

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

In the Matter of)
Revision of the Commission's Rules to)
Ensure Compatibility with) CC Docket No. 94-102
Enhanced 911 Emergency Calling Systems:)
)
Nextel Partners, Inc. Letter to Withdraw)

ORDER

Adopted: March 22, 2004

Released: March 24, 2004

By the Acting Associate Chief, Public Safety and Critical Infrastructure Division, Wireless Telecommunications Bureau:

1. On November 28, 2003, Nextel Partners, Inc. (Nextel) requested¹ an extension of a deadline set forth in the Commission's prior *Waiver Order* applicable to Nextel.² On December 3, 2003, Nextel filed a letter requesting to withdraw its waiver request. By this *Order*, we grant the letter request, and, therefore, dismiss Nextel's waiver request.³

2. In its letter, Nextel submits that its waiver request was based on preliminary data for the period December 31, 2002 to November 24, 2003. According to Nextel, this data raised the possibility that it might not be able to achieve the objective of the ten percent assisted GPS capable handset activation by November 30, 2003 as set forth in the Commission's prior *Waiver Order*.⁴ The December 3, 2003 submits, however, that based on final data for the entire compliance period, December 31, 2002 to November 30, 2003, Nextel has determined that its compliance target has been met and exceeded. Consequently, Nextel asserts, no waiver or extension of the deadline is necessary. Consequently, we conclude that the Nextel Waiver Request is moot.

3. ACCORDINGLY, IT IS ORDERED, pursuant to Section 4(i) of the Communications Act, as amended, 47 U.S.C. § 154(i), that the Letter to Withdraw filed by

¹ See Request of Nextel Partners, Inc. for Limited, Temporary Waiver and Extension of E911 Deadline (filed Nov. 28, 2003) (seeking a ninety-day extension of its November 30, 2003 deadline for ensuring that ten percent of all new handsets activated are location-capable seeking a waiver of E911 filing requirements).

² Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Wireless E911 Phase II Implementation Plan of Nextel Communications, Inc., *Order*, CC Docket No. 94-102, 16 FCC Rcd 18277 (2001) (*Waiver Order*); see also 47 C.F.R. § 20.18(g).

³ Request for Withdrawal of Request of Nextel Partners, Inc. for Limited, Temporary Waiver and Extension of E911 Deadline, CC Docket No. 94-102 (filed Dec. 3, 2003).

⁴ See *Waiver Order*, 16 FCC Rcd at 18288 ¶ 32.

Nextel Partners, Inc. on December 3, 2003, IS GRANTED, and the Request for Limited, Temporary Waiver and Extension of E911 Deadline filed on November 28, 2003 IS DISMISSED AS MOOT.

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

FEDERAL COMMUNICATIONS COMMISSION

Scot Stone
Acting Associate Division Chief
Public Safety and Critical Infrastructure Division
Wireless Telecommunications Bureau