

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

In the Matter of
Revision of the Commission's Rules to Ensure
Compatibility with Enhanced 911 Emergency
Calling Systems
Copper Valley Wireless, Inc. Petition for Waiver
or Temporary Stay
CC Docket No. 94-102

ORDER

Adopted: March 30, 2006

Released: March 30, 2006

By the Commission:

I. INTRODUCTION

1. In this Order, we address a request for relief from the Commission's wireless Enhanced 911 (E911) Phase II requirements filed by Copper Valley Wireless, Inc. (CVW), a Tier III wireless service provider. Specifically, CVW seeks an extension of relief previously granted of the location-capable handset deployment requirements, and 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 must achieve 95% penetration, among their subscribers, of location-capable handsets by December 31, 2005.

2. Timely compliance with the Commission's wireless E911 rules ensures that the important public safety needs of wireless callers requiring emergency assistance are met as quickly as possible. In analyzing requests for extensions of the Phase II deadlines, the Commission has afforded relief only when the requesting carrier has met the Commission's standard for waiver of the Commission's rules. Where carriers have met the standard, the relief granted has required compliance with the Commission's rules and policies within the shortest practicable time. We are also mindful of Congress' directive in the

1 See Copper Valley Wireless, Inc. Petition for Waiver or Temporary Stay, CC Docket No. 94-102, filed Dec. 20, 2005 (CVW Petition).

2 Tier III carriers are non-nationwide Commercial Mobile Radio Service (CMRS) providers with no more than 500,000 subscribers as of the end of 2001. See Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems; Phase II Compliance Deadlines for Non-Nationwide Carriers, CC Docket No. 94-102, Order to Stay, 17 FCC Rcd 14841, 14848 ¶ 22 (2002) (Non-Nationwide Carriers Order).

3 See CVW Petition at 11; 47 C.F.R. §§ 20.18(g)(1)(i)-(iv).

4 See CVW Petition at 11-12; 47 C.F.R. § 20.18(g)(1)(v).

5 See Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems; E911 Phase II Compliance Deadlines for Tier III Carriers, CC Docket No. 94-102, Order, 20 FCC Rcd 7709, 7709-7710 ¶ 1 (2005) (Tier III Carriers Order).

6 See id.

ENHANCE 911 Act to grant waivers for Tier III carriers of the 95% penetration benchmark if “strict enforcement . . . would result in consumers having decreased access to emergency services.”⁷

3. In view of CVW’s particular circumstances, including the difficulties it faces in deploying a Code Division Multiple Access (CDMA) network with limited financial resources to a small number of subscribers in extremely remote areas in Alaska, we find good cause to grant CVW’s request for additional time to meet the location-capable handset deployment requirements. Further, pursuant to the ENHANCE 911 Act, and based on the record before us, we find that some relief from the 95% penetration requirement is warranted, until one year following the revised deadline for when it must ensure that 100% of all new digital handsets activated with respect to its entire service area are location-capable, subject to certain conditions described below. These conditions are particularly important because CVW has failed to demonstrate a “clear path to full compliance” with the Commission’s December 31, 2005, handset penetration requirement consistent with the Commission’s E911 waiver standards.⁸

II. BACKGROUND

A. Phase II Requirements

4. The Commission’s E911 Phase II rules require wireless licensees to provide Public Safety Answering Points (PSAPs) with Automatic Location Identification (ALI) information for 911 calls.⁹ Licensees can provide ALI information by deploying location information technology in their networks (a network-based solution),¹⁰ or Global Positioning System (GPS) or other location technology in subscribers’ handsets (a handset-based solution).¹¹ The Commission’s rules also establish phased-in schedules for carriers to deploy any necessary network components and begin providing Phase II service.¹² However, before a wireless licensee’s obligation to provide E911 service is triggered, a PSAP must make a valid request for E911 service, *i.e.*, the PSAP must be capable of receiving and utilizing the data elements associated with the service and must have a mechanism in place for recovering its costs.¹³

5. In addition to deploying the network facilities necessary to deliver location information, wireless licensees that elect to employ a handset-based solution must meet the handset deployment benchmarks set forth in Section 20.18(g)(1) of the Commission’s Rules, independent of any PSAP

⁷ National Telecommunications and Information Administration Organization Act – Amendment, Pub. L. No. 108-494, 118 Stat. 3986 (2004). *See also infra* ¶ 8.

