

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

In the Matter of

|   |   |                      |
|---|---|----------------------|
| Revision of the Commission's Rules to Ensure    | ) |                      |
| Compatibility with Enhanced 911 Emergency       | ) |                      |
| Calling Systems                                 | ) | CC Docket No. 94-102 |
|   | ) |                      |
| Wilkes Cellular, Inc. Request for Withdrawal of | ) |                      |
| Request for Extension of the 95% Location       | ) |                      |
| Capable Handset Penetration Requirement         | ) |                      |

**ORDER**

**Adopted: December 5, 2006**

**Released: December 5, 2006**

By the Deputy Chief, Policy Division, Public Safety and Homeland Security Bureau:

1. On July 31, 2006, Wilkes Cellular, Inc. (Wilkes) filed a request<sup>1</sup> seeking a further extension of a wireless Enhanced 911 (E911) Phase II deadline required by the Commission's *Tier III Carriers Order*.<sup>2</sup> On September 13, 2006, Wilkes filed a request to withdraw its extension request.<sup>3</sup> By this *Order*, we grant Wilkes' request to withdraw.

2. In its Extension Request, Wilkes sought additional time to reach the 95% location-capable handset benchmark required by section 20.18(g)(1)(v) of the Commission's rules, citing the ENHANCE 911 Act.<sup>4</sup> In its Request to Withdraw, however, Wilkes indicates that it is deploying a GSM network, and, therefore, is implementing a network-based Phase II location technology, rather than a handset-based technology.<sup>5</sup> The handset penetration requirement of section 20.18(g)(1)(v) applies only to carriers employing a handset-based E911 Phase II location technology. Accordingly, the requirements of

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<sup>1</sup> E911 Phase II Interim Report and Request for Extension of the 95% Location Capable Handset Penetration Requirement, CC Docket No. 94-102 (filed July 31, 2006) (Extension Request).

<sup>2</sup> See Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems; E911 Phase II Compliance Deadlines for Tier III Carriers, CC Docket No. 94-102, *Order*, 20 FCC Rcd 7709, 7741-42 ¶¶ 84-87 (2005) (*Tier III Carriers Order*) (granting Wilkes an extension to July 31, 2006 to achieve 95% penetration, among its subscribers, of location-capable handsets); see also 47 C.F.R. § 20.18(g)(1)(v) (requiring a wireless carrier employing a handset-based location technology to achieve 95% penetration, among its subscribers, of location-capable handsets by December 31, 2005).

<sup>3</sup> Request for Withdrawal of Request for Extension of the 95% Location Capable Handset Penetration Requirement, CC Docket No. 94-102 (filed Sept. 13, 2006) (Request to Withdraw).

<sup>4</sup> National Telecommunications and Information Administration Organization Act – Amendment, Pub. L. No. 108-494, § 107(a), 118 Stat. 3986, 3991 (2004) (directing the Commission to act on any petition filed by a qualified Tier III carrier requesting a waiver of Section 20.18(g)(1)(v) within 100 days of receipt, and to grant such request for waiver if “strict enforcement of the requirements of that section would result in consumers having decreased access to emergency services”).

<sup>5</sup> Request to Withdraw at 1.

this rule are inapplicable to Wilkes. Therefore, no rule waiver or extension of time to meet the 95% penetration requirement is necessary.

3. ACCORDINGLY, IT IS ORDERED, pursuant to Section 4(i) of the Communications Act, as amended, 47 U.S.C. § 154(i), that the Request for Withdrawal of Request for Extension of the 95% Location Capable Handset Penetration Requirement filed by Wilkes Cellular, Inc. on September 13, 2006, IS GRANTED.

4. This action is taken under delegated authority pursuant to Sections 0.191 and 0.392 of the Commission's rules, 47 C.F.R. §§ 0.191, 0.392.

FEDERAL COMMUNICATIONS COMMISSION

Jeffrey S. Cohen  
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