

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

In the Matter of
Section 68.4(a) of the Commission's Rules
Governing Hearing Aid-Compatible Telephones
Petitions for Waiver of Section 20.19 of the
Commission's Rules
WT Docket No. 01-309

MEMORANDUM OPINION AND ORDER

Adopted: February 26, 2008

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By the Commission:

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I. INTRODUCTION

1. In this Memorandum Opinion and Order, we address 46 waiver petitions filed on behalf of 100 petitioners that sought extensions of the September 18, 2006 deadline to provide handsets that meet the Commission’s hearing aid compatibility standard for inductive coupling.¹ Thirty-nine of these petitions were filed by Tier III carriers, five by Tier II carriers, one by a Mobile Virtual Network Operator (MVNO), and one by a handset manufacturer.² Specifically, each petitioner requested waiver of the applicable handset deployment requirement set forth in Sections 20.19(d)(1) and 20.19(d)(2) of the Commission’s rules, which provide that, by September 18, 2006, each mobile service provider and handset manufacturer subject to those provisions must offer at least two wireless telephone handset models per digital air interface³ that are certified as meeting at least a T3 rating under the American National Standards Institute (ANSI) C63.19-2001, ANSI C63.19-2005, or ANSI C63.19-2006 standard.⁴

¹ Appendix A provides a list of filings associated with each of the 46 petitions, as well as relevant abbreviations. Appendix B lists the 100 petitioners associated with the 46 petitions. Appendix C provides a table that summarizes key information associated with each of the petitions.

² Tier II carriers are non-nationwide wireless radio service providers with more than 500,000 subscribers as of the end of 2001. Tier III carriers are non-nationwide wireless radio service providers with 500,000 or fewer subscribers as of the end of 2001. See Revision of the Commission’s Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Phase II Compliance Deadlines for Non-Nationwide CMRS Carriers, *Order to Stay*, 17 FCC Rcd 14841, 14847 ¶¶ 22-24 (2002) (*Non-Nationwide Carriers Order*). An MVNO, or mobile virtual network operator, is an entity that purchases airtime from a facilities-based service provider and resells service to the public for profit.

³ The term “air interface” refers to the technical protocol that ensures compatibility between mobile radio service equipment, such as handsets, and the service provider’s base stations. Currently, the leading air interfaces include Code Division Multiple Access (CDMA), Global System for Mobile Communications (GSM), Integrated Digital Enhanced Network (iDEN), and Time Division Multiple Access (TDMA).

⁴ See 47 C.F.R. §§ 20.19(d)(1) and 20.19(d)(2). Specifically, Section 20.19(d)(1) provides that each manufacturer of handsets used with public mobile services for use in the U.S. or imported for use in the U.S. must offer to service providers at least two handset models for each air interface offered that comply with Section 20.19(b)(2) by September 18, 2006. Section 20.19(d)(2) provides that each provider of public mobile service must include in its handset offerings at least two handset models for each air interface offered that comply with Section 20.19(b)(2) by September 18, 2006. Section 20.19(b)(2) provides that a wireless handset is deemed hearing aid-compatible for inductive coupling if, at minimum, it receives a U3T rating (the equivalent of a T3 rating under current terminology) “as set forth in the standard document ANSI C63.19-2001[,] ‘American National Standard for Methods of Measurement of Compatibility between Wireless Communications Devices and Hearing Aids.’” 47 C.F.R. § 20.19(b)(2). On April 25, 2005, the Commission’s Office of Engineering and Technology announced that it would also certify handsets as hearing aid-compatible based on the revised version of the standard, ANSI C63.19-2005. See OET Clarifies Use of Revised Wireless Phone Hearing Aid Compatibility Standard (continued....)

2. After careful consideration of the record before us, pursuant to our waiver authority we grant, *nunc pro tunc*, twenty-five petitions; grant in part, *nunc pro tunc*, and deny in part, two petitions; deny sixteen petitions; and dismiss three petitions as unnecessary. Although we expected all service providers and handset manufacturers to comply by the September 18, 2006 deadline, we recognize that some of the petitioners have presented facts that justify relief, and we conclude that granting this limited number of petitions to parties that came into compliance relatively quickly after the deadline does not unduly affect the availability of inductive coupling-compliant handsets to deaf and hard of hearing consumers. Our actions today, therefore, are consistent with “the Commission’s goal of ensuring the expeditious introduction of hearing aid-compatible digital wireless handsets.”⁵ We expect that those carriers not yet in compliance will come into compliance as soon as possible, and they are subject to further enforcement action in the event they fail to do so.

II. BACKGROUND

3. The Hearing Aid Compatibility Rules. In the *Hearing Aid Compatibility Order* issued in 2003, the Commission adopted several measures to enhance the ability of the deaf and hard of hearing community to access digital wireless telecommunications.⁶ Among other actions, the Commission established technical standards that digital wireless handsets must meet to be considered hearing aid-compatible, including a standard for radio frequency interference (the “U3” or “M3” rating) that would enable acoustic coupling between digital wireless phones and hearing aids operating in acoustic coupling (a.k.a. microphone) mode, and a separate standard (the “U3T” or “T3” rating) for handset production of an audio signal-based magnetic field to enable inductive coupling with hearing aids operating in telecoil mode.⁷ The Commission further established, for each standard, deadlines by which service providers and

(Continued from previous page) _____
Measurement Procedures and Rating Nomenclature, *Public Notice*, 20 FCC Rcd 8188 (OET 2005). On June 6, 2006, the Commission’s Wireless Telecommunications Bureau and Office of Engineering and Technology announced that the Commission would also certify handsets as hearing aid-compatible based on the revised version of the standard, ANSI C63.19-2006. Thus, applicants for certification may rely on either the 2001 version, the 2005 version, or the 2006 version of the ANSI C63.19 standard. See Wireless Telecommunications Bureau and Office of Engineering and Technology Clarify Use of Revised Wireless Phone Hearing Aid Compatibility Standard, *Public Notice*, 21 FCC Rcd 6384 (WTB/OET 2006).

⁵ See Section 68.4(a) of the Commission’s Rules Governing Hearing Aid-Compatible Telephones, T-Mobile USA, Inc. Petition for Waiver of Section 20.19(c)(3) of the Commission’s Rules, *Memorandum Opinion and Order*, WT Docket No. 01-309, 20 FCC Rcd 15147, 15151 ¶ 8 (2005) (*T-Mobile Waiver Order*).

⁶ Section 68.4(a) of the Commission’s Rules Governing Hearing Aid-Compatible Telephones, WT Docket No. 01-309, *Report and Order*, 18 FCC Rcd 16753 (2003); *erratum*, 18 Rcd 18047 (2003) (*Hearing Aid Compatibility Order*).

⁷ The *Hearing Aid Compatibility Order* described the acoustic coupling and telecoil modes as follows:

In acoustic coupling mode, the microphone picks up surrounding sounds, desired and undesired, and converts them into electrical signals. The electrical signals are amplified as needed and then converted back into sound by the hearing aid speaker. In telecoil mode, with the microphone turned off, the telecoil picks up the audio signal-based magnetic field generated by the voice coil of a dynamic speaker in hearing aid-compatible telephones, audio loop systems, or powered neck loops. The hearing aid converts the magnetic field into electrical signals, amplifies them as needed, and converts them back into sound via the speaker. Using a telecoil avoids the feedback that often results from putting a hearing aid up against a telephone earpiece, can help prevent exposure to over amplification, and eliminates background noise, providing improved access to the telephone.

Hearing Aid Compatibility Order, 18 FCC Rcd at 16763 ¶ 22.

manufacturers were required to offer specified numbers or percentages of digital handsets per air interface compliant with the relevant standard if they did not come under the *de minimis* exception.⁸ Manufacturers were required to offer to service providers, and service providers were required to make available in each retail store that they own or operate, at least two handsets that met the U3T or T3 rating for inductive coupling by September 18, 2006.⁹ In connection with the offer of hearing aid-compatible handset models, the Commission also required entities to label the handsets with the appropriate technical rating, and to explain the technical rating system in the owner's manual or as part of the packaging material for the handset.¹⁰

4. In order to monitor efforts to make compliant handsets available, the Commission required manufacturers and digital wireless service providers to report every six months on efforts toward compliance with the hearing aid compatibility requirements for the first three years of implementation, and then annually thereafter through the fifth year of implementation.¹¹ Accordingly, entities were required to file their sixth reports by November 17, 2006, and their seventh reports by November 19, 2007.

5. Waiver Petitions and Opposition. One hundred petitioners – including 99 service providers and a handset manufacturer – filed a total of 46 petitions seeking waivers of the hearing aid compatibility requirements relating to inductive coupling that took effect on September 18, 2006.¹² The service providers seeking waivers generally contended that they were unable to comply with the handset

⁸ See *Hearing Aid Compatibility Order*, 18 FCC Rcd at 16780 ¶¶ 65; 47 C.F.R. § 20.19(c). Section 20.19(e), entitled *de minimis exception*, provides that manufacturers or mobile service providers that offer two or fewer digital wireless handset models per air interface are exempt from the hearing aid compatibility requirements, and manufacturers or service providers that offer three digital wireless handset models per air interface must offer at least one compliant model.

⁹ The 2001 version of ANSI Standard C63.19, which the Commission adopted in the *Hearing Aid Compatibility Order*, used a “U” nomenclature for RF interference reduction and a “UT” nomenclature for inductive coupling. The 2006 version of this standard substituted the terms “M” and “T,” respectively. In obtaining certification, manufacturers are permitted to rely on either of these standards or an intermediate 2005 draft revision. See Wireless Telecommunications Bureau and Office of Engineering and Technology Clarify Use of Revised Wireless Phone Hearing Aid Compatibility Standard, *Public Notice*, 21 FCC Rcd 6384 (WTB/OET 2006).

¹⁰ See *Hearing Aid Compatibility Order*, 18 FCC Rcd at 16785 ¶¶ 83, 85-86. See also 47 C.F.R. § 20.19(f). In addition, to ensure that the rating information was actually conveyed to consumers prior to purchase, the Commission required digital wireless service providers to ensure that the U-rating of the handsets is available to such consumers at the point-of-sale, whether through display of the label, separate literature, or other means. See *Hearing Aid Compatibility Order*, 18 FCC Rcd at 16785 ¶ 87.

¹¹ See *Hearing Aid Compatibility Order*, 18 FCC Rcd at 16787 ¶¶ 89-91; see also Wireless Telecommunications Bureau Announces Hearing Aid Compatibility Reporting Dates for Wireless Carriers and Handset Manufacturers, *Public Notice*, 19 FCC Rcd 4097 (WTB 2004).

¹² As detailed below, 36 of these petitions were filed on or near September 18, 2006. Ten petitions were filed significantly later: the petition from Thumb Cellular, filed on October 30, 2006; the petition from Virgin Mobile, received in the Commission's Electronic Comment Filing System (ECFS) on November 7, 2006; the petition from South Central, filed on November 17, 2006; the petition from Union, filed on June 14, 2007; the petition from Five Star, filed on June 18, 2007; the petition from RCC, filed on July 9, 2007; the petition from Simmetry, filed on September 20, 2007; the petition from Lamar, filed on September 26, 2007; the petition from Peoples, filed on September 26, 2007; and the petition from West Central, filed on September 27, 2007.

deployment requirement because the requisite hearing aid-compatible handsets were unavailable to them as of September 18, 2006. Several petitioners asserted that, because the Commission set the same deadline for both the handset manufacturers and the service providers, if the handset manufacturers did not receive their certifications until close to this deadline, carriers would find it extremely difficult if not impossible to identify, order, test, and distribute handsets to their stores by the deadline.¹³ Several carriers also argued that because smaller carriers often do not have sufficient purchasing power to enter into direct relationships with handset manufacturers, these carriers were dependent on third-party vendors who often did not have compliant handsets available before the deadline.¹⁴ Many petitioners also asserted that they had difficulty in identifying compliant handsets that were available.¹⁵

6. Two parties, Telecommunications for the Deaf and Hard of Hearing, Inc. (TDI) and the Hearing Loss Association of America (HLAA), filed a joint opposition to these waiver petitions (TDI/HLAA Joint Opposition), arguing that the carriers' inability to meet the deadline is due to their own lack of diligence. They argued that petitioners failed to meet the heavy burden to demonstrate that a waiver is in the public interest, and provided little or no explanation of the special circumstances that warrant a waiver.¹⁶ They asserted that petitioners brought their problems on themselves by waiting until the last minute to request handsets from their suppliers.¹⁷ They also questioned why the petitioners were unable to comply with the inductive coupling requirements while the majority of carriers were able to obtain compliant phones by September 18, 2006.¹⁸ Finally, they argued that the tier structure (including the Tier III and Tier II structure) for carriers only applies in the context of E911 and is irrelevant for purposes of hearing aid compatibility compliance.¹⁹ Although they would deny all waivers as their preferred course of action, they asked the Commission to evaluate each waiver on a case-by-case basis before deciding whether or not to grant it. They suggested that if waivers are granted, the Commission should require monthly reports from petitioners specifying the actions they have taken to come into compliance, providing the delivery status of compliant handsets, and providing the date on which they expect to achieve or have achieved compliance.²⁰ They especially opposed any extension beyond January 1, 2007, and asked that the Commission impose meaningful penalties, including fines, if carriers failed to meet this new deadline.²¹

7. Waiver Standard. Pursuant to Section 1.925(b)(3) of the Commission's rules, the Commission may grant a request for waiver if the underlying purpose of the rule(s) would not be served or would be frustrated by application to the instant case, and grant would be in the public interest, or, in view of unique or unusual factual circumstances, application of the rule(s) would be inequitable, unduly

¹³ See, e.g., Centennial Petition at 5 and SunCom Petition at 3.

¹⁴ See, e.g., Inland Petition at 2 and Pocket Petition at 2.

¹⁵ See, e.g., IT&E Petition at 2 and Union Petition at 7.

¹⁶ TDI/HLAA Joint Opposition at 4-5.

¹⁷ *Id.* at 6.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.* at 12.

²¹ *Id.*

burdensome, or contrary to the public interest, or the applicant has no reasonable alternative.²² In considering these waiver requests, we are mindful of our obligation fairly to determine whether the public interest would be served by granting a petitioner an exception to a rule of general applicability. We also bear in mind that “[a]n applicant for waiver faces a high hurdle even at the starting gate” and that we are obliged to take a “hard look” at the waiver proponent’s request.²³ In this regard, it is well established that a party seeking a waiver “must plead with particularity the facts and circumstances which warrant such action.”²⁴ If our hard look at a waiver request reveals only inadequate, conflicting, and inconsistent information, then our inquiry need go no further because the petitioner has failed in its obligation to plead with particularity the facts and circumstances warranting its requested relief.

