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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

January 31, 2001

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, SW, Room TW-A325
Washington, DC 20554

RE: Request for Postponement of Auction of Licenses in the 747-762 and 777-792 MHz Bands, DA 01-143; Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Phase II, CC Docket 94-102 **Ex Parte**

Dear Ms. Salas:

This is to inform you that on January 30, 2001 Brian Fontes and Ben Almond, both of Cingular Wireless met in separate meetings with Adam Krinsky, Legal Advisor in Commissioner Gloria Tristani's office and Mark Schneider, Senior Legal Advisor in Commissioner Susan Ness's office concerning the above referenced proceedings.

The attached documents were used for discussion purposes. Please associate this material with the respective proceedings listed above. Included in the material is a copy of a letter from Cingular Wireless concerning E911, Phase II implementation that was previously filed with your office on January 30, 2001.

If there are any questions concerning this matter, please contact the undersigned on 202-419-3020.

Sincerely,

Ben G. Almond

Ben G. Almond
Vice President-Federal Regulatory Affairs

Attachments

Cc: Adam Krinsky
Mark Schneider

No. of Copies rec'd 0+3
List ABCDE

1250 Connecticut Avenue, NW, Suite 800
Washington, DC 20036
202-736-3216

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OFFICE OF THE SECRETARY

January 30, 2001

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, SW, Room TW-A325
Washington, DC 20554

RE: Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Phase II, CC Docket 94-102 **EX PARTE**

Dear Ms. Salas:

Cingular Wireless is committed to the important public policy goal of implementing E-911. During the process of implementing E-911, Cingular Wireless has been and will continue to communicate directly with public safety organizations and the FCC to keep parties informed about the progress Cingular Wireless is making. Since we are currently engaged in making decisions necessary for deploying E-911 technologies, we believe it is important to keep you informed on matters that may have an effect on our implementation schedule.

On November 9, 2000, Cingular Wireless, in a filing with the FCC, indicated the use of handset solutions for E-911 Phase II for Cingular's GSM systems. At that time Cingular stated that network assisted GPS deployment will be principally governed by the availability of GSM handsets supporting network assisted GPS. Since that November filing, Cingular Wireless, in consultation with handset solution vendors, has come to believe that our ability to meet FCC time schedules with marketable products may well be problematic.

The purpose of this letter is not to raise undue alarm about E-911 deployment, but simply to inform you of developments regarding potential difficulties associated with handset-based solutions for GSM. These potential difficulties, if they persist, likely will have an impact on Cingular Wireless' deployment schedule. Cingular Wireless will continue to work aggressively to address issues that may present obstacles to deploying E-911. Nonetheless, you should be aware now, rather than later, of matters that could ultimately effect our mutual interest of deploying E-911 in a timely manner.

Sincerely,

Brian Fontes

Brian Fontes
Vice President-Federal Relations

**Cingular Wireless**
**E911 Phase II**
**CC Docket 94-102**

1. Cingular filed it's deployment plan for E-911 Phase II on 11/9/01 and declared that it would deploy a network assisted, handset solution for it's GSM markets.

2. At that time Cingular stated that network assisted GPS deployment will be principally governed by the availability of GSM handsets supporting network assisted GPS.

3. In subsequent discussions with Cingular's handset vendors it appeared questionable that sufficient quantities of marketable handsets would be available in time to meet the FCC' s deadlines, if at all.

4. Ericsson's recent announcement that they were going to outsource their handset production appears to support our concerns.

5. A network solution for GSM is also not available in the timeframes required.

6. Final analysis of Cingular's options for Phase II deployment and a recommendation for senior management is currently being prepared. A decision should be reached in a few weeks.

January 30, 2001

**CINGULAR WIRELESS**

**Request Postponement - 700MHz Auction**

**WTB DA 01-143**

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Relevant Dates for **Auction No. 31 (700 MHz)** and *Auction No. 35 (C and F Block Broadband PCS)*

| | |
|---|---|
| *January 26* | *Auction No. 35 just ended.* |
| **February 2** | **FCC Form 175s are due to participate in Auction No. 31 (700 MHz).** |
| *February 12* | *Long form applications and down payments will be due in Auction No. 35.* |
| **February 16** | **Upfront Payment Deadline for Auction No. 31.** |
| *February 26* | *Petitions to deny will be due on the Auction No. 35 long form applications.* |
| **March 6** | **Bidding in Auction No. 31 commences.** |
| *March 8* | *Oppositions to petitions to deny Auction No. 35 long form applications.* |

Cingular Wireless advocates the postponement of the Auction No. 31 procedural dates until 60 to 90 days have elapsed after final FCC action on the last long form application(s) in Auction No. 35.

It is clear from press accounts that petitions to deny will be filed against some or all of the Auction No. 35 winning bidders' applications

The Auction No. 35 participants likely will make up a substantial part of the bidders in Auction No. 31.

Conclusion of Auction No. 35 (in the context of applications having been finally acted on by the FCC) will afford those participants the opportunity to review tentative business plans for Auction No. 31 and implement them.

Without a hiatus between the "conclusion" of Auction No. 35 and the commencement of Auction No. 31, otherwise interested and qualified bidders will be distracted by the aftermath of the bidding in Auction No. 35.

The public interest will be served by grant of the above postponement request.