

Federal Communications Commission

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

In the Matter of)	
)	
Petition for Forbearance From E911 Accuracy)	
Standards Imposed on Tier III Carriers For)	WT Docket No. 02-377
Locating Wireless Subscribers Under Rule)	CC Docket No. 94-102
Section 20.18(h); Petition for Limited Waiver)	
and Forbearance by ACS Wireless, Inc.)	

ERRATUM

Released: February 16, 2005

By the Chief, Public Safety and Critical Infrastructure Division:

1. On February 14, 2005, the Wireless Telecommunications Bureau released an *Order*, DA 05-420, in the above-captioned proceeding.¹ This *Erratum* corrects the following omissions in the *Order*.

2. Paragraph 1 is corrected to read as follows:

“1. In this order, we deny a petition filed by ACS Wireless, Inc. (“ACS”)¹ requesting that the Commission forbear from enforcing the Phase II Enhanced 911 (E911) accuracy and reliability requirements contained in section 20.18(h) of the Commission’s Rules.² We find, as an initial matter, that ACS failed to comply with the Commission’s pleading requirements in filing its forbearance request and deny its request on that ground. Additionally, we conclude that forbearance from enforcement of Section 20.18(h) is inconsistent with the second and third prongs of the section 10 forbearance test.³

¹ See ACS Wireless Petition for Limited Waiver and Forbearance, CC Docket No. 94-102 (filed Nov. 14, 2003) (Forbearance Petition). The Commission must act on petitions for forbearance within one year, but it may extend this deadline by 90 days if it finds that an extension is necessary to meet the three criteria for forbearance listed in section 10(a). 47 U.S.C. § 160(c). The Public Safety and Critical Infrastructure Division, acting on delegated authority, extended the initial one year-period for review by 90 days to February 14, 2005. See *Petition for Forbearance From E911 Accuracy Standards Imposed on Tier III Carriers For Locating Wireless Subscribers Under Rule Section 20.18(h); Petition for Limited Forbearance and Waiver by ACS Wireless, Inc.*, WT Docket No. 02-377, CC Docket No. 94-102, Order, 19 FCC Rcd 22515 (PSCID 2004). The Commission will act on the Petition for Limited Waiver in a future order.

² 47 C.F.R. § 20.18(h).

¹ See *Petition for Forbearance From E911 Accuracy Standards Imposed on Tier III Carriers For Locating Wireless Subscribers Under Rule Section 20.18(h); Petition for Limited Waiver and Forbearance by ACS Wireless, Inc.*, Order, DA 05-420 (PSCID rel. Feb. 14, 2005).

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³ See 47 U.S.C. § 160(a)(2), (3).”

3. Paragraph 7 is corrected to read as follows:

“7. Accordingly, IT IS ORDERED, pursuant to section 10 of the Communications Act of 1934, as amended, 47 U.S.C. § 160, and pursuant to Commission rule 1.53, 47 C.F.R. 1.53, that the petition for forbearance of ACS Wireless, Inc. IS DENIED.”

4. Paragraph 8 is corrected to read as follows:

“8. IT IS FURTHER ORDERED, pursuant to sections 1.103(a) and 1.4(b) of the Commission’s rules, 47 C.F.R. §§ 1.103(a) and 1.4(b), that this order SHALL BE EFFECTIVE upon release.”

5. This action is taken under delegated authority pursuant to Section 0.131 and 0.331 of the Commission’s Rules, 47 C.F.R. Sections 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Michael J. Wilhelm
Chief, Public Safety and Critical Infrastructure Division
Wireless Telecommunications Bureau