



# PUBLIC NOTICE

Federal Communications Commission  
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## WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON REQUEST OF COPPER VALLEY WIRELESS, INC. FOR WAIVER OF THE ANALOG SERVICE REQUIREMENT

WT Docket No. 07-80

**Comment Date: May 7, 2007**

**Reply Comment Date: May 17, 2007**

Pursuant to Section 1.925(c) of the Commission's rules,<sup>1</sup> the Wireless Telecommunications Bureau ("Bureau") hereby seeks comment on the request of Copper Valley Wireless, Inc. (CVW),<sup>2</sup> Call Sign KNKQ401, for waiver of Section 22.901(b) of the Commission's rules.<sup>3</sup> Section 22.901(b) requires cellular radiotelephone service licensees to provide analog service until February 18, 2008 (the "analog sunset date") to subscribers and roamers whose mobile equipment conforms to the Advanced Mobile Phone Service (AMPS) standard.<sup>4</sup>

CVW operates an analog cellular system in south central Alaska (CMA316-Alaska 2-Bethel), and seeks waiver of Section 22.901(b) to discontinue analog service at 12 of its system's 13 base stations before the analog sunset date.<sup>5</sup> CVW states that it serves 1,300 analog subscribers—including 158 households that receive fixed cellular service—and seeks to transition these subscribers to its new digital CDMA cellular system as phased construction is completed.<sup>6</sup> CVW states that it will provide eligible subscribers free

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<sup>1</sup> 47 C.F.R. § 1.925(c).

<sup>2</sup> See Request of Copper Valley Wireless, Inc. for Limited Waiver of Section 22.901(b) of the Commission's Rules, FCC File No. 0002897896 (filed Feb. 1, 2007) ("Request"); Amendment (filed Mar. 28, 2007) ("Amendment").

<sup>3</sup> 47 C.F.R. § 22.901(b).

<sup>4</sup> On December 20, 2006, the Bureau released a public notice seeking comment on a petition for rulemaking to extend the analog sunset date until February 18, 2010. See "Wireless Telecommunications Bureau Seeks Comment On Petition For Rulemaking To Extend Cellular Analog Sunset Date," *Public Notice*, 22 FCC Rcd 656 (WTB 2006). Comments and reply comments were due January 19 and February 6, 2007, respectively, in that proceeding, RM-11355, and FCC staff is reviewing the record.

<sup>5</sup> The thirteenth base station is owned by ACS Wireless, Inc. and will remain operational in analog mode until at least February 18, 2008. Request at 1-2. On December 18, 2006, the Bureau granted ACS Wireless, Inc. a waiver to discontinue AMPS at seven remote sites in Alaska (out of more than 100 AMPS sites operated by the company). See Petition of ACS Wireless, Inc. for Limited Waiver of Analog Service Rule, *Order*, 21 FCC Rcd 14594 (WTB 2006).

<sup>6</sup> CVW has installed and is testing its CDMA replacement facilities at nine of its 13 base stations and expects commercial operation in spring 2007. The four remaining sites are scheduled to be constructed by July 2007, and to be put into commercial operation between September 2007 and February 2008. Request at 2.

hearing aid-compatible and emergency-only digital handsets until February 18, 2008.<sup>7</sup> CVW also states that it will provide free digital handsets to all existing analog-only mobile subscribers as an incentive to migrate to digital service.<sup>8</sup> CVW states that it will provide fixed users free digital replacement equipment, which it will install (at no charge) for any user accessible by road, and will provide users inaccessible by road, a free “Phone-in-a-Box” kit for self-installation.<sup>9</sup> CVW further states that it will use billing inserts, telephone calls, and newspaper advertisements to notify subscribers that analog service will be discontinued.<sup>10</sup> CVW argues that, under these circumstances, the underlying purpose of the analog service requirement would not be served by continued application to CVW, and would be unduly burdensome.<sup>11</sup>

We note that in 2002, the Commission determined that it was unnecessary to continue the analog service requirement indefinitely, because it had achieved the Commission’s original goals of ensuring public access to nationwide service (roaming) and low-cost handsets.<sup>12</sup> The Commission, however, adopted a 5-year sunset period (commencing on the effective date of the *Analog Sunset Order*), to facilitate the transition of persons with hearing disabilities and emergency-only users from analog to digital handsets.<sup>13</sup>

In view of the foregoing, we invite interested parties to comment on CVW’s request for waiver of the analog service requirement.

