



NEWS

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This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action.
See *MCI v. FCC*, 515 F.2d 385 (D.C. Cir. 1974).

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**FCC CREATES WINDOW FOR SMALLEST WIRELESS CARRIERS
TO DEMONSTRATE UNIQUE E911 CIRCUMSTANCES**
Establishes Orderly 6-Month Process for Case-by-Case Review of Implementation Plans

Washington, D.C. – Today, the Federal Communications Commission (FCC) released an Order reaffirming its commitment to provide consumers in every region of the country, including rural America, a comparable level of Enhanced 911 (E911) emergency services. E911 services allow public safety agencies to obtain accurate information about the location of an emergency caller dialing 911 from a cellular phone. The Order offers further guidance to approximately 90 of the country's smallest wireless carriers that serve no more than 500,000 subscribers (Tier III carriers), providing them with limited additional time to provide the FCC with additional data, and establishing a process of reviewing implementation plans within six months.

Certain Tier III carriers have asked for various types of relief from the Commission's E911 rules, claiming, among other things, that it would be technically or economically impossible for them to meet the Commission's accuracy and reliability standards in the rural areas that they primarily serve. While demonstrating its willingness to help individual carriers that face technical and economic challenges, the Commission cautioned that, due to the overwhelming public interest benefits of E911 service, these carriers face a heavy burden when seeking a further stay of their E911 service obligations. The Commission will only grant carriers relief from their E911 obligations when extraordinary circumstances exist.

The Tier III carriers seeking a stay of certain E911 deployment obligations fell into three categories. First, carriers seeking an extension of deployment benchmarks for handset and network-based systems equal to or less than the extension already granted to other Tier III carriers in the Commission's July 2002 *Non-Nationwide Carriers Order* were granted the same extension of September 1, 2003 to begin deployment of such systems. Second, Tier III carriers seeking further extensions or other relief from certain E911 requirements were granted a temporary stay of not more than six months from the release of this Order. Tier III carriers with pending waiver petitions were given one month to supplement their filings before the Commission begins to rule on the merits of those requests. Third, Tier III carriers seeking temporary forbearance from the enforcement of the accuracy and reliability standards of the Phase II E911 requirements were given a temporary stay of not more than six months, or until the Commission rules on their forbearance requests, whichever is shorter. As the case-by-case review process moves forward, the Commission expects carriers to continue to roll out E911 service as quickly and efficiently as possible.

If a carrier anticipates that it may be unable to meet its E911 obligations, it is the carrier's burden to demonstrate, in a timely manner, the extraordinary circumstances that prevent its compliance with our E911 rules and that good cause exists for temporary relief from those rules. Today's decision provides

guidance that a “good cause” showing should be as narrowly tailored as possible, and should demonstrate that a carrier has taken all possible concrete steps to achieve full compliance as quickly as possible and that a grant of relief would not be contrary to the public interest.

Action by the Commission, October 10, 2003, by Order to Stay (FCC 03-241). Chairman Powell, Commissioners Abernathy, Copps, Martin, and Adelstein.

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