8. Equipment Authorization. We note that the Commission’s equipment authorization data indicates that the vast majority of the inductive coupling-compliant handset models that had been approved by the Commission prior to the September 18, 2006 compliance date were approved in August and September of 2006.²⁵ Specifically, as of the September 18, 2006 compliance deadline, the Commission had issued inductive coupling compliance certifications covering a total of 37 handset models. Of these, only two handset models, both involving Motorola phones for use on CDMA systems, were available and certified more than two months prior to the compliance deadline.²⁶ Certifications covering an additional 10 models were issued between one and two months prior to the deadline, and 25 models were based on certifications issued after August 18, 2006 (including 11 in September). Twenty (20) of these were CDMA-based handsets, 13 were GSM-based handsets, and 4 were iDEN-based handsets. Finally, certifications covering eight additional models were not issued until after the compliance deadline.

III. DISCUSSION

A. Waiver Requests from Tier III Carriers

9. Initially, we address 39 petitions for waiver filed by 90 Tier III carriers. Section 1 addresses 32 petitions filed by 45 Tier III carriers that operate over the CDMA or GSM air interfaces. Section 2 addresses a petition filed by two Tier III carriers that operated exclusively over the TDMA air interface at the time the petition was filed. Section 3 addresses three petitions filed by 39 Tier III carriers that previously erroneously reported that they complied with the inductive coupling compatibility rules.

²² See 47 C.F.R. § 1.925(b)(3). See also *WAIT Radio v. FCC*, 418 F.2d 1153 (D.C. Cir. 1969), *appeal after remand*, 459 F.2d 1203 (D.C. Cir. 1972), *cert. denied*, 409 U.S. 1027 (1972); *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164 (D.C. Cir. 1990); 47 C.F.R. § 1.3.

²³ See *WAIT Radio v. FCC*, 418 F.2d 1153, 1158 (D.C. Cir. 1969), *cert denied*, 409 U.S. 1027 (1972); see also *Family Stations, Inc. v. DirecTV, Inc.*, *Order on Reconsideration*, 19 FCC Rcd 14777, 14780 (MB 2004).

²⁴ *Rio Grande Family Radio Fellowship, Inc. v. FCC*, 406 F.2d 664 (D.C. Cir. 1968).

²⁵ A list of inductive coupling-compatible handset models known by the Commission to be based on inductive-coupling certifications issued as of the September 18, 2006 deadline, as well as those issued between the deadline and the filing of the November 17, 2006 status reports, is included as Appendix D. We note that the Commission issues certifications based on FCC ID numbers, not model numbers. A manufacturer may produce one or more handset model numbers based on a certification without notifying the Commission. Our information regarding compatible handset models is based largely on the manufacturers’ November 17, 2006 status reports.

²⁶ According to the FCC equipment authorization system database, the inductive coupling compatibility certification underlying the Motorola models E815 and E816 was issued on July 12, 2006.

Section 4 addresses two petitions filed by two carriers that claim to be exempt from the inductive coupling compatibility rules. Finally, section 5 addresses a petition unnecessarily filed by two carriers that do not require waiver relief.

1. CDMA and GSM Carriers

10. This section addresses 32 waiver petitions submitted to the Commission by 45 Tier III carriers under the names of: Advantage, Airadigm, Blanca, BLEW, Brazos, Cellcom, Cellular One, CTC, Farmers Cellular, FMTC Mobile, Inland, IT&E, Lamar, Litchfield, Mid-Tex, MTPCS, NCR1P, NDNC, Nemont, NTCH, NWMC, Peoples, Plateau, Pocket, PTSI, Simmetry, South Central, South Slope, Thumb, UBET Wireless, West Central, and XIT. Each of these petitions discusses, to varying degrees, the difficulty petitioners had in identifying, obtaining, testing, and distributing to company stores inductive coupling-compliant handsets to meet the Commission's September 18, 2006 requirement. Several note that they typically need a minimum of two months lead time between when they identify a compliant handset and when they would be able to offer it to customers in their stores.²⁷

a. **Advantage, BLEW, Brazos, Cellcom, FMTC Mobile, Inland, Lamar, Mid-Tex, MTPCS, NCR1P, Nemont, NTCH, NWMC, Peoples, Plateau, Pocket, Simmetry, South Central, Thumb, West Central, and XIT**

11. Background. In their filings, Tier III carriers associated with the following 21 petitions – Advantage, BLEW, Brazos, Cellcom, FMTC Mobile, Inland, Lamar, Mid-Tex, MTPCS, NCR1P, Nemont, NTCH, NWMC, Peoples, Plateau, Pocket, Simmetry, South Central, Thumb, West Central, and XIT – indicate that they have come into compliance with the Commission's inductive coupling-compliant handset requirements on or before January 1, 2007. The specifics related to each of these carriers' respective compliance is discussed below.

12. Advantage, a GSM carrier serving parts of Tennessee, offered one inductive coupling-compliant handset as of September 18, 2006, and sought a waiver until December 1, 2006, to offer a second compliant handset, citing its difficulties in obtaining sufficient quantities of compliant handsets prior to the compliance deadline.²⁸ Advantage came into compliance on December 27, 2006,²⁹ and subsequently amended its waiver request to extend to this date.³⁰ BLEW, a CDMA carrier serving western New York and northwestern Pennsylvania, indicated that it would offer one inductive coupling-compliant handset by September 18, 2006, but sought a waiver until December 31, 2006, to offer a second compliant handset, citing its difficulties in obtaining sufficient quantities of compliant handsets prior to the compliance deadline.³¹ BLEW subsequently came into compliance on December 1, 2006.³² Brazos, a CDMA carrier serving rural Texas, sought a waiver until January 1, 2007, citing its failed efforts to obtain inductive coupling-compliant handsets prior to the September 18, 2006 compliance

²⁷ See, e.g., NWMC Petition at 3, Cellcom Petition at 3, and Brazos Petition at 3.

²⁸ Advantage Petition at 1.

²⁹ Advantage Letter at 2.

³⁰ Advantage Amendment at 1.

³¹ BLEW Petition at 1.

³² BLEW Amendment at 1.

deadline.³³ Brazos subsequently came into compliance on December 26, 2006.³⁴ Cellcom, a group of five CDMA carriers serving rural Michigan and Wisconsin, offered one inductive coupling-compliant handset as of September 18, 2006, and sought a waiver until December 1, 2006, to offer a second compliant handset, citing its difficulties in obtaining sufficient quantities of compliant handsets prior to the compliance deadline.³⁵ The Cellcom companies subsequently came into compliance on October 12, 2006.³⁶

13. FMTC Mobile, a CDMA carrier serving rural Idaho, sought an open-ended waiver until inductive coupling-compliant handsets were available to it, claiming it was unable to obtain compliant handsets from its handset distributors prior to the compliance deadline.³⁷ FMTC Mobile indicated that as of the date of its waiver request, it had not received a request for a hearing aid-compatible handset.³⁸ FMTC Mobile subsequently came into compliance on December 27, 2006.³⁹ Inland, a CDMA carrier serving parts of Idaho and Washington, sought a waiver until December 31, 2006, to offer a second compliant handset, citing its difficulties in obtaining sufficient quantities of compliant handsets prior to the compliance deadline.⁴⁰ Inland subsequently came into compliance on October 12, 2006, and reported it offered four inductive coupling-compliant handsets as of December 1, 2006.⁴¹ Lamar, a GSM carrier serving rural parts of Texas, sought a waiver until October 26, 2006, citing its inability to obtain a second compliant handset prior to the compliance deadline.⁴² Lamar came into compliance on October 26, 2006.⁴³ Mid-Tex, a GSM carrier serving rural parts of Texas, sought a waiver until January 1, 2007, citing its difficulties in obtaining sufficient quantities of compliant handsets prior to the compliance deadline.⁴⁴ Mid-Tex subsequently came into compliance on November 30, 2006.⁴⁵ MTPCS, a GSM carrier serving parts of Montana, sought an open-ended waiver until inductive coupling-compliant handsets were available, claiming it was unable to obtain compliant handsets from its handset distributors prior to the compliance deadline.⁴⁶ MTPCS subsequently came into compliance on November 16,

³³ Brazos Petition at 1.

³⁴ Brazos June 1, 2007 Letter at 4.

³⁵ Cellcom Petition at 1.

³⁶ Cellcom Report at 1.

³⁷ FMTC Mobile September 13, 2006 Report at 1.

³⁸ *Id.*

³⁹ FMTC Mobile June 13, 2007 Report at 2.

⁴⁰ Inland Petition at 2.

⁴¹ Inland Amendment at 1.

⁴² Lamar Petition at 3.

⁴³ *Id.*; *see also* Lamar Letter at 2-3.

⁴⁴ Mid-Tex Petition at 1.

⁴⁵ Mid-Tex Second Amendment at 1, and Mid-Tex Supplement to Second Amendment at 1.

⁴⁶ MTPCS Petition at 1.

2006.⁴⁷ NCR1P, a CDMA carrier serving rural parts of North Carolina, sought a waiver until December 31, 2006, citing its difficulties in obtaining sufficient quantities of compliant handsets prior to the compliance deadline.⁴⁸ NCR1P subsequently came into compliance on October 28, 2006.⁴⁹ Nemont, a group of three CDMA carriers serving rural parts of Montana, sought an open-ended waiver until inductive coupling-compliant handsets were available, claiming it was unable to obtain compliant handsets from its handset distributors prior to the compliance deadline.⁵⁰ Nemont indicated that, as of the date of its waiver request, the petitioning companies had not received a request for a hearing aid-compatible handset.⁵¹ The Nemont companies subsequently came into compliance on December 21, 2006.⁵²

14. NTCH, a group of three CDMA carriers serving rural parts of California, Idaho, and Tennessee, sought a waiver until January 1, 2007, citing its difficulties in obtaining sufficient quantities of compliant handsets prior to the compliance deadline.⁵³ The NTCH petitioners subsequently came into compliance on January 1, 2007.⁵⁴ NWMC, a CDMA carrier serving rural parts of Missouri, sought a waiver until January 1, 2007, citing its difficulties in obtaining sufficient quantities of compliant handsets prior to the compliance deadline.⁵⁵ NWMC subsequently came into compliance on December 15, 2006.⁵⁶ Peoples, a CDMA carrier serving rural parts of Texas, sought a waiver until December 1, 2006, citing both confusion about which available handset models were inductive coupling-capable and the unavailability of compliant handsets from its suppliers until the end of November.⁵⁷ Peoples came into compliance on December 1, 2006.⁵⁸ Plateau, a group of four GSM carriers serving rural parts of New Mexico and Texas, also sought a waiver until January 1, 2007, citing its difficulties in obtaining sufficient quantities of compliant handsets prior to the compliance deadline.⁵⁹ The Plateau companies subsequently came into compliance on November 1, 2006.⁶⁰ Pocket, a CDMA carrier serving San Antonio, Texas, sought a waiver until December 31, 2006, citing its difficulties in obtaining sufficient quantities of

⁴⁷ MTPCS Supplement at 2.

⁴⁸ NCR1P Petition at 1-2.

⁴⁹ NCR1P Amendment at 1.

⁵⁰ Nemont September 18, 2006 Report at 1.

⁵¹ *Id.* at 2.

⁵² Nemont June 12, 2007 Report at 2.

⁵³ NTCH Petition at 1.

⁵⁴ NTCH Letter at 3.

⁵⁵ NWMC Petition at 1.

⁵⁶ NWMC June 12, 2007 Letter at 2 (correcting previously reported compliance date of December 22, 2006).

⁵⁷ Peoples Petition at 3.

⁵⁸ *Id.*

⁵⁹ Plateau Petition at 1.

⁶⁰ Plateau Amendment at 1.

compliant handsets prior to the compliance deadline.⁶¹ Pocket subsequently came into compliance by December 31, 2006.⁶² Simmetry, two GSM carriers serving rural parts of Illinois and Missouri, sought a waiver until October 11, 2006, citing confusion about which available handset models were inductive coupling-capable and the unavailability of compliant handsets from its suppliers prior to the compliance deadline.⁶³ The Simmetry companies came into compliance on October 12, 2006.⁶⁴ South Central, a CDMA carrier serving rural parts of Utah, sought a waiver until June 18, 2007, citing its difficulties in obtaining sufficient quantities of compliant handsets prior to the compliance deadline.⁶⁵ South Central subsequently came into compliance on December 27, 2006.⁶⁶ Thumb, a CDMA carrier serving parts of Michigan, sought an open-ended waiver until inductive coupling-compliant handsets were available, claiming it was unable to obtain compliant handsets from its handset distributors.⁶⁷ Thumb subsequently reported that it had been offering one inductive coupling-compliant handset as of September 7, 2006, and came into compliance with a second handset on November 14, 2006.⁶⁸ West Central, a GSM carrier serving rural parts of Texas, sought a waiver until October 18, 2006, citing both confusion about which available handset models were inductive coupling-capable and the unavailability of compliant handsets from its suppliers prior to the compliance deadline.⁶⁹ West Central came into compliance on October 18, 2006.⁷⁰ XIT, a GSM carrier serving rural parts of Texas, sought a waiver until January 1, 2007, claiming it was unable to obtain compliant handsets from its handset distributors.⁷¹ XIT subsequently came into compliance on November 9, 2006.⁷²

15. Discussion. Given the facts in the record before us, we conclude that granting these 21 waiver petitions is warranted. These Tier III carriers have demonstrated sufficient diligence in seeking compliant handsets prior to the compliance deadline to meet our rigorous waiver standards, and their failure to provide inductive coupling-compliant handsets by the September 18, 2006 deadline could not reasonably have been avoided. The facts, therefore, support grant of a modest amount of additional time to these Tier III carriers to come into compliance with the inductive coupling compatibility requirement. Further, we find that they have exercised reasonable diligence by coming into compliance on or before

⁶¹ Pocket Petition at 2.

⁶² Pocket Withdrawal at 1.

⁶³ Simmetry Petition at 3.

⁶⁴ Simmetry Letter at 4.

⁶⁵ South Central Petition at 1.

⁶⁶ South Central June 5, 2007 Letter at 2 (correcting previously reported compliance date of September 18, 2006).