⁸ Because we find that some relief from the 95% handset penetration requirement is warranted pursuant to the ENHANCE 911 Act, we need not determine whether CVW met the Commission’s waiver standard with respect to the handset penetration requirement. Although demonstration of a “clear path to full compliance” is not required to warrant some relief under the ENHANCE 911 Act, this element of our waiver standard provides useful guidance in determining the extent to which such relief should be granted.

⁹ *See* 47 C.F.R. § 20.18(e).

¹⁰ Network-based location solutions employ equipment and/or software added to wireless carrier networks to calculate and report the location of handsets dialing 911. These solutions do not require changes or special hardware or software in wireless handsets. *See* 47 C.F.R. § 20.3, *Network-based Location Technology*.

¹¹ Handset-based location solutions employ special location-determining hardware and/or software in wireless handsets, often in addition to network upgrades, to identify and report the location of handsets calling 911. *See* 47 C.F.R. § 20.3, *Location-Capable Handsets*.

¹² *See* 47 C.F.R. §§ 20.18(f), (g)(2).

¹³ *See* 47 C.F.R. § 20.18(j)(1).

request for Phase II service.¹⁴ After ensuring that 100% of all new digital handsets activated are location-capable, licensees must achieve 95% penetration, among their subscribers, of location-capable handsets no later than December 31, 2005.¹⁵

B. Waiver Standards

6. The Commission has recognized that smaller carriers may face “extraordinary circumstances” in meeting one or more of the deadlines for Phase II deployment.¹⁶ The Commission previously has stated its expectations for requests for waiver of the E911 Phase II requirements. Waiver requests must be “specific, focused and limited in scope, and with a clear path to full compliance. Further, carriers should undertake concrete steps necessary to come as close as possible to full compliance . . . and should document their efforts aimed at compliance in support of any waiver requests.”¹⁷ To the extent that a carrier bases its request for relief on delays that were beyond its control, it must submit specific evidence substantiating the claim, such as documentation of the carrier’s good faith efforts to meet with outside sources whose equipment or services were necessary to meet the Commission’s benchmarks.¹⁸ When carriers rely on a claim of financial hardship as grounds for a waiver, they must provide sufficient and specific factual information.¹⁹ A carrier’s justification for a waiver on extraordinary financial hardship grounds may be strengthened by documentation demonstrating that it has used its best efforts to obtain financing for the required upgrades from available Federal, state, or local funding sources.²⁰ The Commission also noted, in considering earlier requests for relief by Tier III carriers, that it

expects all carriers seeking relief to work with the state and local E911 coordinators and with all affected PSAPs in their service area, so that community expectations are consistent with a carrier’s projected compliance deadlines. To the extent that a carrier can provide supporting evidence from the PSAPs or state or local E911 coordinators with whom the carrier is assiduously working to provide E911 services, this would provide evidence of its good faith in requesting relief.²¹

¹⁴ See 47 C.F.R. § 20.18(g)(1).

¹⁵ See 47 C.F.R. § 20.18(g)(1)(v).

¹⁶ See *Tier III Carriers Order*, 20 FCC Rcd at 7714 ¶ 9; *Non-Nationwide Carriers Order*, 17 FCC Rcd at 14846 ¶ 20 (“wireless carriers with relatively small customer bases are at a disadvantage as compared with the large nationwide carriers in acquiring location technologies, network components, and handsets needed to comply with our regulations”); Revision of the Commission’s Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems; E911 Compliance Deadlines for Non-Nationwide Tier III CMRS Carriers, CC Docket No. 94-102, *Order to Stay*, 18 FCC Rcd 20987, 20994 ¶ 17 (2003)(*Order to Stay*) (“under certain conditions, small carriers may face extraordinary circumstances in meeting one or more of the deadlines for Phase II deployment and [] relief may therefore be warranted”).

¹⁷ Revision of the Commission’s Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, *Fourth Memorandum Opinion and Order*, 15 FCC Rcd 17442, 17458 ¶ 44 (2000) (*Fourth MO&O*). See also 47 C.F.R. §§ 1.3, 1.925(b)(3); *WAIT Radio v. FCC*, 418 F.2d 1153 (D.C. Cir. 1969), *appeal after remand*, 459 F.2d 1203 (D.C. Cir. 1972), *cert. denied*, 409 U.S. 1027 (1972); *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164 (D.C. Cir. 1990).

