

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

In the Matter of)	
)	
Revision of the Commission's Rules to Ensure)	CC Docket No. 94-102
Compatibility with Enhanced 911 Emergency)	
Calling Systems)	

ORDER

Adopted: December 3, 2010**Released: December 3, 2010**

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

1. In this *Order*, we resolve four petitions for waiver of Section 20.18(c) of the Commission's rules, which requires that commercial mobile radio service (CMRS) providers be capable of transmitting 911 calls made using text telephone (TTY) devices by June 30, 2002.¹ As addressed below, we grant the requests filed by four wireless carriers to withdraw or dismiss those petitions.

2. On December 24, 2003, ACS Wireless, Inc. (ACSW or ACS Wireless) filed a petition for waiver of Section 20.18(c).² The ACSW Petition requested: (1) a waiver until ACSW completed the build-out of its CDMA network and (2) a waiver to allow operation of its TDMA network until February 18, 2008.³ On March 8, 2010, ACSW filed a request to withdraw its petition,⁴ stating that it has "fully deployed" a CDMA network and "no longer needs a waiver of Section 20.18(c)."⁵

¹ See 47 C.F.R. § 20.18(c); Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, *Fourth Report and Order*, 15 FCC Rcd 25216, 25218 ¶ 8 (2000).

² Petition of ACS Wireless for Extension of Waiver of 47 C.F.R. §20.18(c) Requirements (filed Dec. 24, 2003). (ACSW Petition).

³ See ACSW Petition. See also Letter from Elisabeth H. Ross, Birch, Horton, Bittner and Cherot, counsel for ACSW to Marlene H. Dortch, Secretary, FCC (filed Apr. 9, 2007) at 1 (providing status update that a waiver for ACSW's TDMA network was still needed until the sunset period of the Commission's analog service requirement expired February 18, 2008). See Year 2000 Biennial Review—Amendment of Part 22 of the Commission's Rules to Modify or Eliminate Outdated Rules Affecting the Cellular Radiotelephone Service and Other Commercial Mobile Radio Services, WT Docket No. 01-108, *Report and Order*, 17 FCC Rcd 18401,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, 18409-18412 ¶¶ 13-17, 18414-18419 ¶¶ 22-30 (2002); *Order on Reconsideration*, 19 FCC Rcd 3239 (2004) (determining that it was unnecessary to continue the analog service requirement indefinitely and adopting a 5-year sunset period to facilitate the transition of persons with hearing disabilities and emergency-only users from analog to digital handsets).

⁴ ACSW's Request to Withdraw or Dismiss its TTY Waiver Petition, CC Docket No. 94-102 (filed March 8, 2010).

⁵ *Id.*

3. On June 21, 2002, Choice Wireless, LC (Choice Wireless) filed a request for waiver of Section 20.18(c).⁶ On March 19, 2010, Choice Wireless filed a Request for Leave to Withdraw Petition for Waiver, stating that “the requested relief is no longer required.”⁷

4. On June 26, 2002, Tracy Corporation II (Tracy) filed a request for waiver of Section 20.18(c).⁸ On August 26, 2008, Convey Communications, Inc. (Convey), successor to Tracy, filed a request for dismissal of the waiver requested by Tracy and “report[ed] that [Convey] is now compliant” with Section 20.18(c).⁹

5. On August 7, 2003, American Samoa License, Inc. (ASLI) filed a petition for limited waiver of Section 20.18(c).¹⁰ On March 1, 2010, ASLI filed a withdrawal of the ASLI Limited Waiver Petition, reporting that ASLI “is in compliance with Section 20.18(c)” and “no longer requires a waiver of this rule part.”¹¹ Although the latter filing is styled by ASLI as a “withdrawal as moot,” we treat it as a request for withdrawal of its petition.

6. Based on the above requests for withdrawal, we find that the record in this proceeding indicates that the above four wireless carriers are now in compliance with Section 20.18(c). Therefore, by this *Order*, we grant their requests to withdraw.

7. ACCORDINGLY, IT IS ORDERED, pursuant to Section 4(i) of the Communications Act, as amended, 47 U.S.C. § 154(i), that the Request to Withdraw or Dismiss ACSW’s TTY Waiver Petition, filed by ACS Wireless, Inc. on March 8, 2010, IS GRANTED.

8. IT IS FURTHER ORDERED that, pursuant to Section 4(i) of the Communications Act, as amended, 47 U.S.C. § 154(i), the Request for Leave to Withdraw Petition for Waiver, filed by Choice Wireless, LC on March 19, 2010, IS GRANTED.

9. IT IS FURTHER ORDERED that, pursuant to Section 4(i) of the Communications Act, as amended, 47 U.S.C. § 154(i), the Request for Dismissal of Waiver of Section 20.18(c), filed by Convey Communications, Inc. on August 26, 2008, IS GRANTED.

⁶ Choice Wireless, LC, Petition for Waiver, CC Docket No. 94-102 (filed June 21, 2002); Amended Petition for Waiver and Quarterly Report, CC Docket No. 94-102 (filed October 21, 2003).

⁷ Choice Wireless, LC, Request for Leave to Withdraw Petition for Waiver, CC Docket No. 94-102 (filed Mar. 19, 2010).

⁸ Request for Waiver by Tracy Corporation II on Implementation of TTY Digital Compatibility for 911 Emergency Calling for Station KNLF407, CC Docket No. 94-102 (filed June 26, 2002).

⁹ Request for Dismissal of Waiver of Section 20.18(c) by Convey Communications, Inc., formerly known as Tracy Corporation II, on Implementation of TTY Digital Compatibility for 911 Emergency Calling, CC Docket No. 94-102 (filed Aug. 26, 2008).

¹⁰ Petition for Limited Waiver and Extension of Time and Request to Accept Late Filed Document, CC Docket No. 94-102 (Aug. 7, 2003) (ASLI Limited Waiver Petition).

¹¹ Withdrawal as Moot of Petition for Limited Waiver of American Samoa License, Inc., CC Docket No. 94-102 (filed March 1, 2010). This filing indicates that the ALSI Limited Waiver Petition was filed August 1, 2003. We find that the record in the docket reflects that this petition was filed on August 7, 2003.

10. IT IS FURTHER ORDERED that, pursuant to Section 4(i) of the Communications Act, as amended, 47 U.S.C. § 154(i), the Withdrawal as Moot of Petition for Limited Waiver of American Samoa License, Inc., filed by American Samoa License, Inc. on March 1, 2010, is GRANTED.

11. 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

Thomas J. Beers
Chief, Policy Division
Public Safety and Homeland Security Bureau