mW (EIRP).

AMPS usage as the sunset has progressed, and the factors that may produce such trends. Additionally, filers should address the continued need or demand for ancillary use of features and protocols that are part of the AMPS standard for various purposes such as CDPD, telemetry, telematics, vehicle tracking, and alarm systems.

(2) *Availability of hearing aid-compatible handsets.* Filers should provide information about the availability of hearing aid-compatible handsets for use on their networks, specifically noting whether those handsets are AMPS or digital. Filers should show how they are in compliance with the Hearing Aid Compatibility Act of 1988⁹ and Section 255 of the Communications Act, as well as the status of their compliance with current hearing aid compatibility requirements. Filers reporting on their plans for AMPS may incorporate by reference information previously provided to the Commission pursuant to reporting requirements set out in the *Hearing Aid Compatibility Order*.¹⁰

(3) *AMPS after the sunset.* Filers who intend to discontinue AMPS service on or shortly after the sunset should describe the areas where AMPS will be discontinued, the time period for discontinuing AMPS, and whether digital service will be available in the specific geographic areas where AMPS will be discontinued. Filers also should report on their specific plans for locating and notifying customers and consumers generally about the discontinuance of AMPS in areas they are licensed to serve, including the planned time frames and notice delivery methods. Licensees that intend to discontinue provision of AMPS must certify in their reports that there are hearing aid-compatible digital devices available to persons with hearing disabilities, providing supporting documentation, or, if no such equipment is yet available at the time of filing, describe the extent to which, by February 18, 2008, digital equipment will be available to persons with hearing disabilities in market(s) where the carrier intends to discontinue provision of AMPS.

Reports may be filed and accessed through links available on the WTB's Cellular Services webpage at <http://wireless.fcc.gov/services/cellular/>>. At a later date, the WTB will provide specific instructions regarding how to file the reports electronically and how interested parties will be able to view the reports via the internet.

For further information, please contact Wilbert Nixon, Mobility Division, at (202) 418-0985 or Wilbert.Nixon@fcc.gov; or Linda Chang, Mobility Division, at (202) 418-1339 or Linda.Chang@fcc.gov.

⁹ Pub. L. No. 100-394, 102 Stat. 976 (1988), codified at 47 U.S.C. § 610.

¹⁰ In the *Hearing Aid Compatibility Order*, the Commission required wireless carriers and handset manufacturers to report on compliance efforts regarding various benchmarks for handset compatibility every six months from 2004 through 2006, and then annually in 2007 and 2008. Section 68.4(a) of the Commission's Rules Governing Hearing Aid-Compatible Telephones, WT Docket No. 01-309, *Report and Order*, 18 FCC Rcd 16753, 16787 (2003) (*Hearing Aid Compatibility Order*); see also Wireless Telecommunications Bureau Announces Hearing Aid Compatibility Reporting Dates for Wireless Carriers and Manufacturers, WT Docket No. 01-309, *Public Notice*, 19 FCC Rcd 4097 (2004).