¹⁸ See *Order to Stay*, 18 FCC Rcd at 20996-97 ¶ 25.

¹⁹ See *id.* at 20997 ¶ 29. We note that the Commission generally is disinclined to find that financial hardship alone is a sufficient reason for an extension of the E911 implementation deadlines. *Id.*

²⁰ See *id.*

²¹ *Id.*, 18 FCC Rcd at 20997 ¶ 28.

7. In applying the above criteria, the Commission has in the past recognized that special circumstances particular to smaller carriers may warrant limited relief from E911 requirements. For example, the Commission has noted that some Tier III carriers face unique hurdles such as significant financial constraints, small and/or widely dispersed customer bases, and large service areas that are isolated, rural or characterized by difficult terrain (such as dense forest or mountains), along with a corresponding reduced customer willingness to forgo existing handsets that may provide expanded range, but are not location-capable.²² In evaluating requests for waiver from Tier III carriers, the Commission, therefore, has considered challenges unique to smaller carriers facing these circumstances.

8. Finally, distinct from the Commission's rules and established precedent regarding waivers of the E911 requirements, in December 2004 Congress enacted the Ensuring Needed Help Arrives Near Callers Employing 911 Act of 2004 (ENHANCE 911 Act).²³ The ENHANCE 911 Act, *inter alia*, directs the Commission to act on any petition filed by a qualified Tier III carrier requesting a waiver of Section 20.18(g)(1)(v) within 100 days of receipt, and grant such request for waiver if "strict enforcement of the requirements of that section would result in consumers having decreased access to emergency services."²⁴

C. Request for Waiver

9. CVW is a small, Tier III carrier providing analog-only service to approximately 1162 subscribers in sparsely populated areas in Alaska.²⁵ The area of Alaska in which CVW operates has a very low population density of 0.297 persons per square mile, and CVW is the sole wireless provider in certain portions of its service area.²⁶ CVW states that "many" subscribers use "the older, higher-power three-watt analog bag-phones and vehicle-mounted phones due to their superior range when compared to lower-power, hand-held models."²⁷ CVW has "minimal revenues and limited financial resources at its disposal."²⁸

10. The Commission previously granted CVW relief from the location-capable handset deployment benchmarks in the *Tier III Carriers Order*.²⁹ Specifically, the Commission granted CVW an extension until December 31, 2005 to simultaneously begin selling and activating location-capable handsets and ensure that all new digital handsets activated were location-capable.³⁰ The Commission granted relief to afford CVW additional time to complete its digital CDMA upgrade, which CVW expected to complete by December 31, 2005, and noted that CVW had not received any requests from

²² See *Tier III Carriers Order*, 20 FCC Rcd at 7718, 7719, 7726, 7732, 7736-7737 ¶¶ 17, 19, 37, 57, 70.

²³ National Telecommunications and Information Administration Organization Act – Amendment, Pub. L. No. 108-494, 118 Stat. 3986 (2004).

²⁴ *Id.* at § 107(a), 118 Stat. 3986, 3991. The ENHANCE 911 Act defines a "qualified Tier III carrier" as "a provider of commercial mobile service (as defined in section 332(d) of the Communications Act of 1934 (47 U.S.C. 332(d)) that had 500,000 or fewer subscribers as of December 31, 2001." *Id.* at § 107(b), 118 Stat. 3986, 3991.

²⁵ CVW Petition at 7-8. CVW employs a "first-generation, analog-only AMPS cellular system." *Id.* at 4.

²⁶ *Id.*

²⁷ *Id.* at 8.

²⁸ *Id.* For calendar year 2005, CVW reports gross revenue of \$1.7 million and a net loss of \$24,960 (as of Oct. 31, 2005). *Id.*

²⁹ See *Tier III Carriers Order*, 20 FCC Rcd at 7758-59 ¶¶ 135-137.

³⁰ See *id.* at 7759 ¶ 137.