⁶⁷ Thumb October 30, 2006 Report at 1.

⁶⁸ Thumb June 1, 2007 Report at 1.

⁶⁹ West Central Petition at 3.

⁷⁰ *Id.*; see also West Central Letter at 2.

⁷¹ XIT Petition at 1.

⁷² XIT Letter at 5.

January 1, 2007.

16. As noted above, the Commission's Office of Engineering and Technology received and approved very few applications to certify inductive coupling compatibility until two months or less prior to the September 18, 2006 deadline.⁷³ This left little time for carriers to purchase such phones and make them available in all company stores in time to comply with our rules. Further, as Tier III carriers, these petitioners typically experienced significant delays in obtaining shipping commitments from their handset suppliers because handset manufacturers filled orders first for the larger Tier I and II carriers.⁷⁴ The totality of these facts convinces us that some relief for these Tier III carriers is justified and is consistent with the waiver standards against which the petitions must be evaluated.

17. We further conclude that the time frames within which these carriers came into compliance are reasonable under the circumstances and reflect the diligence of their efforts. Many inductive coupling-compliant handsets became available to Tier III carriers only after the September 18, 2006 compliance deadline. In particular, we note that many of the petitioners achieved compliance on or shortly before January 1, 2007. This similarity in timing supports our conclusion that a Tier III carrier exercising reasonable diligence might have required this much time to resolve issues involved in identifying, testing, and ultimately selling inductive coupling-compliant handsets. We also note that the Commission has previously granted extensions of comparable length to an earlier hearing aid compatibility deadline under similar circumstances.⁷⁵ Accordingly, we grant, *nunc pro tunc*, the waiver petitions of Advantage, BLEW, Brazos, Cellcom, FMTC Mobile, Inland, Lamar, Mid-Tex, MTPCS, NCR1P, Nemont, NTCH, NWMC, Peoples, Plateau, Pocket, Symmetry, South Central, Thumb, West Central, and XIT until the dates upon which they state they came into compliance with Section 20.19(d)(2).

b. Airadigm, Blanca, CTC, Farmers Cellular, Litchfield, NDNC, PTSI, South Slope, and UBET Wireless

18. Background. In their filings, Tier III carriers associated with the following 9 petitions – Airadigm, Blanca, CTC, Farmers Cellular, Litchfield, NDNC, PTSI, South Slope, and UBET Wireless – indicate that they have complied with the inductive coupling-compliant handset requirement at some time after January 1, 2007.

19. Airadigm, a GSM carrier serving parts of Wisconsin, sought an open-ended waiver until inductive coupling-compliant handsets are available, and indicated that it expected to comply no later

⁷³ See Appendix D.

⁷⁴ See, e.g. Pocket Petition at 3. The Commission has acknowledged in this proceeding that, “[i]n contrast to large carriers, smaller wireless carriers may be disadvantaged when they seek to acquire . . . specialized handsets” because vendors treat the largest carriers, who place the largest orders for equipment, as priority customers. See *Hearing Aid Compatibility Reconsideration Order*, 20 FCC Rcd at 11233 ¶ 22, citing *Non-Nationwide Carriers Order*, 17 FCC Rcd at 14846-47 ¶ 20.

⁷⁵ See Section 68.4(a) of the Commission's Rules Governing Hearing Aid-Compatible Telephones, Petitions for Waiver of Section 20.19 of the Commission's Rules, *Memorandum Opinion and Order*, WT Docket No. 01-309, 22 FCC Rcd 7171 (2007) (*Acoustic Coupling Compatibility Waiver Order*). Our conclusion is also consistent with TDI's and HLAA's position that to the extent we grant any waivers, they should not extend beyond January 1, 2007. See TDI/HLAA Joint Opposition at 12.

than November 1, 2006.⁷⁶ Airadigm described its difficulties in obtaining sufficient quantities of compliant handsets prior to the compliance deadline.⁷⁷ Airadigm submitted supplemental information on May 29, 2007, indicating it offered two inductive coupling-compliant handsets as of March 2007.⁷⁸ On June 13, 2007, however, Airadigm corrected its previous submission, indicating that it determined the handsets reported were not compliant, but that it should be offering two compliant handsets by June 30, 2007.⁷⁹ Airadigm reported that it was in compliance in its most recent status report.⁸⁰ Blanca, a CDMA carrier serving rural Colorado, sought an open-ended waiver until inductive coupling-compliant handsets were available, citing its inability to obtain compliant handsets from its distributors.⁸¹ Blanca subsequently came into compliance on June 20, 2007, explaining that it was confused in its March 29, 2007 Compliance Status Report in that it did not realize it was required to distinguish between acoustic coupling-compliant and inductive coupling-compliant handsets and thought it was in compliance at that time.⁸² Blanca also reported that it has never received a request for a hearing aid-compatible handset.⁸³ CTC, a CDMA carrier serving rural Idaho, sought an open-ended waiver until inductive coupling-compliant handsets were available, citing its inability to obtain compliant handsets from its distributors.⁸⁴ CTC stated that, after checking at least monthly with its handset vendor, it learned in early March 2007 of available inductive coupling-compliant handsets, immediately placed an order, and came into compliance on March 13, 2007.⁸⁵ CTC also reported that it has not received a request for a hearing aid-compatible handset.⁸⁶

20. Farmers Cellular, a GSM carrier serving rural Alabama, sought an open-ended waiver until inductive coupling-compliant handsets were available, citing its inability to obtain compliant handsets from its distributors.⁸⁷ Farmers Cellular subsequently came into compliance on June 6, 2007.⁸⁸ Farmers Cellular explained that it checked with its handset vendors a minimum of monthly regarding the availability of compliant handsets.⁸⁹ Farmers Cellular also reported that it has not received a request for a

⁷⁶ Airadigm Petition at 1.

⁷⁷ *Id.* at 3-4.

⁷⁸ Airadigm May 29, 2007 Supplement at 1.

⁷⁹ Airadigm June 13, 2007 Supplement at 2.

⁸⁰ Airadigm November 17, 2007 Report.

⁸¹ Blanca September 18, 2006 Report at 1.

⁸² Blanca June 21, 2007 Report at 2.

⁸³ Blanca September 18, 2006 Report at 1.

⁸⁴ CTC September 18, 2006 Report at 1.

⁸⁵ CTC June 7, 2007 Report at 2.

⁸⁶ CTC September 18, 2006 Report at 2.

⁸⁷ Farmers Cellular Report at 3.

⁸⁸ Farmers Cellular June 12, 2007 Supplement at 1.

⁸⁹ *Id.* at 5.

hearing aid-compatible handset.⁹⁰ Litchfield, a CDMA carrier serving rural parts of Oregon, sought a waiver until December 31, 2006, citing its inability to obtain compliant handsets from its distributors.⁹¹ On December 29, 2006, Litchfield amended its waiver request to seek relief through February 15, 2007, indicating it had ordered two compliant handset models that it expected to receive by January 31, 2007.⁹² Litchfield subsequently came into compliance on February 23, 2007, and explained in a June 1, 2007 supplemental filing that the reason for the delay in compliance was that the second compliant handset model ordered was not shipped by Motorola when it was originally scheduled.⁹³ NDNC, a CDMA carrier serving parts of North Dakota, offered one inductive coupling-compliant handset as of September 18, 2006, and sought a waiver until September 18, 2007, to offer a second compliant handset, citing its difficulties in obtaining sufficient quantities of compliant handsets prior to the compliance deadline.⁹⁴ NDNC subsequently came into compliance on January 23, 2007.⁹⁵

21. PTSI, a CDMA carrier serving rural Oklahoma, sought a waiver until January 1, 2007, citing its difficulties in obtaining sufficient quantities of compliant handsets prior to the compliance deadline.⁹⁶ PTSI came into compliance on January 29, 2007,⁹⁷ and subsequently amended its waiver request to extend to this date.⁹⁸ South Slope, a GSM carrier serving parts of Iowa, sought a waiver until September 18, 2007, citing its inability to obtain compliant handsets prior to the compliance deadline.⁹⁹ South Slope subsequently came into compliance on March 22, 2007.¹⁰⁰ UBET Wireless, a CDMA carrier serving parts of Utah, Wyoming, and Colorado, sought a waiver until September 18, 2007, citing its difficulties in obtaining sufficient quantities of compliant handsets prior to the compliance deadline.¹⁰¹ UBET subsequently came into compliance on January 15, 2007.¹⁰²

22. Discussion. Given the facts in the record before us, we conclude that none of these petitioners meet the requirements to justify granting a waiver pursuant to the Section 1.925(b)(3) standard. Although all of the carriers associated with these petitions were in compliance with the

⁹⁰ *Id.* at 5 n.4.

⁹¹ Litchfield Petition at 2.

⁹² Litchfield Amendment at 1-2.

⁹³ Litchfield Letter at 2.

⁹⁴ NDNC Petition at 1-2.

⁹⁵ NDNC Supplement at 1.

⁹⁶ PTSI Petition at 1.

⁹⁷ PTSI Letter at 3.

⁹⁸ PTSI Amendment at 1.

⁹⁹ South Slope Petition at 1-2.

¹⁰⁰ South Slope Supplement at 2.

¹⁰¹ UBET Wireless Petition at 3.

¹⁰² UBET Wireless Supplement at 1-2.

inductive coupling compatibility requirement as of the most recent filings, each of these petitioners failed to provide evidence that it exercised sufficient diligence in seeking inductive coupling-compliant handsets not only before, but within a reasonable period of time after the September 18, 2006 compliance deadline. These petitioners do not present any unique facts or circumstances to clearly distinguish their situation from other Tier III carriers that were able to comply by January 1, 2007, or before.¹⁰³ Given that the great majority of the Tier III carriers were able to achieve compliance within a few months of the deadline, we do not consider it sufficient effort after this time frame simply to contact one's existing vendors on a monthly basis, or to limit one's efforts to testing those existing vendors' handsets for system compatibility. We further find it immaterial whether a carrier has actually received requests for hearing aid-compatible handsets, since the purpose of the hearing aid compatibility rules is to ensure that such handsets will be available in a timely manner when a customer needs them.¹⁰⁴ Accordingly, we deny the waiver petitions of Airadigm, Blanca, CTC, Farmers Cellular, Litchfield, NDNC, PTSI, South Slope, and UBET Wireless, and refer their apparent violations to the Commission's Enforcement Bureau.

c. IT&E

23. Background. IT&E, a CDMA carrier serving Guam and the Northern Mariana Islands, sought a waiver until September 18, 2007, claiming it was unable despite its best efforts to obtain compliant handsets from its handset distributors.¹⁰⁵ IT&E further indicated that it planned to activate a GSM network in Guam during the fourth quarter of 2006 to supplement its CDMA network, and sought a similar waiver for the GSM network.¹⁰⁶ IT&E subsequently came into compliance for its CDMA network on December 14, 2006, almost ten months earlier than its requested waiver date.¹⁰⁷ IT&E installed the GSM overlay late in 2006, but stated that it did not expect to offer two inductive coupling-compliant handsets for this network until August 2007.¹⁰⁸ Although IT&E subsequently reported that it was in compliance for its GSM network,¹⁰⁹ one of the two handset models reported as compliant, the Motorola V3i with FCC ID number IHDT56EU1, is not compliant for inductive coupling. On December 19, 2007, IT&E amended its waiver request with respect to its GSM network to acknowledge that the model V3i it is selling is not inductive coupling-compliant, to explain how it came to be confused about the compliance status of this handset model, and to request an extension of its waiver request to March 31, 2008.¹¹⁰ IT&E indicated that it has ordered a second inductive coupling-compliant handset model and expects to offer this new handset model in all its stores no later than March 31, 2008.¹¹¹

¹⁰³ See Section III.A.1.a, *supra*.

¹⁰⁴ See 47 U.S.C. § 610(a) (directing Commission to "ensure reasonable access to telephone service by persons with impaired hearing").

¹⁰⁵ IT&E Petition at 1.

¹⁰⁶ *Id.*

¹⁰⁷ IT&E Supplement at 1.

¹⁰⁸ *Id.*

¹⁰⁹ IT&E November 14, 2007 Report at 1.

¹¹⁰ IT&E Amendment at 3-4.

¹¹¹ *Id.* at 5.

24. Discussion. Given the facts in the record before us, we conclude that granting IT&E's waiver petition with respect to its CDMA network is warranted. IT&E has demonstrated it made diligent efforts to obtain inductive coupling-compliant handsets for its CDMA network in a timely manner. IT&E complied with respect to its CDMA network within a relatively short period after the September 18, 2006 compliance deadline, thus minimizing the inconvenience experienced by the deaf and hard of hearing community seeking inductive coupling-compliant handsets in its service area. Accordingly, we grant, *nunc pro tunc*, the waiver petition of IT&E with respect to its CDMA network until December 5, 2006.

25. While IT&E also proactively sought a waiver for its planned GSM network, IT&E did not provide any information in the record to explain its failure to offer inductive coupling-compliant handsets as of the date it initiated service on this network, much less several months thereafter. Although IT&E recently explained how confusion regarding the hearing aid compatibility compliance status of the Motorola model V3i caused it to believe it was in compliance, IT&E was remiss in not questioning the compatibility status of that handset given its lack of required labeling.¹¹² IT&E, therefore, does not exhibit the diligence with respect to the GSM network that we require to warrant grant of waiver relief. Accordingly, we deny the waiver petition of IT&E with respect to its GSM network, and refer IT&E's apparent violation to the Commission's Enforcement Bureau. We expect that IT&E will come into compliance with the hearing aid compatibility requirements as soon as possible, and note that IT&E is subject to further enforcement action in the event it fails to do so.

d. Cellular One

26. Background. Cellular One, filing on behalf of two licensees, Iowa 15 Wireless and Long Lines Wireless, sought waivers until January 1, 2007, citing the licensees' difficulties in obtaining sufficient quantities of compliant handsets prior to the September 18, 2006 compliance deadline.¹¹³ Cellular One/Iowa 15 Wireless operates a CDMA network serving part of Iowa, while Cellular One/Long Lines operates a GSM network in the same state.¹¹⁴ The Cellular One/Iowa 15 Wireless CDMA network came into compliance on December 14, 2006,¹¹⁵ while the Cellular One/Long Lines Wireless GSM network did not come into compliance before January 26, 2007.¹¹⁶ Cellular One/Long Lines Wireless subsequently amended its request to extend to this date.¹¹⁷

27. Discussion. Given the facts in the record before us, we conclude that granting Cellular One's waiver petition with respect to the Cellular One/Iowa 15 Wireless CDMA network is warranted. Cellular One/Iowa 15 Wireless has demonstrated it made diligent efforts to obtain inductive coupling-compliant handsets for its CDMA network in a timely manner. Cellular One/Iowa 15 Wireless complied

¹¹² See IT&E *Ex parte* (clarifying that IT&E's model V3i handsets were not labeled as compatible).

