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January 10, 2001

RECEIVED
JAN 10 2001
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Magalie Roman Salas, Secretary
Federal Communications Commission
445 12th Street., SW, Room TW-B204F
Washington, DC 20554

94-1021

Re: E911 Phase II Carrier Implementation Report
Digital PCS, LLC

Dear Ms. Salas:

On behalf of Digital PCS, LLC ("Digital"), I am responding to the Federal Communication Commission ("FCC") letter dated December 27, 2000 requesting that Digital submit an E911 Phase II Carrier Implementation Report. Although the FCC's universal service licenses database still reflects Digital as the licensee of several PCS licenses, Digital PCS has recently transferred all of its PCS licenses to Sagebrush Wireless, LLC (File No. 0000060267). Since Digital PCS no longer holds CMRS licenses, it is not necessary for them to file an E911 Phase II Carrier Implementation Report.

In the event that you have any questions with respect to this matter, please contact the undersigned directly.

Respectfully submitted,

Todd Slamowitz

cc: Wendy Austrie, Esq.
Janet Sievert, Esq.

Federal Communications Commission
Washington, D.C. 20554

December 27, 2000

KNLF929
LUKAS, NACE, GUTIERREZ, & SACHS
1111 19TH ST NW STE 1200
WASHINGTON, DC 20036

Re: November 9, 2000 E911 Phase II Carrier Implementation Report

By the Wireless Telecommunications Bureau:

1. Pursuant to section 20.3(h) of the Federal Communications Commission's (Commission) rules, wireless carriers were required to submit reports on or before November 9, 2000 to the Commission on their plans for implementation of wireless Enhanced 911 (E911) Phase II automatic location identification (ALI) systems.[1] As of the date of this notice, Digital PCS, LLC has failed to submit the required report.

2. In accordance with Section 308(b) of the Communications Act of 1934 as amended, 47 U.S.C. § 308(b), Digital PCS, LLC, shall within fifteen (15) days of the date of this letter submit a report on its wireless ~~E911 Phase II~~ ALI implementation.

3. The report shall contain information on Digital PCS, LLC's implementation plans, as outlined in the *Public Notice*, released September 14, 2000, Wireless Telecommunications Bureau Provides Guidance on Carrier Reports on Implementation of Wireless E911 Phase II Automatic Location Identification.[2] A copy of the *Public Notice* is attached hereto.

4. Failure to file a report concerning Digital PCS, LLC's implementation plan for wireless E911 Phase II ALI systems constitutes a violation of the Commission's Rules. Failure to comply with this notice constitutes a continuing violation of the Commission's Rules and will be referred to the Commission's Enforcement Bureau and could result in administrative penalties, including monetary forfeiture. *See Forfeiture Policy Statement*, 12 FCC Rcd 17087 (1997).

5. Your report can be filed either electronically or as a paper filing. Electronic filings should be made using the Electronic Comment Filing System (ECFS). Reports filed 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, parties should include their full name, Postal Service mailing address, and the docket number of this proceeding. Parties filing electronically should also e-mail a copy of their report to

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[1] Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, *Third Report and Order*, 14 FCC Rcd 17388 (1999)(*E911 Third Report and Order*).

[2] *See Public Notice* Wireless Telecommunications Bureau Provides Guidance on Carrier Reports on Implementation of Wireless E911 Phase II Automatic Location Identification, DA 00-2099, CC Docket No. 94-102.

WAustrie@fcc.gov. Parties who choose to file by paper must file an original and four copies of each filing with the Commission's Secretary, Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Washington, D.C. 20554 and a diskette copy to the Commission's copy contractor, International Transcription Service, Inc. (ITS), CY-B400, (202) 857-3800. In addition, parties must submit one copy to Wendy Austrie, Policy Division, Wireless Telecommunications Bureau, Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554. Reports will be available for public inspection during regular business hours in the FCC Public Reference Room, Room CY-A257, 445 12th Street, S.W., Washington, D.C. 20554.

6. Should you have any questions regarding this matter, please contact Ms. Wendy Austrie at 202-418-1310.

Federal Communications Commission

Thomas J. Sugrue, Chief
Wireless Telecommunications Bureau

PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Fax-On-Demand 202 / 418-2830
TTY 202 / 418-2555
Internet: http://www.fcc.gov
ftp.fcc.gov

DA 00-2099
Released: September 14, 2000

WIRELESS TELECOMMUNICATIONS BUREAU PROVIDES GUIDANCE ON CARRIER REPORTS ON IMPLEMENTATION OF WIRELESS E911 PHASE II AUTOMATIC LOCATION IDENTIFICATION

CC Docket No. 94-102

In this Public Notice, the Wireless Telecommunications Bureau (Bureau) provides guidance to wireless carriers on the information they must submit in their reports to the Federal Communications Commission (Commission) on their plans for implementation of wireless Enhanced 911 (E911) Phase II automatic location identification (ALI) systems. Carrier reports must be filed with the Commission on or before November 9, 2000. The reports are intended to encourage advance planning to meet the deadlines established in the Commission's E911 rules, facilitate coordination between wireless carriers and parties -- such as public safety organizations, equipment manufacturers, and local exchange carriers -- involved in the implementation of Phase II, and assist the Commission in monitoring the Phase II implementation schedule.[1]

The Commission's E911 rules allow carriers to choose a handset-based or network-based approach to complying with those rules. If a handset-based approach is selected, the carrier must begin selling and activating ALI-capable handsets by October 1, 2001. Thereafter, by December 31, 2001, 25 percent of the carrier's new handset activations must be ALI-capable; 50 percent must be ALI-capable by June 30, 2002; and by December 31, 2002, 100 percent of that carrier's new digital handset activations must be ALI-capable. For a carrier deploying a network-based ALI solution, the carrier must provide Phase II service to 50 percent of callers within six months of a PSAP request and to 100 percent of callers within 18 months of the PSAP request

To ensure timely planning and communication among the parties involved in Phase II – and thus the successful deployment of ALI capabilities - carrier reports should include the following information, in narrative form. Each aspect of the information outlined below should be addressed completely.