PSAPs for E911 service.³¹ CVW did not request a waiver of the December 31, 2005 95% penetration requirement, and the Commission advised CVW that “if it anticipates that it cannot comply with the December 31, 2005 handset penetration deadline, CVW should file an appropriate and timely request for relief, including under the standard articulated in the ENHANCE 911 Act.”³²

11. In its current request, CVW states that its digital network upgrade “is proceeding at a very slow pace in view of Copper Valley’s extremely small size, extremely limited financial resources, and recent changes in its executive personnel.”³³ It adds that “the financial outlay required for the equipment replacement project is truly staggering for a company of Copper Valley’s very small size”³⁴ CVW “intends to commence construction of the replacement CDMA system no later than June 30, 2006” and plans to complete construction at six cell sites by February 25, 2007, and at its remaining seven cell sites by February 25, 2008.³⁵ CVW explains that “[t]here is a limited construction season . . . and some of the cell sites are accessible only by helicopter”³⁶ CVW expects that it “will be required to operate the analog equipment indefinitely, at least until all customers are on the CDMA system.”³⁷ CVW also continues to report that it has not received any requests for Phase I or Phase II service from the six PSAPs operating in its service area.³⁸

12. CVW asserts that “the totality of the circumstances present in this case are truly unique and would not arise in any of the remaining 49 states.”³⁹ CVW states that, if required to comply with its current ALI-capable handset activation and penetration deadlines, it “could have to shut down its operations entirely,” which “would work a substantial hardship to its . . . subscribers.”⁴⁰ CVW requests “a temporary waiver or stay of any requirement that it begin activating ALI-capable handsets on the system, up to and including: a) February 25, 2007 for the service areas of the first six cells, which are scheduled to be built during the Summer 2006 building season; and b) February 25, 2008 for the service areas of the remaining seven cells, which are scheduled to be built during the Summer 2007 building season.”⁴¹ CVW represents further that “[a]t those times, 100% of all new handset activations will be ALI-capable.”⁴² CVW also requests an extension until February 25, 2010 to meet the requirement that 95% of the handsets on the system be ALI-capable.⁴³ Its requested extensions of time are, according to CVW, “the realistic minimum needed to obtain and install the required replacement; and to thereafter

³¹ See *id.* at 7759 ¶ 136.

³² *Id.* at 7759 ¶ 137 n.342.

³³ CVW Petition at 2.

³⁴ *Id.* at 10. CVW states that the cost of the CDMA system is approximately \$3.5 million. See *id.* at 5.

³⁵ *Id.* at 5-6, 11.

³⁶ *Id.* at 9

³⁷ *Id.* at 7.

³⁸ *Id.* at 3.

³⁹ *Id.* at 9-10.

⁴⁰ *Id.* at 9.

⁴¹ *Id.* at 11.

⁴² *Id.*

⁴³ *Id.* at 12.

commence the activation of ALI-capable handsets, and thereafter achieve 95% penetration of ALI-capable handsets on the system.”⁴⁴

III. DISCUSSION

A. Handset Sale and Activation Deadlines

13. We find good cause to grant the relief sought by CVW of the location-capable handset sale and activation deadlines. CVW faces particularly challenging circumstances in upgrading its network to CDMA, which it must accomplish to be able to sell and activate location-capable handsets. CVW has a very small subscriber base, operates in extremely isolated areas of Alaska where weather conditions permit limited construction seasons, and is the sole wireless provider in certain portions of its service area. CVW also has demonstrated that its limited financial resources, as illustrated by its 2005 net loss of approximately \$25,000, have hampered its ability to commence and complete its network overhaul with digital CDMA service, which CVW states will cost approximately \$3.5 million. Although we are troubled by the substantial additional extension of time CVW now requests, we nonetheless find that CVW’s particular circumstances justify relief in this case. It is not unreasonable, given the short construction seasons in its service areas, that CVW complete construction of its CDMA network in two phases and over two summer seasons, as it proposes. Further, because CVW proposes specific timetables for deploying its CDMA upgrade, and will upon initiation of CDMA service activate location-capable handsets only, we find that CVW thereby provides a clear path to full compliance with the location-capable handset sale and activation requirements.