¹¹³ Iowa 15/Long Lines Petition at 1.

¹¹⁴ See Iowa 15/Long Lines June 27, 2007 Letter at 1-2.

¹¹⁵ *Id.* at 1.

¹¹⁶ Although Cellular One/Long Lines claims it was in compliance as of January 26, 2007, it appears that one of the handset models it claims as compliant was not compliant until March 23, 2007. See Letter from Lee Hill, General Counsel, Sony Ericsson Mobile Communications (USA) Inc. to Marlene Dortch, Secretary, Federal Communications Commission, July 11, 2007. In any event, Cellular One/Long Lines' most recent status report makes clear that it was in compliance as of November 19, 2007. See Long Lines November 19, 2007 Report.

¹¹⁷ Long Lines Amendment at 1.

within a relatively short period after the September 18, 2006 compliance deadline, thus minimizing the inconvenience experienced by the deaf and hard of hearing community seeking inductive coupling-compliant handsets in its service area. Accordingly, we grant, *nunc pro tunc*, the waiver petition of Cellular One/Iowa 15 Wireless with respect to its CDMA network until December 14, 2006.

28. Cellular One/Long Lines Wireless, on the other hand, fails to provide evidence that it exercised sufficient diligence to procure inductive coupling-compliant handsets within a reasonable period of time after the September 18, 2006 compliance deadline. Many GSM carriers were able to comply relatively soon after the compliance deadline. Similar to the other Tier III carriers whose petitions we deny,¹¹⁸ Cellular One/Long Lines does not present any unique facts or circumstances to distinguish its situation from those carriers that were able to comply by January 1, 2007. Accordingly, we deny the waiver petition of Cellular One/Long Lines Wireless with respect to its GSM network, and refer Cellular One/Long Lines' apparent violation to the Commission's Enforcement Bureau.

2. TDMA Carriers – SLO Cellular, Inc. and Entertainment Unlimited, Inc.

29. Two of the petitioners seeking waivers in a joint petition, SLO Cellular and Entertainment Unlimited, are Tier III carriers that, as of the compliance deadline, operated on TDMA networks. In the *Hearing Aid Compatibility Reconsideration Order* issued in 2005, the Commission modified the hearing aid compatibility requirements applicable to wireless carriers that operate TDMA networks and plan to overbuild them to employ alternative air interfaces.¹¹⁹

30. Specifically, the Commission determined that these carriers would be considered compliant with the September 16, 2005 preliminary handset deployment benchmark for acoustic coupling compatibility if they: (1) offer two hearing aid-compatible handset models to customers that receive service from the overbuilt (*i.e.*, non-TDMA) portion of the network, (2) are overbuilding (*i.e.*, replacing) their entire network, and (3) complete the overbuild by September 18, 2006.¹²⁰ The Commission reasoned that modifying the hearing aid compatibility requirements in this manner was warranted because wireless carriers in general have migrated away from the TDMA air interface.¹²¹ The Commission also noted that “a technology overbuild represents a considerable undertaking and requires a significant investment,” and that the limited relief afforded TDMA carriers would allow them to focus their resources primarily on upgrading their networks, and avoid unintended network shut-downs.¹²²

31. Background. SLO Cellular, Inc. (SLO) is a small commercial mobile radio service provider that, as of September 18, 2006, operated a network using the TDMA air interface to serve the California 5 – San Luis Obispo RSA. Entertainment Unlimited, Inc. (EU) is a small commercial mobile radio service provider that operates a network using the TDMA air interface in California.¹²³ It is the licensee of

¹¹⁸ See Section III.A.1.c, *supra*.

¹¹⁹ See *Order on Reconsideration and Further Notice of Proposed Rulemaking*, WT Docket No. 01-309, 20 FCC Rcd 11211, 11242-43 ¶¶ 48-50 (2005) (*Hearing Aid Compatibility Reconsideration Order*); see also 47 C.F.R. § 20.19(c)(2)(i)(B).

¹²⁰ *Id.*

¹²¹ *Id.*

¹²² *Id.*

¹²³ See SLO/EU Petition at 2.

Broadband PCS Stations KNLF915 (Frequency Block D, Salinas-Monterey, California BTA), KNLG742 (Frequency Block D, San Luis Obispo, California BTA), KNLG743 (Frequency Block F, San Luis Obispo, California BTA), KNLG744 (Frequency Block D, Santa Barbara-Santa Maria, California BTA), WPOK 945 (Frequency Block C, Bakersfield, California BTA), and WPOK946 (Frequency Block C, Visalia-Porterville-Hanford, California BTA).¹²⁴ On September 14, 2006, SLO and EU filed a joint petition for temporary waiver to extend the September 18, 2006 deadline for inductive coupling compatibility compliance by one year.¹²⁵ Citing the unavailability of T3-rated handsets as grounds for waiver, SLO and EU reported that “it is not surprising that [hearing aid-compatible] handsets are not available for the TDMA air interface, a technology that is being discontinued by the equipment and handset manufacturers.”¹²⁶ They also cited the Commission’s precedent of extending the acoustic coupling compatibility requirements for dual-band GSM carriers and manufacturers, in light of technical difficulties attending the production of dual-band compliant handsets.¹²⁷

32. On November 17, 2006, SLO filed a petition for temporary waiver or temporary stay to modify its original request. Specifically, SLO indicated it placed its GSM overbuild into commercial service on or around October 16, 2006, and expected its first shipments of handsets approved for both inductive coupling and acoustic coupling compatibility to arrive by the end of November. SLO explained its failure to provide compliant handsets as of October 16, 2006, as the result of an oversight on its part, and asked for a waiver of both Sections 20.19(c)(2)(i)(A) and 20.19(d)(2) until January 31, 2007.¹²⁸ On June 5, 2007, SLO provided a supplemental compliance status report indicating that it came into compliance with the inductive and acoustic-coupling requirements on its GSM network as of December 1, 2006.

33. On June 6, 2007, EU reported that it was still not compliant, and that it expected to complete its GSM overbuild by September 1, 2007.¹²⁹ EU also did not identify any compliant handsets on its most recent status report.¹³⁰

34. Discussion. We conclude that SLO and EU have failed to demonstrate unique or unusual circumstances, or the existence of any other factor, warranting grant of the requested waivers pursuant to the Section 1.925(b)(3) standard. With respect to their TDMA networks, SLO and EU base their requests primarily on the argument that their lack of compliance is due to the lack of hearing aid-compatible handsets that operate on TDMA networks. In its previous order providing relief from the acoustic

¹²⁴ See *id.*

¹²⁵ See *id.*

¹²⁶ *Id.* at 6.

¹²⁷ *Id.* at 8. “In Cingular Wireless, LLC FCC 05-166, released September 8, 2005, the Commission granted blanket temporary relief, until August 1, 2006, to all wireless carriers using dual-band digital wireless GSM handsets in the cellular and Broadband PCS bands if the handsets are compliant for Broadband PCS operations only. The Commission’s action was taken in view of technical difficulties being experienced in developing HAC compliant handsets for GSM cellular operations. In view of this Commission action, it would be highly inequitable for the Commission to deny the relief requested here on the facts presented.” *Id.*

¹²⁸ See SLO Petition at 1, 5.

¹²⁹ EU Supplement at 2.

¹³⁰ EU November 16, 2007 Report.

coupling compatibility requirement for TDMA carriers, however, the Commission reached the judgment that such carriers must complete their overbuilds by September 18, 2006, and accordingly would not be granted relief from hearing aid compatibility obligations beyond that date.¹³¹ In their petition, SLO and EU provide no details as to why they could not complete their overbuilds by that deadline.¹³² Consistent with the reasoning behind the *Hearing Aid Compatibility Reconsideration Order*, we therefore deny SLO and EU relief from inductive coupling compatibility obligations with respect to their TDMA networks.¹³³ Moreover, with respect to its GSM overbuild network, SLO offers no explanation for its delay in offering compatible handset models other than “oversight.” Unlike those carriers who made diligent efforts to obtain inductive coupling-compatible handsets but were unable timely to procure supplies, SLO’s inattention does not constitute extraordinary circumstances to support a waiver. In addition, there is no reason to believe SLO could not at least have procured acoustic coupling-compatible handsets by the time it began service on its network. We therefore deny SLO and EU’s waiver petition and refer their apparent violations of Sections 20.19(c)(2)(i) and 20.19(d)(2) of the rules to the Commission’s Enforcement Bureau. We expect that EU will come into compliance with the hearing aid compatibility requirements as soon as possible, and we note that it is subject to further enforcement action in the event it fails to do so.

3. Five Star Wireless, Union Telephone Company, and i wireless

35. Each of these petitioners is a carrier that asserts that it reasonably believed that it was offering compliant handsets at a time when it was in fact not doing so. Five Star and Union believed they complied with the inductive coupling-compatible handset requirement as of September 18, 2006, and only learned belatedly that this was not the case.¹³⁴ Consequently, they filed waiver petitions in June 2007, seeking relief from this requirement. The third petitioner, i wireless, filed a timely waiver petition, but subsequently erroneously reported that the licensees covered by its petition were in compliance.

a. Five Star Wireless

36. Background. As described in its waiver request filed on June 18, 2007, Texas RSA 15B2 LP d/b/a Five Star Wireless (Five Star) is a Tier III provider that offers cellular services to fewer than

¹³¹ See *Hearing Aid Compatibility Reconsideration Order*, 20 FCC Rcd at 11243 ¶ 50.

¹³² See SLO Petition at 5 (simply describing overbuild as an “extremely exacting and time-consuming” project).

¹³³ Although SLO and EU do not address the matter in their pleadings, we also note that under Section 20.19(c)(2)(i)(B) of the rules, SLO and EU were entitled to relief from the acoustic coupling compatibility requirement on their TDMA networks only on the condition that they completed their overbuilds by September 18, 2006. Previously, the Commission dismissed SLO’s and EU’s requests for waiver of the acoustic coupling compatibility requirement on the ground that they qualified for the relief afforded in the *Hearing Aid Compatibility Reconsideration Order*. See *Acoustic Coupling Compatibility Waiver Order*, 22 FCC Rcd at 7196 ¶ 60. However, this dismissal was predicated on the assumption that the companies would comply with the conditions that the Commission established for relief, which they have not done. Therefore, because they missed the overbuild deadline, the acoustic coupling compatibility requirement applied to SLO’s and EU’s TDMA networks as of September 18, 2006. As we are not aware that any compatible TDMA handsets are available on the market, we question SLO’s and EU’s compliance with this requirement. Accordingly, we direct the Enforcement Bureau to investigate these possible violations of Section 20.19(c)(2)(i) of the rules as well.

¹³⁴ This realization occurred in May, 2007, when Commission staff requested additional information about compliant handsets they were offering.

500,000 subscribers in the Texas 15(B2) – Concho RSA.¹³⁵ Since its overbuild of TDMA facilities with replacement CDMA facilities, Five Star stated, all new handsets it offers are CDMA-only or dual mode CDMA/analog.¹³⁶

37. In its request, Five Star sought a waiver of Section 20.19(d)(2) for the period of time from September 18, 2006, to December 29, 2006.¹³⁷ Five Star explained that it reported in its November 2006 compliance status report that according to information provided by handset manufacturers, three handset models that it offered were inductive coupling-compliant.¹³⁸ It stated that it recently discovered that only one of these models was compliant.¹³⁹ Five Star contended that had it known that the other models were not compliant at the handset deployment deadline, it would have requested a waiver and sought an extension at that time. In addition to the incorrect manufacturer information on which Five Star claimed it relied, Five Star stated that in retrospect, only one compliant digital CDMA handset (the Motorola RAZR V3c) was available for purchase by Five Star as of the September 18, 2006 deadline.¹⁴⁰ Five Star came into compliance on December 29, 2006, when it began offering the Motorola K1m.¹⁴¹

38. Discussion. Given the circumstances described by Five Star in its petition, we conclude that waiver relief is warranted in its case. We note that Five Star does not describe in detail the efforts it made to verify the information it received from manufacturers regarding the handset models that it erroneously believed were compliant, and we cannot, based on this information, conclude that it was diligent in these efforts. Nevertheless, Five Star does show, consistent with those circumstances faced by many other Tier III wireless carriers and our analysis above,¹⁴² that even if it had been aware these handsets were not compliant, additional compliant models were not available to it as of the deadline and it could not reasonably have come into compliance at that time. We note that Five Star came into full compliance with a second handset by the end of December 2006, which as discussed above is a relatively short time frame following the deadline. Thus, we view its brief delay as *de minimis* and find that it will not unduly deprive Five Star's subscribers of access to hearing aid-compatible handsets. Accordingly, we grant Five Star a waiver *nunc pro tunc* to extend the deadline by which it was required to come into compliance with Section 20.19(d)(2) until December 29, 2006.

b. Union Telephone Company

39. Background. As described in its waiver request filed on June 14, 2007, Union is a rural wireless provider operating GSM systems in Wyoming, Colorado, Utah, and Idaho.¹⁴³ Union is a Tier III

¹³⁵ See Five Star Petition at 1-2.

¹³⁶ *Id.* at 2. Five Star explained that for this reason, “TDMA-only handsets are no longer being activated on the cellular system.” *Id.*

¹³⁷ *Id.* at 1.

¹³⁸ *Id.* at 2.

¹³⁹ *Id.* The compliant model was the Motorola RAZR V3c, which met a T3 rating. *Id.*

¹⁴⁰ See *id.* at 5, 6, 8.

¹⁴¹ Five Star Petition at 3.

¹⁴² See Section III.A.1.a, *supra*.

