

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

|   |   |                      |
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| In the matter of                          | ) |                      |
|   | ) |                      |
| Revision of the Commission's Rules        | ) |                      |
| To Ensure Compatibility with Enhanced     | ) | CC Docket No. 94-102 |
| 911 Emergency Calling Systems             | ) |                      |
|   | ) |                      |
| T-Mobile USA, Inc. Amended Request        | ) |                      |
| For Limited Modification of E911 Phase II | ) |                      |
| Implementation Plan                       | ) |                      |

**ORDER**

**Adopted:** August 11, 2003

**Released:** August 11, 2003

By the Chief, Wireless Telecommunications Bureau:

1. In this Order, we dismiss the Application for Review<sup>1</sup> that T-Mobile USA, Inc. (T-Mobile) filed in this docket on January 13, 2003. In that application, T-Mobile requested that the Commission review an order of the Wireless Telecommunications Bureau (Bureau) dismissing T-Mobile's request for limited modification of its E911 Phase II implementation plan.<sup>2</sup> On July 24, 2003, however, T-Mobile withdrew its Application for Review and requested that the Commission not review the issues raised in the application.<sup>3</sup> Accordingly, we dismiss the Application for Review.

2. In September 2000, the Commission granted T-Mobile a temporary, conditional waiver of the E911 Phase II rules to implement a hybrid network and handset-based technology called Enhanced Observed Time Difference of Arrival across its Global System for Mobile Communications (GSM) network.<sup>4</sup> On December 21, 2001, T-Mobile filed a request for modification of its waiver, proposing a new deployment schedule for its GSM network.<sup>5</sup> Subsequently, on February 28, 2002, T-Mobile

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<sup>1</sup> T-Mobile USA, Inc. Application for Review, Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems; T-Mobile USA Inc. Amended Request for Limited Modification of E911 Phase II Implementation Plan, CC Docket No. 94-102 (filed Jan. 13, 2003) (Application for Review).

<sup>2</sup> Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems; T-Mobile USA Inc. Amended Request for Limited Modification of E911 Phase II Implementation Plan, *Order*, CC Docket No. 94-102, 17 FCC Rcd 24908 (2002) (*Order*).

<sup>3</sup> Letter from John T. Nakahata, T-Mobile USA, Inc. to Marlene H. Dortch, Secretary, Federal Communications Commission, Withdrawal of Application for Review, CC Docket No. 94-102 (filed Jul. 24, 2003)(Withdrawal of Application for Review).

<sup>4</sup> Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, *Fourth Memorandum Opinion and Order*, 15 FCC Rcd 17442 (2000). T-Mobile is the successor to VoiceStream Wireless Corporation. For consistency, we will refer to the carrier as T-Mobile throughout this document.

<sup>5</sup> VoiceStream Wireless Corporation Request for Limited Modification of E911 Phase II Implementation Plan, CC Docket No. 94-102 (filed Dec. 21, 2001).

amended its modification request.<sup>6</sup> On December 13, 2002, the Bureau issued an order dismissing T-Mobile's request and referring certain issues regarding T-Mobile's compliance with the E911 Phase II rules on its GSM network to the Enforcement Bureau.<sup>7</sup> On January 13, 2003, T-Mobile requested a review of this decision, claiming that only one portion of its request was addressed in the *Dismissal Order*.<sup>8</sup>

3. On July 17, 2003, the Commission adopted an order approving a Consent Decree terminating an investigation into possible violation of the E911 Phase II rules by T-Mobile with respect to its GSM network and establishing a new timeline for deployment of network-based technology within its GSM network.<sup>9</sup> On July 24, 2003, T-Mobile filed a letter withdrawing its Application for Review,<sup>10</sup> stating that the *Consent Decree* renders it unnecessary for the Commission to review the issues raised in its Application for Review.<sup>11</sup> We agree and dismiss T-Mobile's Application for Review as moot.

4. Accordingly, **IT IS ORDERED THAT**, pursuant to Sections 4(i) and 5(c) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 155(c), and the authority delegated pursuant to sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331, T-Mobile's Application for Review of the Wireless Telecommunications Bureau's Order denying T-Mobile's Amended Request for Limited Modification of E911 Phase II Implementation Plan **IS DISMISSED**.

FEDERAL COMMUNICATIONS COMMISSION

John B. Muleta

Chief, Wireless Telecommunications Bureau

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<sup>6</sup> VoiceStream Wireless Corporation Amended Request for Limited Modification of E911 Phase II Implementation Plan, CC Docket No. 94-102 (filed Feb. 28, 2002).

<sup>7</sup> *Dismissal Order*, 17 FCC Rcd 24908 (2002).

<sup>8</sup> Application for Review, CC Docket No. 94-102 (filed Jan. 13, 2003).

<sup>9</sup> In the Matter of T-Mobile USA, Inc. File No. EB-02-TS-012, *Order*, FCC 03-172 (rel. Jul. 17, 2003) (*Consent Decree*).

<sup>10</sup> Withdrawal of Application for Review (filed Jul. 24, 2003).

<sup>11</sup> *Id.*