14. Accordingly, we grant CVW an extension until February 25, 2007, when the first six cells are scheduled to be upgraded to CDMA, to begin selling location-capable handsets and ensuring that 100% of all new digital handsets activated are location-capable in the areas served by these sites.⁴⁵ We also grant CVW an extension until February 25, 2008, when its remaining seven cell sites are scheduled to be upgraded to CDMA, to begin selling location-capable handsets and ensuring that 100% of all new digital handsets activated are location-capable in the areas served by these sites. As we discuss below, we require as a condition of grant that CVW file reports to permit close monitoring of its progress in meeting these revised deadlines.

B. Handset Penetration Requirement

15. We believe that it was critical for all handset-based carriers to have met the final implementation deadline of December 31, 2005 for 95% location-capable handset penetration, if at all possible, in order to allow all stakeholders (including carriers, technology vendors, public safety entities, and consumers) to have greater certainty about when Phase II would be implemented and ensure that Phase II would be fully implemented as quickly as possible.⁴⁶ Absent Phase II location data, emergency call takers and responders must expend critical time and resources questioning wireless 911 callers to determine their location, and/or searching for those callers when the callers cannot provide this information. At the same time, however, the Commission has recognized that requests for waiver of E911 requirements may be justified, but only if appropriately limited, properly supported, and consistent with established waiver standards.⁴⁷ Accordingly, when addressing requests for waiver of the 95%

⁴⁴ *Id.* at 9.

⁴⁵ These six cell sites are located in Valdez, Glennallen, Lake Louise, Willow Creek, Tolsona Ridge, and Paxson. CVW Petition at 6.

⁴⁶ See *Non-Nationwide Carriers Order*, 17 FCC Rcd at 14853 ¶ 38.

⁴⁷ See *Tier III Carriers Order*, 20 FCC Rcd at 7709-7710 ¶ 1; *Non-Nationwide Carriers Order*, 17 FCC Rcd at 14842-14843 ¶ 6.

handset penetration deadline, we remain mindful that delay in achieving the required handset penetration level could impair the delivery of safety-of-life services to the public. We must also remain mindful, however, of Congress' directive in the ENHANCE 911 Act to grant Tier III waivers if strict enforcement would result in consumers having decreased access to emergency services.⁴⁸

16. Consistent with that directive and based on the record before us, we believe that some extension of the December 31, 2005 deadline is warranted under the ENHANCE 911 Act. CVW indicates that certain of its subscribers use higher-power analog phones that afford greater range than can be obtained with digital, location-capable handsets.⁴⁹ Therefore, we find that certain of CVW's customers would likely find it more difficult, and, at times, impossible to contact a PSAP in parts of its service area if those customers were forced to convert to digital CDMA handsets. It thus appears likely that strict enforcement of the December 31, 2005 deadline under these circumstances would impair the ability of certain 911 callers to reach emergency assistance, and thus "would result in consumers having decreased access to emergency services," within the meaning of the ENHANCE 911 Act,⁵⁰ at least in some cases. We therefore conclude that a limited waiver of the December 31, 2005 deadline is warranted, subject to certain conditions and reporting requirements to permit effective monitoring of CVW's progress towards full compliance with the Commission's location-capable handset penetration requirement.

17. We note, however, that CVW failed to provide sufficient information to warrant the full relief requested because CVW has not adequately shown a "clear path to full compliance" with the 95% handset penetration requirement. CVW does not describe any marketing and consumer education plans or other efforts directed at transitioning subscribers to location-capable handsets as quickly as possible, or even within its requested extension until February 25, 2010. As noted above, where we have granted relief, we have required compliance with the Commission's rules and policies within the shortest practicable time.⁵¹ Therefore, at this time, we find that CVW has not justified the full extension requested. Since, as discussed above, we grant CVW extensions of the location-capable handset sale and activation requirements, we also will grant CVW a limited extension of the 95% penetration requirement following completion of its CDMA network across all of its cell sites.

18. In sum, taking into account the totality of the circumstances, including CVW's Tier III status, the extremely remote nature of CVW's service area, its small number of subscribers, the limited financial resources of CVW, and consistent with the ENHANCE 911 Act, we conclude that an extension of the December 31, 2005 deadline is warranted, subject to certain conditions and reporting requirements so that the Commission effectively can monitor CVW's progress in meeting the 95% handset penetration benchmarks.⁵² Specifically, we extend the deadline for compliance until one year following the revised deadline for when CVW must ensure that 100% of all new digital handsets activated with respect to its entire service area are location-capable (*i.e.*, until February 25, 2009). We fully expect CVW to engage in all necessary efforts to ensure that it meets the 95% handset penetration benchmark as quickly as possible.