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[1] Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, *Third Report and Order*, 14 FCC Rcd 17388 (1999)(*E911 Third report and Order*).

Background/Contact Information

(1) Carrier Identifying Information: The carrier's name and TRS number. Carriers may obtain their TRS number from the FCC's *Carrier Locator*, January, 2000 edition, by downloading the appropriate files (LOCAT-99.ZIP and LOCAT99.PDF) from the FCC-State Link Internet site at http://www.fcc.gov/ccb/stats. Carriers may purchase a hard copy by calling the International Transcription Service, Inc., at (202) 857-3800.

(2) Contact Information: The name, title, address, telephone number, facsimile number, and e-mail address of the person or persons responsible for the carrier report.

E911 Phase II Location Technology Information

(1) Type of Technology: Identification of the Phase II location technology(ies) that the carrier plans to deploy across its service territory, *e.g.*, network-only, handset-only, hybrid or a combination thereof. Please also include a complete description of the technology(ies) that is/are chosen and the name of the corresponding vendor or vendors. Indicate what technology will be used in each individual area of the carrier's service territory.

(2) Testing and Verification: A description of the testing method used, or to be used, to determine the accuracy of the ALI solution(s) selected, and a description of the results of tests already conducted. Note: The Commission provided guidelines for determining accuracy of ALI solutions in OET Bulletin No. 71, issued April 12, 2000. Copies of this bulletin can be downloaded from the Commission's Web site, at http://www.fcc.gov/oet/info/documents/bulletins/.

(3) Implementation Details and Schedule: A complete description of the carrier's strategy and schedule for the installation of the hardware and software needed to implement its chosen technology (handset-based, network-based or hybrid systems). For example, indicate whether both hardware and software changes will be necessary and fully describe the precise nature of the changes. In addition, please provide the roll-out schedule for the installation of the ALI technology(ies).

(4) PSAP Interface: A description of hardware and software changes necessary to transmit Phase II data to PSAPs and the carrier's strategy and schedule for the installation and/or modification of such hardware or software changes.

(5) Existing Handsets: A description of the carrier's strategy and schedule for the upgrade and/or replacement of existing customer handsets, if applicable.

(6) Location of Non-Compatible Handsets: A description of the best efforts that carriers employing a handset-based or hybrid system will take to accommodate handsets that are incompatible with the carrier's ALI system, *e.g.*, handsets that do not have ALI capability, or handsets that are ALI- capable, but are not compatible with the carrier's particular

handset-based or hybrid system.[2]

(7) Other Information: Please provide any other information, including a description and history of any Phase II requests received from PSAPs, that will assist the Commission and affected parties in monitoring and coordinating the deployment of E911 Phase II in accordance with the timetables set forth in the Commission's rules.[3]

As stated in the *E911 Third Report and Order*, we believe the requirement to provide an advance report should not impose substantial new burdens on carriers. Thus, we permit the electronic filing of the reports, which will be placed on the Commission's E911 Web site for ease of accessibility. We also permit joint filings, to the extent possible. Carriers participating in the submission of joint reports (*e.g.*, carriers using a specific air interface or ALI technology) should highlight common technical documentation for all carriers in the group while distinguishing individual implementation plans by carrier.

Electronic filings should be made using the Electronic Comment Filing System (ECFS). Reports filed 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, parties should include their full name, Postal Service mailing address, and the docket number of this proceeding. Parties filing electronically should also e-mail a copy of their report to jwhaley@fcc.gov. Parties who choose to file by paper must file an original and four copies of each filing with the Commission's Secretary, Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Washington, D.C. 20554 and a diskette copy to the Commission's copy contractor, International Transcription Service, Inc. (ITS), CY-B400, (202) 857-3800. In addition, parties must submit one copy to Jay Whaley, Policy Division, Wireless Telecommunications Bureau, Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554. Reports will be available for public inspection during regular business hours in the FCC Public Reference Room, Room CY-A257, 445 12th Street, S.W., Washington, D.C. 20554.

Carriers should note that this report does not constitute a final or irrevocable commitment to the ALI technology that they will employ. As we mentioned in the *E911 Third Report and Order*, carriers may make good faith changes in their implementation plans after their initial report is filed, including changes in ALI technologies.[4] These changes are to be filed within thirty days of the adoption of any such change.[5] Updates can be filed in the same manner as described above.

For further information concerning this proceeding, contact Jay Whaley, Policy Division, Wireless Telecommunications Bureau at (202) 418-1310.

- FCC -

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[2] *E911 Third Report and Order* at 14 Rcd 17414,15 (paras. 55,59).

[3] *See, e.g.*, 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*, FCC 00-326, (rel. September 8,2000) (*Fourth Memorandum Opinion and Order*) at paras. 25, 30 and 45.

[4] *E911 Third Report and Order* at 14 Rcd 17428 (para. 89).

[5] *See, Fourth Memorandum Opinion and Order* at para. 80.