¹⁴³ Union Petition at 2.

wireless carrier, and it stated that it offers a variety of handsets that it obtains from several vendors, particularly Motorola and Nokia.¹⁴⁴

40. In its request, Union sought a waiver of Section 20.19(d)(2) until June 30, 2007, a date by which it expected to come into compliance with the handset deployment requirements.¹⁴⁵ Union stated that circumstances “beyond its control” were responsible for its lack of compliance and that it had exercised good faith in attempting to comply with the hearing aid compatibility deadline.¹⁴⁶ In its November 2006 compliance status report, Union erroneously reported that it was offering two inductive coupling-compatible models, the LG C2000 and the Motorola V3. In fact, however, the Motorola V3 does not meet inductive coupling compatibility standards. Union explained that “[i]n retrospect a miscommunication appears to have taken place. The vendor was speaking of the RAZR V3i or V3e.”¹⁴⁷ Union further contended that despite the verbal miscommunication, no reasonable means existed to meet the compliance date because no other suitable T3-rated GSM phones were available to Union prior to the deadline.¹⁴⁸ Union’s recent status report indicates is now in overall compliance with Section 20.19(d)(2).¹⁴⁹

41. Discussion. We conclude that Union has failed to demonstrate the diligence that would warrant a grant of the requested waiver pursuant to the Section 1.925(b)(3) standard. As a Tier III carrier with potentially limited inductive coupling-compatible handsets available to it in September 2006, Union may well have been unable reasonably to come into compliance by the September 18, 2006 deadline or shortly thereafter.¹⁵⁰ However, Union has failed to demonstrate its need for an extension for over nine months, until the end of June 2007, to come into full compliance with our rules. Although Union argues that its non-compliance should be excused due to a miscommunication with its vendor, carriers must be diligent in their efforts to verify the information they receive from manufacturers and vendors. Relying on a single vendor’s oral communication for nine months, without more, does not represent the sort of diligence or circumstances beyond one’s control that would justify a waiver. For example, Union does not address whether the V3 handsets were labeled as hearing aid-compatible and, if not, why it failed to inquire about the lack of labeling throughout this extended timeframe. Moreover, given that most other carriers obtained two compliant handsets by January 1, 2007, we attribute Union’s inability to procure an additional compliant model before June 2007 to its failure to exercise due diligence. We therefore deny the Union Petition and refer Union’s apparent violation of the hearing aid compatibility requirements to

¹⁴⁴ *Id.*

¹⁴⁵ *Id.* at 1-2.

¹⁴⁶ *Id.* at 4, 5-7.

¹⁴⁷ *Id.* at 5.

¹⁴⁸ *Id.* at 6. Specifically, Union identified the compliant phones in operation when it considered its options in August 2006, and indicated that other than the V3i, none of the other phones were available to a carrier of Union's size (and it tested the V3i and found it did not work well with its network). *Id.* Union also reported that it was difficult for a carrier to identify compliant phones because reliable documentation was not readily available. *Id.*

¹⁴⁹ Union November 16, 2007 Report at 2.

¹⁵⁰ See Section III.A, *supra*.

the Commission's Enforcement Bureau.¹⁵¹

c. i wireless and Related Licensees

42. Background. As described in its waiver request filed on September 20, 2006, i wireless encompasses 37 associated PCS licensees providing service in Iowa and western Illinois.¹⁵² The i wireless licensees are Tier III wireless carriers, and i wireless states that they utilize the GSM air interface and operate exclusively in the 1900 MHz band.¹⁵³

43. In its request, i wireless sought a waiver of Section 20.19(d)(2) until "such time as compliant handsets are commercially available to i wireless."¹⁵⁴ i wireless stated that it was "impossible" for its licensees to comply with the handset deployment deadline because compliant handsets were unavailable from its vendors as of September 18, 2006.¹⁵⁵ In its November 2006 Status Report, i wireless identified two handset models – the Nokia 6061 and the Motorola V3i – as hearing aid-compatible models that its licensees were offering.¹⁵⁶ However, the Nokia 6061 has not in fact been certified as compatible for inductive coupling. In response to a Commission staff inquiry, i wireless submitted a supplement on June 28, 2007, stating that as of March 22, 2007, it made available two inductive coupling-compliant handsets, the Motorola RAZR V3 and Nokia 6126h,¹⁵⁷ and that it is therefore now in full compliance with the hearing aid compatibility rules.

44. Discussion. Similar to our analysis above of the Union petition, we conclude that i wireless has failed to demonstrate the diligence, unique or unusual circumstances, or any other factor that would warrant a grant of the requested waiver pursuant to the Section 1.925(b)(3) standard. As a group of Tier III carriers with potentially limited inductive coupling-compatible GSM handsets available to it in September 2006, i wireless may well have been unable reasonably to come into compliance by the September 18, 2006 deadline, or shortly thereafter.¹⁵⁸ However, i wireless has failed to demonstrate its need for an extension for over six months to come into full compliance with our rules, when it took most similarly situated carriers much less time. Further, i wireless does not state why it listed the Nokia 6061 as hearing aid-compatible in its November 2006 Status Report, and has provided no additional information as to whether, and if so, why, it believed that this handset was hearing aid-compatible. We therefore deny the i wireless Petition and refer the i wireless licensees' apparent violations of the hearing aid compatibility requirements to the Commission's Enforcement Bureau.

¹⁵¹ We note that Union seems to have made efforts to comply swiftly once it recognized in June, 2007, that it was out of compliance, although it has not provided us with its actual date of compliance.

¹⁵² i wireless Petition at 1. i wireless is a subsidiary of Iowa Network Services, Inc. and T-Mobile USA, Inc. See Appendix B for a complete list of petitioners.

¹⁵³ *Id.*

¹⁵⁴ *Id.* at 4.

¹⁵⁵ *Id.* at 3.

¹⁵⁶ See i wireless November 21, 2006 Status Report on Hearing Aid Compatible Wireless Devices.

¹⁵⁷ See i wireless Supplement at 1-2.

¹⁵⁸ See Section III.A.1.a, *supra*.

4. Farmers Mutual and Wilkes

45. Each of these carriers believes it is exempt from the Commission's inductive coupling-compatible handset requirement.

a. Farmers Mutual

46. Background. Farmers Mutual is a small commercial mobile radio service carrier that operates a network using the GSM interface in rural Iowa.¹⁵⁹ Farmers Mutual filed September 18, 2006 and March 22, 2007 reports and requests for waiver seeking to avail itself of the *de minimis* exception set forth in Section 20.19(e)(1) of the Commission's Rules.¹⁶⁰ Farmers Mutual reported that it offers only one wireless handset model to subscribers and therefore qualifies for the *de minimis* exception.¹⁶¹

47. Discussion. We agree and conclude that Farmers Mutual is exempt from the handset deployment requirement set forth in Section 20.19(d)(2) of the Commission's Rules, to the extent that it continues to offer no more than two handset models. Therefore, Farmers Mutual does not need a waiver and we dismiss its waiver request.

b. Wilkes

48. Background. Wilkes is a small commercial mobile radio service carrier that operates a network using the GSM interface in rural Georgia.¹⁶² Wilkes filed September 18, 2006 and March 27, 2007 reports and conditional requests for waiver seeking to avail itself of the *de minimis* exception set forth in Section 20.19(e)(1) of the Commission's Rules.¹⁶³ Wilkes reported that because its GSM billing system does not work properly with home-based subscribers, it currently provides GSM service only for roamers from other networks with working billing systems.¹⁶⁴ Because Wilkes does not provide digital service to its own subscribers, it does not offer any digital handsets at this time.¹⁶⁵ Wilkes concluded that, as a carrier offering no digital handsets, it qualifies for the *de minimis* exception set forth in Section 20.19(e)(1) of the Commission's Rules.¹⁶⁶

49. Discussion. We agree and conclude that Wilkes is exempt from the handset deployment requirement set forth in Section 20.19(d)(2) of the Commission's Rules, to the extent that it continues to offer no more than two digital handset models. Therefore, Wilkes does not need a waiver and we dismiss its waiver request.

¹⁵⁹ Farmers Mutual September 18, 2006 Report at 1.

¹⁶⁰ *Id.*, Farmers Mutual March 22, 2007 Report at 1 (Report dated March 22, 2007, filed on March 27, 2007). *See* 47 C.F.R. § 20.19(e)(1) ("...mobile service providers that offer two or fewer digital wireless handsets in the U.S. are exempt from the requirements...").

¹⁶¹ Farmers Mutual March 22, 2007 Report at 1.

¹⁶² Wilkes September 18, 2006 Report at 1.

¹⁶³ *Id.*, Wilkes March 27, 2007 Report at 1.

¹⁶⁴ *Id.*

¹⁶⁵ *Id.*

¹⁶⁶ *Id.*

5. Cellular 29 and Lyrix

50. Background. Cellular 29 and Lyrix are small commercial mobile radio service carriers that operate networks using the CDMA interface in rural areas.¹⁶⁷ Cellular 29 and Lyrix operate under the same management and accordingly filed a joint petition for temporary and limited waiver on September 15, 2006.¹⁶⁸ Like other waiver applicants, they cited the unavailability of inductive coupling-compliant handsets as grounds for waiver, specifically referring to the manufacturers' preference to distribute new products to large nationwide carriers before making them available to smaller providers.¹⁶⁹ Due to their dependence on secondary market wholesalers of handsets and ensuing difficulty obtaining compliant handsets, Cellular 29 and Lyrix requested temporary and limited waivers of Section 20.19(d)(2) of the Commission's Rules until January 1, 2007.¹⁷⁰

51. On November 15, 2006, Cellular 29 and Lyrix filed a hearing aid compatibility report containing, among other items, a list of the handsets they offered for sale.¹⁷¹ On June 1, 2007, Cellular 29 and Lyrix filed a letter stating that they then complied with Section 20.19(d)(2) of the Commission's Rules and had been in compliance since June 1, 2006.¹⁷² The letter explained that both carriers began offering the Motorola RAZR V3c and V3m model handsets on June 1, 2006, adding the Motorola V323i model handset on October 1, 2006.¹⁷³ Motorola obtained inductive coupling certification for the RAZR V3c and V3m handsets on August 31, 2006. The Motorola V323i handset received inductive coupling certification on October 13, 2006. In a letter dated June 12, 2007, Cellular 29 and Lyrix addressed the delayed compliance notice, explaining that their September 15, 2006 waiver request was filed under the belief that the Motorola RAZR handsets, with a shared FCC ID number, constituted only one handset.¹⁷⁴ They also modified their date of compliance from June 1, 2006, to either August 31, 2006, or October 1, 2006, pending a Commission decision about the treatment of the Motorola RAZR handsets.¹⁷⁵

¹⁶⁷ Cellular 29/Lyrix Petition at 1.

¹⁶⁸ *Id.*

¹⁶⁹ *Id.* at 2.

¹⁷⁰ *Id.*

¹⁷¹ Cellular 29/Lyrix Report at 1. The list of handsets for sale included the Motorola RAZR V3c and the Motorola 343. *Id.* The listing of the Motorola 343 reflects a typographical error that was corrected by a subsequent amendment listing the handset correctly as the Motorola V323i. *See* Cellular 29/Lyrix Amendment.

¹⁷² Cellular 29/Lyrix June 1, 2007 Letter at 4.

¹⁷³ *Id.*

¹⁷⁴ Cellular 29/Lyrix June 12, 2007 Letter at 2.

¹⁷⁵ *Id.* at 2. "If the Commission decides that V3m and V3c are one and the same, Cellular 29 and Lyrix came into compliance with Section 20.19(d)(2) of the Commission's Rules on October 1, 2006 when they began to sell the Motorola V323i handset. If the Commission determines that the V3c and V3m are separate handsets, then Cellular 29 and Lyrix came into compliance on August 31, 2006, and a waiver is no longer necessary." *Id.* at 2 n.2. We note that if Cellular 29 and Lyrix were dependent on the Motorola V323i to achieve compliance, their compliance date would be October 13, 2006, when the V323i obtained certification, not October 1, 2006, when they began to offer it. *See* 47 C.F.R. § 20.19(b)(3) (handset must have completed testing and certification to be considered compatible).

52. Discussion. We find that the two RAZR models qualify as individual handset models for hearing aid compatibility compliance purposes.¹⁷⁶ Thus, we find that Cellular 29 and Lyrix met the requirements of Section 20.19(d)(2) on August 31, 2006. Therefore, we dismiss their petition for temporary and limited waivers as moot.

B. Waiver Requests from Tier II Carriers

1. Dobson Communications Corporation

53. Background. As described in its initial waiver request filed on September 18, 2006, Dobson offers digital cellular and PCS services to a population base of 12 million people in 16 states, ranging from Alaska to New York, utilizing the GSM air interface.¹⁷⁷ To provide seamless regional and nationwide services, Dobson stated, its network (and the networks of its roaming partners) relies on the offering of dual-band handsets that can operate in either the 850 MHz or 1.9 GHz bands.¹⁷⁸

54. Dobson requested a waiver of Section 20.19(d)(2) for the period of time from September 18, 2006, to October 27, 2006. In its initial request, Dobson sought an extension “for not more than three months” of the September 18, 2006 deadline to offer two handsets that meet the inductive coupling standard.¹⁷⁹ In that request, Dobson stated, *inter alia*, that “unanticipated manufacturer delays in the testing and delivery” of two dual-band handset models prevented it from meeting the deadline.¹⁸⁰ On October 31, 2006, Dobson filed a supplement, in which it represented that it was in compliance with the handset deployment requirement because it offered two models with inductive coupling ratings of T3 or higher.¹⁸¹ Specifically, Dobson stated that the Motorola RAZR V3i and LG C2000 handsets were being offered for sale, and available for in-store testing, as of October 17, 2006, and October 27, 2006, respectively.¹⁸²

55. Discussion. In the context of the record, we conclude that granting waiver relief to Dobson is warranted due to the limited availability of compliant dual-band GSM handsets from its vendors and the diligence demonstrated by Dobson to come into compliance in a relatively short time frame. Dobson and its vendors had little time prior to the compliance deadline in which to test, distribute, and offer dual-

¹⁷⁶ See 47 C.F.R. § 20.19(d)(2) (requiring providers to offer “two handset models” that meet inductive coupling compatibility standards). Nothing in the rule indicates that the models must be based on separate FCC ID numbers. See also Amendment of the Commission’s Rules Governing Hearing Aid-Compatible Handsets, WT Docket No. 07-250, *Second Report and Order and Notice of Proposed Rulemaking*, 22 FCC Rcd 19670, 19696 para. 68 (2007) (proposing to accept the manufacturer’s determination of whether a device is a distinct model consistent with the manufacturer’s marketing practices, so long as models that have no distinguishing variations of form, features, or user capabilities, or that only differentiate units sold to a particular carrier, are not separately counted as distinct models to customers).

¹⁷⁷ See Dobson Petition at 1 n.1.

¹⁷⁸ *Id.* Dobson explained that “[f]or this reason, Dobson only offers multi-band handsets to its customers.” *Id.*

¹⁷⁹ *Id.* at 2.

¹⁸⁰ *Id.*

¹⁸¹ See Dobson Notification at 1.

¹⁸² *Id.*

band certified handsets compatible with its GSM network. Moreover, Dobson has described in detail its diligent efforts to obtain compliant handsets by the earliest possible date. For example, with respect to the Motorola V3i, Dobson explained that it completed testing and ordering promptly after the handset received certification on August 31, 2006, but that Motorola still was unable to ship the handsets in time to meet the deadline.¹⁸³ Dobson also described its quick action to test and procure the LG C2000 after it learned in late August that a Nokia model would not be available until November.¹⁸⁴ We find that given the unique requirements of its network and the relatively short additional delay involved, Dobson acted reasonably in its efforts to obtain dual-band models. We further recognize that although Dobson had better access to handsets than Tier III carriers, its needs may have been a lower priority to manufacturers than the largest providers. In sum, the record demonstrates that Dobson acted in good faith and with diligence to comply with the hearing aid compatibility requirements within a brief period after the deadline. Thus, we view its delay as *de minimis* and find that it did not unduly deprive Dobson's subscribers of access to hearing aid-compatible handsets. Accordingly, we grant Dobson a waiver *nunc pro tunc* to extend the deadline by which it was required to come into compliance with Section 20.19(d)(2) until October 27, 2006.

2. Leap Wireless International, Inc.

56. Background. Leap operates a CDMA wireless network that serves a "unique customer base" of over 1.8 million customers in 21 states.¹⁸⁵ As described in its initial waiver request submitted on September 15, 2006, "a majority of Leap's customers have 'cut the cord' and . . . use Leap as their primary phone" with usage patterns different from those of other carriers.¹⁸⁶

57. Leap requested a waiver of Section 20.19(d)(2) for the period of time from September 18, 2006, to November 9, 2006. In its initial request, Leap sought a six-week extension of the September 18, 2006 deadline to offer handsets that meet the inductive coupling standard until October 31, 2006.¹⁸⁷ In that request, Leap stated that it offered one inductive coupling-compatible handset model,¹⁸⁸ but that

¹⁸³ See Dobson Petition at 3-4. Dobson noted that Motorola received inductive coupling certification for the model V3i handset on August 3, 2006, and that Dobson started testing samples that month for system compatibility. By the end of August, Dobson had ordered enough Motorola V3i handsets from its distributor that it expected would ensure availability at every company owned and operated retail outlet by September 18, 2006. Motorola informed Dobson in early September that it would be unable to ship the handsets in time to meet the September 18, 2006 deadline. Motorola subsequently advised Dobson that the handsets would be available at Dobson's distributor by September 26, 2006, and Dobson estimated that if that date was met, it would be able to test and distribute the handsets to the stores by October 17, 2006.

¹⁸⁴ *Id.* at 4-5. In August 2006, Dobson checked with Nokia about the suitability of its model 6126h. On August 29, 2006, Nokia informed Dobson that this model would not be made available to Dobson until November 2006. After learning the Nokia model would not be available in time, Dobson investigated the availability and acceptability of the LG model C2000. LG did not deliver handset samples for Dobson's internal testing until September 8, 2006. At Dobson's request, the distributor of these handsets reserved a supply sufficient to supply all the Dobson stores, but Dobson stated it did not expect to complete testing until September 22, 2006, and so would not be able to meet the Commission's requirements for availability to consumers until October 27, 2006.

¹⁸⁵ See Leap Petition at 2.

¹⁸⁶ *Id.* at 3.

¹⁸⁷ *Id.* at 1.

¹⁸⁸ *Id.* at 2.

“unanticipated negotiation issues” followed by “logistical issues relating to the distribution of the handsets” prevented it from meeting the deadline for a second compliant handset.¹⁸⁹ On October 31, 2006, Leap filed a supplement modifying its waiver request to seek an extension until November 30, 2006, due to device-approval delays beyond its control with the manufacturer of the second handset.¹⁹⁰ On November 30, 2006, Leap filed a further supplement to update its waiver request and limit its scope.¹⁹¹ Leap explained that it came into compliance with the two-handset deployment requirement sooner than anticipated in its original supplement, and thus limited its requested waiver of the handset deployment requirement to November 9, 2006.¹⁹²

58. Discussion. We grant Leap a waiver *nunc pro tunc*. Similar to the situation faced by Dobson,¹⁹³ Leap’s need for a waiver was limited in duration, and its request was predicated on its inability timely to obtain handsets due to difficulties completing arrangements with equipment manufacturers. In addition, like Dobson, as a Tier II carrier, Leap is likely to have less leverage with manufacturers than the largest service providers. While in general delays relating to characteristics of a preferred handset other than hearing aid compatibility do not excuse a carrier from exploring other compatible alternatives, under all the circumstances, including the relatively brief period of the delay and the time needed to consider new options, we find that Leap acted with appropriate diligence. Moreover, Leap’s non-compliance was limited to one inadequate handset, and Leap represents that it has been in full compliance with all hearing aid compatibility requirements since November 9, 2006.¹⁹⁴ For all these reasons, we grant Leap’s petition.

3. Centennial Communications Corp.

59. Background. Centennial, a cellular and PCS licensee, operates wireless networks in six states (“mainland market”), as well as Puerto Rico and the US Virgin Islands (“Caribbean market”).¹⁹⁵ As described in its initial waiver request filed on September 18, 2006, it utilizes a GSM air interface in its mainland market and a CDMA air interface in its Caribbean market.¹⁹⁶

60. Centennial requested a waiver of Section 20.19(d)(2) for nine months after the September 18, 2006 deadline in order to offer two handsets that meet the inductive coupling standard.¹⁹⁷ In its initial

¹⁸⁹ *Id.* at 3-4.

¹⁹⁰ See Leap October 31, 2006 Report. Leap stated that these delays related to hardware and software approval and the cosmetic appearance of the handset. *Id.*

¹⁹¹ See Leap November 30, 2006 Report.

¹⁹² *Id.*

¹⁹³ See Section III.B.1, *supra*.

¹⁹⁴ Leap’s November 17, 2006 Report indicated it was then selling two compliant handsets.

¹⁹⁵ Centennial Petition at 1.

¹⁹⁶ *Id.*

¹⁹⁷ *Id.* At the time of its filing, Centennial stated it was offering one handset (the LG 2000) in its mainland market that had a T3 rating, but it stated that the phone was only available through its website and that it expected it to be available in stores by September 22, 2006. *Id.* at 2. A model offered only over the internet does not count toward satisfaction of hearing aid compatibility requirements. See 47 C.F.R. § 20.19(d)(2) (compatible models must be available “in each retail store owned or operated by the provider...for consumers to test.”).

request, Centennial stated that GSM and CDMA T3-rated compliant handsets were not widely available in sufficient quantity to permit Tier II service providers like Centennial to obtain them by the September 18, 2006 deadline.¹⁹⁸ It further claimed that it normally takes it four to five months to test a sample handset and then to make the handset available in all its stores. It stated that it sought a “relatively short extension” to June 18, 2007, but that it hoped to meet the two-handset requirement before that time.¹⁹⁹ On June 1, 2007, Centennial submitted a letter at the request of Commission staff in which it stated that it offered two handsets with a T3 rating in its Caribbean market as of January 3, 2007, but confirmed that it was not yet in compliance with the two-handset deployment requirement for its mainland market, and estimated that its date of compliance would be June 18, 2007.²⁰⁰ Centennial provided a recent status report that indicated it was in overall compliance with Section 20.19(d)(2).²⁰¹

61. Discussion. We conclude that Centennial has failed to demonstrate unique or unusual circumstances, or the existence of any other factor, warranting grant of the requested waiver pursuant to the Section 1.925(b)(3) standard. Centennial based its request on arguments that its lack of compliance is due to factors such as general equipment unavailability and other industry-wide burdens Tier II carriers apparently face. These are arguments and circumstances that affected all carriers seeking to comply with the Commission’s handset rules, and they do not provide an adequate basis on which to afford Centennial special relief.²⁰² In contrast to the Tier II carriers discussed above,²⁰³ Centennial provided little in the way of facts or circumstances particular to its situation that may be unique or unusual and thereby would justify a waiver of our rules. Further, as discussed in our denial of waivers to Tier III carriers who were not in compliance as of January 1, 2007,²⁰⁴ we disagree that Centennial’s extension request is for a short duration. The record in this case, as well as Centennial’s apparent ongoing lack of compliance, does not evidence diligence to comply with our hearing aid compatibility requirements. Thus, we find that Centennial has not made the requisite showing to justify a waiver of the Commission’s rules, and moreover, the public interest would not be served were the Commission to excuse a violation for over nine months. We therefore deny the Centennial Petition and refer Centennial’s apparent violation of the hearing aid compatibility requirements to the Commission’s Enforcement Bureau.

¹⁹⁸ Centennial Petition at 2. Centennial noted that, according to the FCC’s equipment authorization database, there were only six GSM handsets with a T3 designation as of September 18, 2006, and all these handsets were approved within two months prior to the deadline. In some cases, it stated that certification was granted less than two weeks prior to the September 18, 2006 deadline. Centennial also stated that compliant phones for its CDMA network in its Caribbean market were even more difficult to obtain than GSM phones. *See id.* at 4.

¹⁹⁹ *Id.* at 2.

²⁰⁰ Centennial Supplement at 2. Centennial repeated that it offered one compliant handset (the LG 2000) on September 18, 2006, *see id.*, but it did not clarify whether that handset was only available on its website, or whether (and when) it became available in stores.

²⁰¹ Centennial November 19, 2007 Report at 3.

²⁰² *See supra* note 179. Centennial also cited the simultaneous compliance deadline for manufacturers and carriers as a basis for its request for relief; however, this general circumstance affected all carriers, and Centennial provided no reason why it should be treated any differently than other carriers who were held to, and complied with, the September 18, 2006 deadline.

²⁰³ *See* Section III.B.1-2, *supra*.

²⁰⁴ *See* Section III.A.1.d, *supra*.

4. SunCom

62. Background. SunCom is a Tier II regional commercial mobile radio service carrier that operates a network using the GSM air interface to provide service in most of North and South Carolina, with some coverage in the bordering states of Virginia, Tennessee and Georgia (“mainland”). In addition, SunCom provides service in Puerto Rico and the U.S. Virgin Islands.

63. SunCom filed a petition for waiver of Section 20.19(d)(2) on September 15, 2006, requesting an extension of the inductive coupling-compliant handset requirement until January 18, 2007. Like other waiver applicants, SunCom cited the inability of suppliers to ship inductive coupling-compliant handsets to smaller carriers as grounds for a waiver. On January 12, 2007, SunCom filed an amended waiver petition seeking to extend its compliance deadline to April 1, 2007, because Nokia had postponed the shipping date for the T3-rated model 6126h, and because the Sony Ericsson (S/E) W710 units that it had in stock, which it understood from the manufacturer to be inductive coupling-compliant, were not properly labeled.²⁰⁵ SunCom represented to the Commission that it was “working to obtain appropriate package labeling for the [S/E W710] units” in its inventory, and was using “its best efforts to obtain a second compliant handset as soon as possible.”²⁰⁶ Finally, SunCom also reported plans to acquire a third inductive coupling-compliant handset, the Motorola V3i.²⁰⁷

64. On March 30, 2007, SunCom cited additional difficulties reaching compliance and requested a further extension until May 15, 2007.²⁰⁸ During the last week of March, 2007, three months after receiving model W710 handsets from S/E, SunCom repeated its request to S/E for appropriate package labels. S/E responded that the W710s shipped in December were not compliant and that SunCom would not receive compliant versions of this handset until April.²⁰⁹ SunCom reported the availability to consumers of the inductive coupling-compliant Nokia 6126h in its mainland stores, and the inductive coupling-compliant Motorola V3i in its Puerto Rico stores.²¹⁰ Although SunCom offered the 6126h handset only in its mainland stores, its replacement, the Nokia 6085, would be available in all stores by April.²¹¹ Thus, SunCom expected to achieve compliance in its mainland and Puerto Rico stores in April 2007.

²⁰⁵ SunCom asserted that S/E informed it in November that a compliant version of the W710 would not be available until the end of January 2007, but later informed SunCom that the W710 handsets shipped in December were inductive coupling-compliant. Nokia’s November projected ship date for the 6126h, originally mid-January 2007, was amended to first quarter 2007. *See* SunCom January 12, 2007 Amendment at 2.

²⁰⁶ *See* SunCom January 12, 2007 Amendment at 2-3.

²⁰⁷ *See* SunCom January 12, 2007 Amendment at 2. The pleading actually referenced the Motorola V3, but SunCom later clarified that it meant the V3i. *See* SunCom March 30, 2007 Amendment at 2.

²⁰⁸ *See generally* SunCom March 30, 2007 Amendment.

²⁰⁹ *See* SunCom March 30, 2007 Amendment at 2 (stating that only S/E handsets shipped after March 22, 2007, were compliant because “a change in handset firmware needed to make the W710s T3-compliant was not even “industrialized” in their manufacturing facilities until March 22”). *See also* Letter from Lee Hill, General Counsel, Sony Ericsson Mobile Communications (USA) Inc. to Marlene Dortch, Secretary, Federal Communications Commission, July 11, 2007.

²¹⁰ *See* SunCom March 30, 2007 Amendment at 2-3. Although SunCom provides service in Puerto Rico and the U.S. Virgin Islands, all filings subsequent to the initial waiver petition refer only to Puerto Rico.

²¹¹ *See* SunCom March 30, 2007 Amendment at 2 n.4.

65. In response to a May 24, 2007 inquiry from Commission staff, SunCom filed a June 1, 2007 letter reporting that as of May 10, 2007, it offered the T3-rated S/E W710 and Nokia 6085 handsets in its mainland stores, and the Motorola V3i by website only.²¹² However, the Puerto Rico stores, which received the Motorola V3i on September 20, 2006, had not received a second compliant handset.²¹³ SunCom explained that several months after it placed an order for model 6085 handsets for Puerto Rico, Nokia notified SunCom, on April 26, 2007, that Nokia required software changes to make SunCom's custom wake-up banner animations for the Puerto Rico market compatible with the model 6085.²¹⁴ SunCom immediately provided the requested software and obtained a June 6, 2007 projected ship date from Nokia which, allowing for distribution time, indicated a late June compliance date.²¹⁵ To expedite compliance, SunCom arranged to ship some of its mainland Nokia 6085 handsets to Puerto Rico for distribution by June 6, 2007.²¹⁶

66. On June 11, 2007, SunCom confirmed completion of its distribution of mainland Nokia 6085s to all Puerto Rico stores, but also reported that the Motorola V3i handsets offered in Puerto Rico stores that it thought were inductive coupling-compliant, were not.²¹⁷ SunCom responded to this discovery by immediately shipping S/E W710 handsets from its mainland inventory and requested a waiver for the time for which it mistakenly believed that the V3i handsets were inductive coupling-compliant.²¹⁸ Distribution of the S/E W710 handsets in the Puerto Rico market was completed on June 8, 2007.

