



PUBLIC NOTICE

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Cingular, Nextel, and Verizon File Petitions For Reconsideration Of Commission Orders on Wireless E911 Phase II Waiver Requests

Consolidated Pleading Cycle Established

CC Docket No. 94-102

Oppositions and Comments Due: December 19, 2001

Reply Comments Due: January 4, 2002

On October 12, 2001, the Federal Communications Commission (Commission) released orders addressing and conditionally approving five requests for waivers and approval of revised deployment plans for wireless Enhanced 911 (E911) Phase II, subject to modifications.¹ On November 13, 2001, Cingular Wireless LLC (Cingular), Nextel Communications, Inc. and Nextel Partners, Inc. (Nextel), and Verizon Wireless (Verizon) filed separate petitions seeking reconsideration of certain provisions of the orders addressing their respective Phase II waiver requests.

Each of the petitions objects to Commission statements in the waiver orders that, if the schedules in an approved deployment plan is not met, the carrier will be deemed noncompliant and referred to the Commission's Enforcement Bureau.² Petitioners argue, for example, that, by this language, the Commission improperly adopted a "strict liability" standard for future compliance,³ improperly predetermined that it will institute enforcement action in the context of any potential Phase II waiver request,⁴ and fails to recognize that the availability of compliant technology from vendors is beyond the carriers' control.⁵ The petitioners also contend that the Commission's actions with respect to Phase II waivers were discriminatory in several ways⁶ and incorrectly determined that the Paperwork Reduction Act does not apply to the reporting requirements imposed as part of the waivers.⁷ Petitioners also object to several carrier-specific decisions in

¹ See, e.g., Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, *Order Addressing Request for Waiver by Cingular Wireless LLC*, CC Docket No. 94-102, FCC 01-296 (rel. Oct. 12, 2001) (*Cingular Waiver Order*) and <www.fcc.gov/e911>.

² See, e.g., *Cingular Waiver Order*, para. 27.

³ Cingular Reconsideration Petition at 22-24; Verizon Reconsideration Petition at 2-5.

⁴ Nextel Reconsideration Petition at 10-17.

⁵ Cingular Reconsideration Petition at 24; Nextel Reconsideration Petition at 13; Verizon Reconsideration Petition at 7.

⁶ See, e.g., Cingular Reconsideration Petition at 17-22; Nextel Reconsideration Petition at 6-10, 16-17.

⁷ Verizon Petition for Reconsideration at 13-15.

the waiver orders. For example, Cingular urges that the Commission adjust the Phase II deployment schedule for its GSM network and rescind its referral to the Enforcement Bureau.⁸ Verizon requests modification of the conditions applied to its EFLT solution.⁹

Because the reconsideration petitions raise some similar and related issues, we are establishing a single, consolidated pleading cycle for all three petitions. Interested parties should file a single, consolidated opposition, comment, or reply comment, as appropriate, addressing all issues raised by the three petitions on which they wish to be heard. Oppositions and comments are due December 19, 2001 and reply comments are due January 4, 2002.

This matter shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules. See 47 C.F.R. §§ 1.1200, 1.1206. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented generally is required. See 47 C.F.R. § 1.1206(b). Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in section 1.1206(b) of the Commission's rules, 47 C.F.R. § 1.1206(b).

Filings may be made using the Commission's Electronic Comment Filing System (ECFS) or by paper copies. Filings through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. In completing the transmittal screen, filers should include their full name, Postal Service mailing address, and the docket number of this proceeding. Only one copy of an electronic submission must be filed. The Commission encourages all interested parties to employ the Commission's electronic filing system.

Parties that choose to file by paper must file an original and four copies of each filing with the Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554, one copy with the Wireless Telecommunications Bureau, Policy Division, Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554, and a diskette copy with the Commission's copy contractor Qualex International, Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC, 20554. The filing should include the docket number of this proceeding: CC Docket No. 94-102. For further information on paper filings, see FCC Announces Changes in Filing Procedures, Public Notice, DA 01-2430 (rel. Oct. 17, 2001) and FCC Announces Change in Filing Location for Paper Documents, DA 01-2436 (rel. Oct. 17, 2001). See also 47 U.S.C. § 1.106.

Petitions and other filings are available for inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC, 20554. They may also be purchased from the Commission's duplicating contractor, at the address listed above, or via telephone 202-863-2893, facsimile 202-863-2898, or e-mail qualexint@aol.com.

For further information contact Andra Cunningham, Dan Grosh, or Steven Rangel, Policy Division, Wireless Telecommunications Bureau, (202) 418-1310.

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⁸ Cingular Reconsideration Petition at 15.

⁹ Verizon Reconsideration Petition at 11-13.