### Procedural Matters

Comments on the Request are due **no later than May 7, 2007**. Reply Comments are due **no later than May 17, 2007**. All responsive filings should reference the docket number of this proceeding, WT 07-80.

This proceeding has been designated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.<sup>14</sup> Parties making oral *ex parte* presentations in this proceeding are reminded that memoranda summarizing the presentation must contain the presentation’s substance and not merely

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<sup>7</sup> *Id.* at 1.

<sup>8</sup> Amendment at 2-3. Until July 31, 2007, mobile users who receive free digital replacement phones will be subject to a two-year minimum service agreement. Commencing August 1, 2007, free digital replacement phones will be provided to all remaining analog-only subscribers without a minimum service requirement contract. *Id.* at 2.

<sup>9</sup> *Id.* at 3. CVW notes that the self-installation process for inaccessible subscribers has worked well in the past. *Id.* CVW does not indicate whether fixed users will be required to enter into a minimum service agreement as a condition of receiving free digital replacement equipment.

<sup>10</sup> *Id.* at 2.

<sup>11</sup> Request at 6-7.

<sup>12</sup> 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, 18406 ¶8, and 18409-18412 ¶¶13-17 (2002) (“*Analog Sunset Order*”), *Order on Reconsideration*, 19 FCC Rcd 3239 (2004).

<sup>13</sup> *Analog Sunset Order*, 17 FCC Rcd at 18406 ¶8, and 18414-18419 ¶¶22-30.

<sup>14</sup> See 47 C.F.R. §§ 1.1200(a), 1.1206.

list the subjects discussed.<sup>15</sup> More than a one- or two-sentence description of the views and arguments presented is generally required.<sup>16</sup>

The Request is available for public inspection and copying in the Commission's Reference Center, Room CY A257, 445 12th Street, S.W., Washington, DC 20554. Copies of the Request also may be obtained via the Commission's Electronic Comment Filing System (ECFS) by entering the docket number, WT 07-80. Copies of the Request are also available from Best Copy and Printing, Inc., telephone (800) 378-3160, facsimile (301) 816-0169, e-mail [FCC@BCPIWEB.com](mailto:FCC@BCPIWEB.com).

Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See* Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs/>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and should include the following words in the body of the message, "get form." A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking 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 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 the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

Parties shall send one copy of their comments and reply comments to Best Copy and Printing, Inc., Portals II, 445 12th Street, SW, Room CY-B402, Washington, D.C. 20554, (800) 378-3160, e-mail [FCC@BCPIWEB.com](mailto:FCC@BCPIWEB.com).

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<sup>15</sup> *See* "Commission Emphasizes the Public's Responsibilities in Permit-But-Disclose Proceedings," *Public Notice*, 15 FCC Rcd 19945 (2000).

<sup>16</sup> *See* 47 C.F.R. § 1.1206(b)(2). Other rules pertaining to oral and written presentations are set forth in Section 1.1206(b) as well. *Id.* at § 1.1206(b).

Comments filed in response to this Public Notice will be available for public inspection and copying during business hours in the FCC Reference Information Center, Portals II, 445 12th Street SW, Room CY-A257, Washington, D.C. 20554, and via the Commission's Electronic Comment Filing System (ECFS) by entering the Docket Number, WT 07-80. The comments may also be purchased from Best Copy and Printing, Inc., telephone (800) 378-3160, facsimile (301) 816-0169, e-mail [FCC@BCPIWEB.com](mailto:FCC@BCPIWEB.com).

Alternate formats of this Public Notice (computer diskette, large print, audio recording, and Braille) are available to persons with disabilities by contacting Brian Millin at (202) 418-7426 (voice), (202) 418-7365 (TTY), or send an e-mail to [access@fcc.gov](mailto:access@fcc.gov).

FOR FURTHER INFORMATION, CONTACT: Joyce Jones of the Wireless Telecommunications Bureau, Mobility Division, at (202) 418-1327, [joyce.jones@fcc.gov](mailto:joyce.jones@fcc.gov).

Action by the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau.

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