19. *Conditions of Grant.* As a condition of the relief granted herein, CVW has an ongoing obligation, until it achieves a 95% penetration rate among its subscribers of location-capable handsets, to (1) notify its customers, such as by billing inserts, upon initiation of CDMA service, when it reasonably

⁴⁸ See *supra* ¶ 8.

⁴⁹ See CVW Petition at 8, 19.

⁵⁰ Pub. L. No. 108-494, § 107(a), 118 Stat. 3986, 3991.

⁵¹ See *supra* ¶ 2.

⁵² We note that the Commission has not received any objections from the public safety community with respect to the instant request.

expects PSAPs will make valid requests for Phase II service, to the effect that by upgrading their handsets they will have the ability to automatically transmit their location information, and (2) actively work with the PSAPs to keep them informed of its progress in completing its CDMA upgrade, activating location-capable handsets, and achieving higher location-capable handset penetration rates.

20. *Reporting Requirements.* Finally, in order to monitor compliance in accordance with the relief of the handset activation benchmarks and the December 31, 2005 95% handset penetration requirement granted herein, we will require CVW to file status reports every February 1, May 1, August 1, and November 1, beginning May 1, 2006, and until one year following its revised deadline for meeting the 95% handset penetration requirement, *i.e.*, until February 25, 2010.⁵³ These reports shall include the following information: (1) the number and status of Phase II requests from PSAPs (including those requests it may consider invalid); (2) the dates on which Phase II service has been implemented or will be available to PSAPs served by its network; (3) the status of CVW's coordination efforts with PSAPs for alternative location-capable handset activation and penetration dates; (4) its efforts to encourage customers to upgrade to location-capable handsets; (5) the status of its ordering and installing CDMA network upgrade equipment for each of its cell sites; (6) the status of its sales and activation of location-capable phones in areas served by each of its cell sites; (7) the percentage of its customers with location-capable phones; and (8) until it satisfies the 95% penetration rate, detailed information on its status in achieving compliance and whether it is on schedule to meet the revised deadline. We emphasize that irrespective of the relief we grant in this *Order*, we fully expect CVW to achieve compliance as quickly as possible.

IV. CONCLUSION

21. Based on the unique facts of this case, we conclude that CVW is entitled to a limited extension of its current handset activation and sales benchmarks and, pursuant to the ENHANCE 911 Act, of the December 31, 2005 requirement that it achieve 95% penetration, among its subscribers, of location-capable handsets. Specifically, we extend the date that CVW must begin selling and activating location-capable handsets until February 25, 2007 for areas served by six of its cell sites, and until February 25, 2008 for CVW's remaining service areas. We also extend the date that CVW must achieve 95% penetration for one year following the revised deadline for when it must ensure that 100% of all new digital handsets activated with respect to its entire service area are location-capable, *i.e.*, until February 25, 2009, and impose conditions and reporting requirements to ensure that CVW achieves full compliance with the Commission's E911 requirements. We reiterate that any party seeking a waiver from our E911 rules must demonstrate a clear path to full compliance.

V. ORDERING CLAUSES

22. Accordingly, IT IS ORDERED, pursuant to the ENHANCE 911 Act, Pub. L. No. 108-494, 118 Stat. 3986 (2004), and Sections 1.3 and 1.925 of the Commission's rules, 47 C.F.R. §§ 1.3, 1.925, that the foregoing *Order* IS ADOPTED.

⁵³ We note that we are requiring CVW to file status reports beyond the date on which we otherwise require it to achieve 95% penetration among its subscribers of location-capable handsets. We believe it is important to continue monitoring the progress of CVW for an additional year following this revised deadline.

23. IT IS FURTHER ORDERED, that the Copper Valley Wireless, Inc. Petition for Waiver or Temporary Stay filed December 20, 2005 IS GRANTED IN PART to the extent described above, and subject to the conditions and reporting requirements specified herein. The deadline for compliance with Sections 20.18(g)(i)-(iv) will be February 25, 2007 for the areas served by six of CVW's cell sites and February 25, 2008 and for its remaining seven cell sites. The deadline for compliance with Section 20.18(g)(1)(v) will be February 25, 2009.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary