

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

In the Matter of)	
)	
Alltel Corporation Petition for Limited Waiver of)	WT Docket No. 05-287
Location-Capable Handset Penetration Rule)	
)	

ORDER

Adopted: January 3, 2008

Released: January 3, 2008

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

1. On February 5, 2007, Alltel Corporation (Alltel) filed a Petition¹ seeking reconsideration of a Commission Order in the above-captioned proceeding.² That Order denied Alltel's request for an extension of time to comply with the requirement in Section 20.18(g)(1)(v) of the Commission's rules that carriers employing a handset-based E911 Phase II location technology were to have achieved 95% penetration among their subscribers of location-capable handsets by December 31, 2005.³ The order also referred to the Commission's Enforcement Bureau Alltel's admitted violation of Section 20.18(g)(1)(v).⁴ On August 30, 2007, the Commission issued a Notice of Apparent Liability for Forfeiture, in which it proposed a \$1 million forfeiture for Alltel's failure to comply with the Commission's 95% penetration requirement for location capable handsets.⁵

2. On October 12, 2007, Alltel filed a motion to withdraw its Petition, indicating that it transmitted payment of the proposed fine to the Commission on October 1, 2007, and that the Commission confirmed receipt.⁶ Alltel's motion submits that payment of the forfeiture effectively moots its Petition. By this Order, we grant Alltel's motion.

3. Accordingly, IT IS ORDERED that the Motion to Withdraw Petition for Reconsideration filed by Alltel Corporation IS GRANTED.

¹ See Alltel Corporation Petition for Reconsideration, WT Docket No. 05-287 (filed Feb. 5, 2007) (Petition).

² See Alltel Corporation Petition for Limited Waiver of Location-Capable Handset Penetration Rule, WT Docket No. 05-287, *Order*, 22 FCC Rcd 337 (2007) (*Alltel Waiver Order*).

³ See 47 C.F.R. § 20.18(g)(1)(v); see also *Alltel Waiver Order*, 22 FCC Rcd at 347-48 ¶¶ 26, 29.

⁴ See *Alltel Waiver Order*, 22 FCC Rcd at 347-48 ¶¶ 26, 31.

⁵ See *Alltel Corporation*, File No. EB-07-SE-008, NAL/Acct. No. 200732100046, FRN # 0012284394, *Notice of Apparent Liability for Forfeiture*, FCC 07-158 (Aug. 30, 2007).

⁶ Motion for Leave to Withdraw Petition for Reconsideration, CC Docket No. 94-102 (filed Sept. 25, 2007). On June 25, 2007, Alltel reported and certified that it achieved the 95% benchmark. See Letter from Richard Massey, Executive Vice President, External Affairs, General Counsel and Secretary, Alltel Corporation, to Kris A. Monteith, Chief, Enforcement Bureau, FCC, WT Docket No. 05-287 (filed June 25, 2007).

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

Erika E. Olsen
Deputy Chief
Public Safety and Homeland Security Bureau