67. Discussion. We conclude that SunCom has failed to demonstrate unique or unusual circumstances, or the existence of any other factor, warranting grant of the requested waiver pursuant to the Section 1.925(b)(3) standard. Despite its documented efforts to obtain compliant handsets, SunCom encountered a series of setbacks that ultimately delayed compliance until June 2007. Nevertheless, SunCom has not provided sufficient information to justify a waiver for the substantial time period

²¹² See SunCom June 1, 2007 Notification at 1. A model offered only over the internet does not count toward satisfaction of hearing aid compatibility requirements. See 47 C.F.R. § 20.19(d)(2) (compatible models must be available "in each retail store owned or operated by the provider...for consumers to test").

²¹³ SunCom June 1, 2007 Notification at 2.

²¹⁴ See *id.* at 2. SunCom's Puerto Rico wake-up banner (the graphics appearing when the handset is turned on) is different from the mainland wake-up banner due to different branding; the Puerto Rico wake-up banner was not compatible with the Nokia 6085's screen proportions, necessitating a differently formatted version of the wake-up banner animation. See *id.*

²¹⁵ *Id.* at 2.

²¹⁶ See *id.* at 2 (stating that despite user interface differences between the mainland and Puerto Rico handsets, the mainland handsets will function properly in Puerto Rico from a technical standpoint).

²¹⁷ On June 4, 2007, following an inquiry by an FCC staff member, SunCom contacted Motorola and learned that the manufacturer had sold different versions of the model V3i under two different FCC ID numbers, the M3-rated version under FCC ID: IHD T56EU1, and the M3T3-rated version under FCC ID: IHD T56GW1. SunCom's Puerto Rico stores carried only the M3 version of the V3i handset. See *generally*, SunCom June 11, 2007 Notification.

²¹⁸ *Id.*

requested.²¹⁹ In particular, SunCom has not asserted that the Motorola V3i had the required labeling for inductive coupling compliance. The absence of such labeling should have served as an indication that these handsets were not compliant. SunCom also has not explained why it did not sell the Nokia 6126h handset in its Puerto Rico stores when it became available for its mainland stores. In general, SunCom has not provided evidence that it exhibited the same level of diligence in the Puerto Rico market as in the mainland market. In addition, SunCom has not demonstrated that it was sufficiently proactive in pursuing its concerns about the S/E W710 after it discovered that the handsets were not labeled to reflect their inductive coupling compatibility. Accordingly, we deny SunCom's petitions and refer SunCom's apparent violation of the hearing aid compatibility requirements to the Commission's Enforcement Bureau.

5. Rural Cellular Corporation

68. Background. RCC, a group of four carriers that operate both GSM and CDMA systems, filed a waiver petition on July 9, 2007, seeking waivers until May 7, 2007, to offer a second compliant handset over its GSM systems.²²⁰ Although RCC did not explain why it filed its petition so belatedly, it described its efforts prior to the deadline to identify and test all inductive coupling-compliant GSM handset models available from its vendors. RCC reported that other than the Motorola V3i, which it obtained and offered to its subscribers by the September 18, 2006 deadline, no available handsets from its vendors passed RCC's system compatibility test. RCC had expected to offer the Nokia 6061i as its second compatible handset, but was unable to achieve the necessary performance on its network. The RCC petitioners subsequently came into compliance on May 7, 2007.

69. Discussion. Although RCC did make one inductive coupling-compatible handset available for use by its deaf and hard of hearing customers on its GSM systems by September 18, 2006, it has not provided a compelling explanation for its failure to provide a second compliant GSM handset in a timely manner. While RCC detailed its unsuccessful efforts to offer the compliant Nokia 6061i as its second compatible handset, it did not adequately explain why it could not offer another compatible handset until May 7, 2007. Many other carriers, including carriers substantially smaller than RCC, successfully obtained compliant GSM handsets within a few months of our compliance deadline. Accordingly, we deny RCC's Petition and refer RCC's apparent violation of the hearing aid compatibility requirements to the Commission's Enforcement Bureau.

C. Waiver Request from MVNO Virgin Mobile

70. Background. Virgin Mobile USA, LLC (Virgin Mobile) filed a Petition for Limited Waiver that was posted in the Commission's electronic comment filing system (ECFS) on November 7, 2006. Virgin Mobile explained that it was offering one handset that had been approved for inductive coupling compatibility, but had been unable to identify a second handset. Virgin Mobile, an MVNO and prepaid wireless service provider, noted that it primarily offers low-priced handsets to its customers and that handset manufacturers have generally incorporated hearing aid compatibility functions into higher-priced handsets. Therefore, it requested an additional 10 months, to July 18, 2007, to achieve compliance. On June 7, 2007, Virgin Mobile reported that it offered a second handset approved for inductive coupling

²¹⁹ Although Leap encountered similar difficulties in obtaining handsets from its suppliers, the handsets that Leap sought were in fact compliant. In addition, Leap achieved compliance with its hearing aid compatibility obligations much sooner. See Section III.B.2, *supra*.

²²⁰ RCC Petition at 2. RCC noted that its licensees complied with the inductive coupling compatibility requirements for their CDMA systems as of the September 18, 2006 compliance deadline.

compatibility as of April 19, 2007.²²¹

71. Virgin Mobile explained that it needs to focus on lower priced handsets for several reasons. First, many of its subscribers have incomes of less than \$35,000 per year.²²² Second, as a prepaid-only service provider, it is unable to provide handset subsidies to subscribers.²²³ Third, it noted that of the seven handsets it offered at the time it filed the waiver petition, only one had a retail price over \$100.²²⁴ Virgin Mobile argued that to offer an expensive handset approved for inductive coupling compatibility would be a “waste of resources” because few of its customers could afford such a handset.²²⁵

72. Discussion. Although Virgin Mobile did make one inductive coupling-compatible handset available for use by its deaf and hard of hearing customers by the time it filed its waiver request on November 7, 2006, it has not provided a compelling rationale for its inability to provide a second compliant handset in a timely manner. We reject Virgin Mobile’s argument that it should be excused from the inductive coupling compatibility requirement because the only handsets available at the time were too expensive for its customer base. While it is reasonable for Virgin Mobile to select the compatible handsets that are most likely to appeal to its customers from among the available options, in the absence of such alternatives it must nonetheless make compatible models available. The importance of providing the deaf and hard of hearing community with hearing aid-compatible handset options far outweighs Virgin Mobile’s preference not to provide an expensive handset. Moreover, despite the shortage of inductive coupling-compliant handsets until shortly before the September 18, 2006 deadline, the evidence indicates many such handsets became available in the ensuing months. Virgin Mobile fails to demonstrate that even under its own criteria for selecting a compliant handset, it could not come into compliance earlier than it did. Accordingly, we deny Virgin Mobile’s Petition and refer Virgin Mobile’s apparent violation of the hearing aid compatibility requirements to the Commission’s Enforcement Bureau.

D. Waiver Request from Handset Manufacturer Kyocera

73. Background. Kyocera, a handset manufacturer, requested a waiver of the requirement that it offer two handsets that meet a U3T/T3 rating by September 18, 2006. Kyocera indicated in its waiver petition that it submitted two handsets for certification, one on August 10, 2006, and the other on September 13, 2006, and was then awaiting approval. It requested a limited waiver until the date it receives certification for its handsets.²²⁶ Kyocera’s November 2006 Compliance Status Report indicated that it complied with the requirement to offer at least two handsets that have been approved for inductive coupling compatibility as of September 21, 2006, and this is confirmed by the Commission’s equipment

²²¹ Letter from Peter Lurie, General Counsel, Virgin Mobile USA, LLC, to Aaron Goldschmidt, Assistant Division Chief, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau, June 7, 2007, at 1.

²²² Virgin Mobile Petition at 3.

²²³ *Id.* at 6.

²²⁴ *Id.*

²²⁵ *Id.* at 7.

²²⁶ Kyocera Request at 1.

authorization records.²²⁷

74. In its waiver petition, Kyocera indicated only that “after experiencing some initial delays during the testing phase, the K325, the second handset, was submitted to the ATCB²²⁸ for certification on September 13, 2006.”²²⁹ As part of its justification for a waiver, Kyocera stated it “has already done all it can to bring to market the types of handsets that the Commission envisioned in the timeframe that the Commission set forth.”²³⁰ Kyocera also cited to its past record in bringing hearing aid-compatible handsets to the market as quickly as possible.²³¹

75. Discussion. We grant handset manufacturer Kyocera’s request for relief because the underlying purpose of the rule would not be served by application to the instant case, and grant of the requested waiver would be in the public interest.²³² The policy objective in this instance is to provide the deaf and hard of hearing community with access to wireless handsets that can be used with inductive coupling. In this context, Kyocera’s three-day delay in meeting the deadline is *de minimis*. Because it typically takes weeks or even months for wireless service providers to introduce newly available handsets onto their networks, even if Kyocera met its hearing aid compatibility obligations on September 18, 2006, wireless carriers would not have been able to meet their obligations in a timely manner using Kyocera handsets. Thus, the fact that Kyocera missed the deadline by three days did not undermine the policy objective of the rule in question. In this context, and in light of the delays that Kyocera encountered during the testing process and its past record of bringing compatible handsets to market quickly, we conclude that it is not in the public interest to enforce the deadline strictly. Accordingly, we grant Kyocera’s waiver petition *nunc pro tunc* to extend the deadline by which it was required to come into compliance until September 21, 2006.

IV. CONCLUSION

76. In this *Memorandum Opinion and Order*, we grant, *nunc pro tunc*, twenty-five petitions; grant in part, *nunc pro tunc*, and deny in part, two petitions; deny sixteen petitions; and dismiss three petitions as unnecessary. We conclude that the temporary limited waivers that we grant, viewed in broader context, do not result in a significant delay in achieving the Commission’s goal of ensuring that all Americans with hearing disabilities have full access to, and helpful technical information about, the benefits of wireless telephony. Our commitment to this important goal remains undiminished, and we reiterate that we will continue to closely monitor the ongoing deployment and marketing of hearing aid-compatible digital wireless handsets. With respect to those waivers that we deny in full or in part today, the measures undertaken by these petitioners fall short of the Commission’s criteria for waiver of the hearing aid compatibility requirements. Accordingly, we find that these petitioners’ failure to meet these

²²⁷ Kyocera Report.

²²⁸ ATCB refers to the American Telecommunications Certification Body.

²²⁹ Kyocera Request at 2-3.

²³⁰ *Id.* at 3.

²³¹ *Id.*

²³² See Gateway Telecom LLL d/b/a StratusWave Communications, Applications For New Educational Broadband Service Stations on the A and B Group Channels in Centerville, Ohio; and A and B Group Channels in Arden, West Virginia, 22 FCC Rcd 15789, 15794 para. 10 (2007).

important requirements should be addressed through the enforcement process. Further, we expect those petitioners not yet in compliance to come into compliance as soon as possible.

V. ORDERING CLAUSES

77. Accordingly, IT IS ORDERED, pursuant to Sections 1 and 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), and Sections 1.3 and 1.925 of the Commission's rules, 47 C.F.R. §§ 1.3, 1.925, that this *Memorandum Opinion and Order* IS ADOPTED.

78. IT IS FURTHER ORDERED, pursuant to Sections 1 and 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), and Sections 1.3 and 1.925 of the Commission's rules, 47 C.F.R. §§ 1.3, 1.925, that the Petition for Temporary and Limited Waiver of Section 20.19(d)(2) of the Commission's Rules, filed September 18, 2006, by Advantage Cellular Systems, Inc., as supplemented June 1, 2007, and amended September 20, 2007, IS GRANTED.

79. IT IS FURTHER ORDERED, pursuant to Sections 1 and 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), and Sections 1.3 and 1.925 of the Commission's rules, 47 C.F.R. §§ 1.3, 1.925, that the Petition for Temporary Waiver, filed September 20, 2006, by Airadigm Communications, Inc., as supplemented May 29, 2007, and June 13, 2007, IS DENIED.

80. IT IS FURTHER ORDERED, pursuant to Sections 1 and 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), and Sections 1.3 and 1.925 of the Commission's rules, 47 C.F.R. §§ 1.3, 1.925, that the Report and Request for Waiver of 47 C.F.R. §20.19(d)(2), filed September 18, 2006, by Blanca Telephone Company, as supplemented March 29, 2007, and June 21, 2007, IS DENIED.

81. IT IS FURTHER ORDERED, pursuant to Sections 1 and 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), and Sections 1.3 and 1.925 of the Commission's rules, 47 C.F.R. §§ 1.3, 1.925, that the Petition for Temporary and Limited Waiver of Section 20.19(d)(2) of the Commission's rules, filed September 18, 2006, by Brown County MSA, LP, Wisconsin RSA #4, LP, Wisconsin RSA #10, LP, Wausau Cellular Telephone Company, LP, and Nsighttel Wireless, LLC dba Cellcom, as amended November 16, 2006, IS GRANTED.

82. IT IS FURTHER ORDERED, pursuant to Sections 1 and 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), and Sections 1.3 and 1.925 of the Commission's rules, 47 C.F.R. §§ 1.3, 1.925, that the Petition for Temporary and Limited Waiver of Section 20.19(d)(2) of the Commission's rules, filed September 18, 2006, by Buffalo-Lake Erie Wireless Systems Co., LLC, as amended January 19, 2007, IS GRANTED.

83. IT IS FURTHER ORDERED, pursuant to Sections 1 and 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), and Sections 1.3 and 1.925 of the Commission's rules, 47 C.F.R. §§ 1.3, 1.925, that the Petition for Waiver of Section 20.19(d)(2) of the Commission's rules, filed September 18, 2006, by Centennial Communications Corp., as supplemented June 1, 2007, IS DENIED.

