

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of )  
)  
Public Safety and Homeland Security Bureau Seeks ) PS Docket No. 07-114  
Comment on Cordova Wireless Communications, LLC )  
Petition for Temporary Waiver of Section 20.18(i) of the )  
Commission’s Rules Regarding Indoor Location Accuracy )  
Reporting and Benchmarks )

**REPLY COMMENTS  
OF  
WTA - ADVOCATES FOR RURAL BROADBAND**

WTA – Advocates for Rural Broadband (“WTA”)<sup>1</sup> submits its reply comments in support of the petition of Cordova Wireless Communications, LLC (“Cordova Wireless”) for temporary waiver of the indoor location accuracy and related Phase II Enhanced 911 (“E911”) service and reporting requirements of Section 20.18(i) of the Commission’s Rules. WTA has standing to participate in this proceeding because Cordova Telephone Cooperative, Inc., the parent company of Cordova Wireless, is a WTA member.

WTA agrees with Cordova Wireless and commenter NTCA – The Rural Broadband Association that the key factor supporting the requested waiver is that the City of Cordova, Alaska -- the operator of the only Public Safety Answering Point (“PSAP”) that serves the customers and other potential users and beneficiaries of Cordova Wireless – has not requested that Cordova Wireless provide Phase II E911 service and is not presently capable of receiving and using indoor location accuracy data or other Phase II E911 location data. If the City of

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<sup>1</sup> WTA is a national trade association representing more than 325 rural telecommunications providers offering voice, broadband and video-related services in rural America. WTA members are generally small local exchange carriers that serve some of the most remote rural, sparsely populated and hard-to-serve communities in the country and are providers of last resort to those communities.

Cordova's PSAP cannot receive or use indoor location or other Phase II E911 location data during the currently foreseeable future, it makes no sense for a small company like Cordova Wireless to invest its scarce resources to acquire and deploy E911 location equipment that is not useful now and that may be superseded or outmoded by the time that the City of Cordova may request Phase II E911 service.

Moreover, the waiver that Cordova Wireless requests is only a temporary one. It will end when the City of Cordova's PSAP can receive and use indoor location accuracy data and other Phase II E911 location data, and the City requests Cordova Wireless to provide Phase II E911 service.

The requested waiver fits well within the applicable waiver standards of Sections 1.3 and 1.925 of the Rules that the Commission reiterated in paragraph 157 of its *Fourth E911 Report and Order*.<sup>2</sup> Section 1.3 of the Rules permits the Commission's rules to be waived for good cause shown. The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest. *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990). In addition, the Commission may take into account considerations of hardship, equity, and the effective implementation of public policy on an individual basis. *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969), *cert. denied*, 409 U.S. 1027 (1972).

Section 1.925 of the Rules indicates that the Commission may grant wireless waivers if it is shown that: (a) the underlying purpose of the rule would not be served or would be frustrated by application to the instant case, and that a grant of the requested waiver would be in the public interest; or (b) in view of the unique circumstances of the instant case, application of the rule

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<sup>2</sup> *In the Matter of Wireless E911 Location Accuracy Requirements*, Fourth Report and Order, PS Docket No. 07-114, 30 FCC Rcd 1259 (2015)

would be inequitable, unduly burdensome or contrary to the public interest, or the applicant has no reasonable alternative.

The fact that the City of Cordova's PSAP – the only PSAP for the Cordova Wireless service area -- cannot receive or use indoor location or other Phase II E911 location data constitutes the particular fact and unique circumstance that makes strict compliance with Section 20.18(i) inconsistent with the public interest and that precludes the underlying public safety purpose of that rule from being served. Moreover, in view of the City's present inability to use the data, requiring Cordova Wireless to purchase and deploy equipment that has no use or public benefit at this time is unduly burdensome, and would become wholly inequitable if such equipment is superseded, outmoded or otherwise becomes unusable by the time that the City of Cordova requests Phase II E911 service and is able to receive and use the applicable location data. Because the City of Cordova's PSAP cannot currently receive or use indoor location or other Phase II E911 location data, Cordova Wireless has no reasonable alternative but to request a temporary waiver of Section 20.18(i) unless and until such time as the City's PSAP acquires the necessary capabilities and the City requests Cordova Wireless to provide Phase II E911 service. In light of these facts and circumstances, WTA urges the Commission to grant the requested temporary waiver.

Respectfully submitted,  
**WTA – Advocates for Rural Broadband**

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