

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) CC Docket No. 94-102
Calling Systems)
T-Mobile USA, Inc. Amended Request for)
Limited Modification of E911 Phase II)
Implementation Plan)

Order

Adopted: December 13, 2002

Released: December 13, 2002

By the Chief, Wireless Telecommunications Bureau:

1. In mid-2000, T-Mobile requested relief from the Commission's E911 Phase II handset accuracy standards in order to implement a hybrid Phase II approach. Specifically, T-Mobile proposed to deploy a Network Safety Solution (NSS) along with Enhanced Observed Time Difference of Arrival (E-OTD) technology throughout its Global System for Mobile Communications (GSM) network. On August 24, 2000, the Commission adopted an order approving T-Mobile's plan. The Commission granted T-Mobile's request for waiver subject to compliance with a number of conditions, including the following handset and network deployment benchmarks: that, by December 31, 2001, T-Mobile implement a network safety solution that provides location information for all 911 calls; that, by October 1, 2001, 50 percent of all new handsets activated be E-OTD capable; that, by March 31, 2002, 100 percent of all new handsets activated be E-OTD capable; and that, within six months after a PSAP request, or by October 1, 2001, whichever is later, T-Mobile implement any network or infrastructure upgrades necessary to provide Phase II service, and begin providing Phase II location information. The Commission also required T-Mobile to comply with accuracy and reporting requirements.

2. On December 21, 2001, T-Mobile filed a request for modification of its waiver, seeking additional time to deploy its E-OTD/NSS solution. In its request, T-Mobile proposed a new deployment

1 At the time the request was initially made, Aerial Communications, Inc. was the party in interest. Aerial was subsequently acquired by VoiceStream Wireless, which elected to pursue Aerial's waiver request. VoiceStream has now changed its name to T-Mobile.

2 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 (2000).

3 Id. at 17463-64.

4 VoiceStream Wireless Corporation Request for Limited Modification of E911 Phase II Implementation Plan, CC Docket No. 94-102 (filed Dec. 21, 2001). In its Request for Limited Modification, T-Mobile proposed extending the deadline for deployment of NSS from December 31, 2001 to June 30, 2002. In addition, T-Mobile proposed that the Commission extend the handset deployment benchmarks that it had adopted in the waiver order. Under T-Mobile's proposed revised plan, one E-OTD handset model would be available for sale by September 1, 2002; 50

(continued...)

schedule for its E-OTD solution, providing that, by December 31, 2002, it would implement E-OTD for all valid PSAP requests pending as of June 30, 2002, and that, it would satisfy, within six months of receipt, valid PSAP requests for Phase II service received after June 30, 2002. Subsequently, on February 28, 2002, T-Mobile amended its request for modification of its waiver, proposing a revised schedule for deployment of its NSS solution.⁵

3. On October 1, 2002, T-Mobile filed its Fifth Semi-Annual Report on its Phase II Implementation Plan.⁶ In its report, T-Mobile indicated that, because of delays caused by variety of factors, it no longer anticipated that it would be able to meet the December 31, 2002 benchmark for implementing E-OTD for all valid PSAP requests pending as of June 30, 2002, that it had proposed in its request for modification.⁷ Although T-Mobile indicated that it anticipated filing a further modification of its Amended Request,⁸ it has not yet done so.

4. Because T-Mobile has informed the Commission that it will not be able to meet the terms of the schedule set out in its pending waiver request, we find that it is no longer appropriate to address T-Mobile's Amended Request for Limited Modification, and we therefore dismiss that Amended Request as moot. We refer issues regarding T-Mobile's compliance with its Phase II obligations under its existing compliance plan to the Enforcement Bureau for possible enforcement action.

5. 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 Amended Request for Limited Modification of its waiver of section 20.18 is DISMISSED.

FEDERAL COMMUNICATIONS COMMISSION

Thomas J. Sugrue

Chief, Wireless Telecommunications Bureau

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percent of new handsets activated after February 28, 2003 would be E-OTD capable; and 100 percent of new handsets activated after June 30, 2003 would be E-OTD capable (*T-Mobile Request for Limited Modification*).

⁵ VoiceStream Wireless Corporation Amended Request for Limited Modification of E911 Phase II Implementation Plan, CC Docket No. 94-102, (filed Feb. 28, 2002) (*T-Mobile Amended Request for Limited Modification*). In its Amended Request, T-Mobile proposed to deploy NSS throughout its network, without the necessity of a PSAP request, by July 31, 2002 (except for portions of New York and Philadelphia). In New York and Philadelphia, T-Mobile proposed to deploy NSS, without the necessity of a PSAP request, by December 31, 2002. The remaining proposals contained in T-Mobile's December 21 request for modification, pertaining to its handset deployment schedule and E-OTD deployment schedule, were also included without change in T-Mobile's February 28 amended request.

⁶ T-Mobile USA, Inc. October 2002 Semi-Annual Report on E911 Phase II Implementation, CC Docket No. 94-102 (filed Oct. 1, 2002).

⁷ *Id.* at 3, 21-22. T-Mobile claimed that delays have been caused by LEC failures to complete ALI database upgrades, ALI database connectivity issues, network equipment delivery issues, testing issues, and Nokia system development issues.

⁸ *Id.*