84. IT IS FURTHER ORDERED, pursuant to Sections 1 and 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), and Sections 1.3 and 1.925 of the Commission's rules, 47 C.F.R. §§ 1.3, 1.925, that the Report and Request for Waiver of 47 C.F.R. §20.19(d)(2), filed September 18, 2006, by CTC Telecom, Inc., as supplemented April 2, 2007, and June 7, 2007, IS DENIED.

85. IT IS FURTHER ORDERED, pursuant to Sections 1 and 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), and Sections 1.3 and 1.925 of the Commission's rules, 47 C.F.R. §§ 1.3, 1.925, that the Petition for Temporary and Limited Waiver of Section 20.19(d)(2) of the

Commission's Rules, filed September 27, 2007, by CT Cube, L.P. dba West Central Wireless, as supplemented December 17, 2007, IS GRANTED.

86. IT IS FURTHER ORDERED, pursuant to Sections 1 and 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), and Sections 1.3 and 1.925 of the Commission's rules, 47 C.F.R. §§ 1.3, 1.925, that the Petition for Waiver and Extension of 47 C.F.R. §20.19(d)(2), filed September 18, 2006, by Dobson Communications Corporation, as supplemented November 1, 2006, IS GRANTED.

87. IT IS FURTHER ORDERED, pursuant to Sections 1 and 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), and Sections 1.3 and 1.925 of the Commission's rules, 47 C.F.R. §§ 1.3, 1.925, that the Report and Request for Waiver of 47 C.F.R. §20.19(d)(2), filed September 18, 2006, by Farmers Cellular Telephone Company, as supplemented February 16, 2007, March 27, 2007, and June 12, 2007, IS DENIED.

88. IT IS FURTHER ORDERED, pursuant to Sections 1 and 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), and Sections 1.3 and 1.925 of the Commission's rules, 47 C.F.R. §§ 1.3, 1.925, that the Report and Request for Waiver of 47 C.F.R. §20.19(d)(2), filed September 18, 2006, by Farmers Mutual Telephone Company, IS DISMISSED.

89. IT IS FURTHER ORDERED, pursuant to Sections 1 and 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), and Sections 1.3 and 1.925 of the Commission's rules, 47 C.F.R. §§ 1.3, 1.925, that the Report and Request for Waiver of 47 C.F.R. §20.19(d)(2), filed September 13, 2006, by Farmers Mutual Telephone Company dba FMTC Mobile Services, as supplemented March 27, 2007, and June 13, 2007, IS GRANTED.

90. IT IS FURTHER ORDERED, pursuant to Sections 1 and 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), and Sections 1.3 and 1.925 of the Commission's rules, 47 C.F.R. §§ 1.3, 1.925, that the Petition for Limited Waiver of Section 20.19(d)(2) of the Commission's Rules, filed September 18, 2006, by Inland Cellular Telephone Company, as amended December 29, 2006, IS GRANTED.

91. IT IS FURTHER ORDERED, pursuant to Sections 1 and 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), and Sections 1.3 and 1.925 of the Commission's rules, 47 C.F.R. §§ 1.3, 1.925, that the Petition for Temporary and Limited Waiver of Section 20.19(d)(2) of the Commission's rules, filed September 18, 2006, by Iowa 15 Wireless LLC dba Cellular One and Long Lines Wireless, LLC, as supplemented June 1, 2007, and June 27, 2007, IS GRANTED IN PART and DENIED IN PART, to the extent described above.

92. IT IS FURTHER ORDERED, pursuant to Sections 1 and 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), and Sections 1.3 and 1.925 of the Commission's rules, 47 C.F.R. §§ 1.3, 1.925, that the Petition for Waiver of Section 20.19(d)(2) of the Commission's Rules, filed September 18, 2006, by Iowa Wireless Services, LLC dba i wireless and related licensees, as supplemented June 28, 2007, IS DENIED.

93. IT IS FURTHER ORDERED, pursuant to Sections 1 and 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), and Sections 1.3 and 1.925 of the Commission's rules, 47 C.F.R. §§ 1.3, 1.925, that the Petition for Temporary Waiver or Temporary Stay, filed September 13, 2006, by IT&E Overseas, Inc., as supplemented June 1, 2007, and amended December 19, 2007, IS GRANTED IN PART and DENIED IN PART, to the extent described above.

94. IT IS FURTHER ORDERED, pursuant to Sections 1 and 4(i) of the Communications Act of

1934, as amended, 47 U.S.C. §§ 151, 154(i), and Sections 1.3 and 1.925 of the Commission's rules, 47 C.F.R. §§ 1.3, 1.925, that the Request for Waiver of Section 20.19(d)(1) of the Commission's Rules, filed September 15, 2006, by Kyocera Wireless Corporation, IS GRANTED.

95. IT IS FURTHER ORDERED, pursuant to Sections 1 and 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), and Sections 1.3 and 1.925 of the Commission's rules, 47 C.F.R. §§ 1.3, 1.925, that the Petition for Temporary and Limited Waiver of Section 20.19(d)(2) of the Commission's Rules, filed September 26, 2007, by Lamar County Cellular, Inc., as supplemented December 17, 2007, IS GRANTED.

96. IT IS FURTHER ORDERED, pursuant to Sections 1 and 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), and Sections 1.3 and 1.925 of the Commission's rules, 47 C.F.R. §§ 1.3, 1.925, that the Request for Limited Waiver and Brief Extension of Leap Wireless International, Inc., filed September 15, 2006, as supplemented October 31, 2006, November 30, 2006, and June 7, 2007, IS GRANTED.

97. IT IS FURTHER ORDERED, pursuant to Sections 1 and 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), and Sections 1.3 and 1.925 of the Commission's rules, 47 C.F.R. §§ 1.3, 1.925, that the Petition for Limited Waiver of Section 20.19(d)(2) of the Commission's Rules, filed September 18, 2006, by Litchfield County Cellular, Inc. dba Ramcell of Oregon as amended December 29, 2006, IS DENIED.

98. IT IS FURTHER ORDERED, pursuant to Sections 1 and 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), and Sections 1.3 and 1.925 of the Commission's rules, 47 C.F.R. §§ 1.3, 1.925, that the Petition for Temporary and Limited Waiver of Section 20.19(d)(2) of the Commission's Rules, filed September 15, 2006, by Mid-Tex Cellular, Ltd., as supplemented February 22, 2007, June 1, 2007, June 12, 2007, and October 24, 2007, and amended October 1, 2007, and October 17, 2007, IS GRANTED.

99. IT IS FURTHER ORDERED, pursuant to Sections 1 and 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), and Sections 1.3 and 1.925 of the Commission's rules, 47 C.F.R. §§ 1.3, 1.925, that the Petition for Temporary Waiver, filed September 20, 2006, by MTPCS, LLC dba Chinook Wireless, as supplemented May 29, 2007, IS GRANTED.

100. IT IS FURTHER ORDERED, pursuant to Sections 1 and 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), and Sections 1.3 and 1.925 of the Commission's rules, 47 C.F.R. §§ 1.3, 1.925, that the Report and Request for Waiver of 47 C.F.R. §20.19(d)(2), filed September 18, 2006 by Nemont Communications, Inc., Sagebrush Cellular, Inc., and Triangle Communication System, Inc., as supplemented March 27, 2007, and June 12, 2007, IS GRANTED.

101. IT IS FURTHER ORDERED, pursuant to Sections 1 and 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), and Sections 1.3 and 1.925 of the Commission's rules, 47 C.F.R. §§ 1.3, 1.925, that the Petition for Limited Waiver of Section 20.19(d)(2) of the Commission's Rules, filed September 18, 2006, by North Carolina RSA 1 Partnership, as amended December 29, 2006, IS GRANTED.

102. IT IS FURTHER ORDERED, pursuant to Sections 1 and 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), and Sections 1.3 and 1.925 of the Commission's rules, 47 C.F.R. §§ 1.3, 1.925, that the Petition for Temporary Waiver or Temporary Stay, filed September 15, 2006, by North Dakota Network Co., as supplemented May 31, 2007, IS DENIED.

103. IT IS FURTHER ORDERED, pursuant to Sections 1 and 4(i) of the Communications Act

of 1934, as amended, 47 U.S.C. §§ 151, 154(i), and Sections 1.3 and 1.925 of the Commission's rules, 47 C.F.R. §§ 1.3, 1.925, that the Petition for Temporary and Limited Waiver of Section 20.19(d)(2) of the Commission's Rules, filed September 14, 2006, by Northwest Missouri Cellular Limited Partnership, as supplemented June 1, 2007, and June 12, 2007, IS GRANTED.

104. IT IS FURTHER ORDERED, pursuant to Sections 1 and 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), and Sections 1.3 and 1.925 of the Commission's rules, 47 C.F.R. §§ 1.3, 1.925, that the Petition for Temporary and Limited Waiver of Section 20.19(d)(2) of the Commission's Rules, filed September 14, 2006, by NTCH, Inc. and IAT Communications, Inc. and its operating subsidiaries NTCH-CA, Inc., NTCH-IDAHO, Inc., and NTCH-WEST TENN, Inc., as supplemented June 1, 2007, IS GRANTED.

105. IT IS FURTHER ORDERED, pursuant to Sections 1 and 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), and Sections 1.3 and 1.925 of the Commission's rules, 47 C.F.R. §§ 1.3, 1.925, that the Petition for Temporary and Limited Waiver of Section 20.19(d)(2) of the Commission's Rules, filed September 14, 2006, by Panhandle Telecommunication Systems, Inc., as supplemented June 1, 2007, IS DENIED.

106. IT IS FURTHER ORDERED, pursuant to Sections 1 and 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), and Sections 1.3 and 1.925 of the Commission's rules, 47 C.F.R. §§ 1.3, 1.925, that the Petition for Temporary and Limited Waiver of Section 20.19(d)(2) of the Commission's Rules, filed September 15, 2006, by Plateau Telecommunications, Inc., Texas RSA 3 Limited Partnership, New Mexico RSA 4 East Limited Partnership, and E.N.M.R. Telephone Cooperative, as supplemented November 15, 2006, and amended June 1, 2007, IS GRANTED.

107. IT IS FURTHER ORDERED, pursuant to Sections 1 and 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), and Sections 1.3 and 1.925 of the Commission's rules, 47 C.F.R. §§ 1.3, 1.925, that the Petition for Limited Waiver of Section 20.19(d)(2) of the Commission's Rules, filed September 18, 2006, by Punxsutawney Communications, LLC dba Pocket Communications, as amended December 29, 2006 and March 1, 2007, IS GRANTED.

108. IT IS FURTHER ORDERED, pursuant to Sections 1 and 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), and Sections 1.3 and 1.925 of the Commission's rules, 47 C.F.R. §§ 1.3, 1.925, that the Petition for Temporary Waiver, filed July 9, 2007, by RCC Atlantic Licenses, LLC, RCC Minnesota, Inc., Wireless Alliance, LLC, and TLA Spectrum, LLC, subsidiaries of Rural Cellular Corporation, IS DENIED.

109. IT IS FURTHER ORDERED, pursuant to Sections 1 and 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), and Sections 1.3 and 1.925 of the Commission's rules, 47 C.F.R. §§ 1.3, 1.925, that the Petition for Temporary and Limited Waiver of Section 20.19(d)(2) of the Commission's rules, filed September 15, 2006, by RSA 1 Limited Partnership dba Cellular 29 Plus and Iowa RSA 2 Limited Partnership dba Lyrix, as amended May 10, 2007, June 1, 2007, and June 12, 2007, IS DISMISSED.

110. IT IS FURTHER ORDERED, pursuant to Sections 1 and 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), and Sections 1.3 and 1.925 of the Commission's rules, 47 C.F.R. §§ 1.3, 1.925, that the Petition for Temporary Waiver or Temporary Stay, filed September 14, 2006, by SLO Cellular, Inc. dba Cellular One of San Luis Obispo and Entertainment Unlimited, as modified November 17, 2006, and supplemented June 6, 2007, and June 12, 2007, IS DENIED.

111. IT IS FURTHER ORDERED, pursuant to Sections 1 and 4(i) of the Communications Act

of 1934, as amended, 47 U.S.C. §§ 151, 154(i), and Sections 1.3 and 1.925 of the Commission's rules, 47 C.F.R. §§ 1.3, 1.925, that the Petition for Temporary Waiver or Temporary Stay, filed November 17, 2006, by South Central Utah Telephone Association, Inc., as amended June 1, 2007 and June 5, 2007, IS GRANTED.

112. IT IS FURTHER ORDERED, pursuant to Sections 1 and 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), and Sections 1.3 and 1.925 of the Commission's rules, 47 C.F.R. §§ 1.3, 1.925, that the Petition for Temporary and Limited Waiver of Section 20.19(d)(2) of the Commission's rules, filed September 18, 2006, by South No. 5 RSA LP dba Brazos Cellular Communications, as supplemented June 1, 2007, IS GRANTED.

113. IT IS FURTHER ORDERED, pursuant to Sections 1 and 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), and Sections 1.3 and 1.925 of the Commission's rules, 47 C.F.R. §§ 1.3, 1.925, that the Petition for Temporary Waiver or Temporary Stay, filed September 18, 2006, by South Slope Cooperative Telephone Co., Inc., as supplemented May 31, 2007, IS DENIED.

114. IT IS FURTHER ORDERED, pursuant to Sections 1 and 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), and Sections 1.3 and 1.925 of the Commission's rules, 47 C.F.R. §§ 1.3, 1.925, that the Petition for Waiver of Section 20.19(d)(2) of the Commission's Rules, filed September 15, 2006, by SunCom Wireless, Inc., as amended January 12, 2007, March 30, 2007, June 1, 2007, and June 11, 2007, IS DENIED.

115. IT IS FURTHER ORDERED, pursuant to Sections 1 and 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), and Sections 1.3 and 1.925 of the Commission's rules, 47 C.F.R. §§ 1.3, 1.925, that the Petition for Temporary and Limited Waiver of Section 20.19(d)(2) of the Commission's Rules, filed September 14, 2006, by Texas RSA-1 Limited Partnership dba XIT Wireless, as supplemented June 1, 2007, IS GRANTED.

116. IT IS FURTHER ORDERED, pursuant to Sections 1 and 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), and Sections 1.3 and 1.925 of the Commission's rules, 47 C.F.R. §§ 1.3, 1.925, that the Petition for Temporary and Limited Waiver of Section 20.19(d)(2) of the Commission's Rules, filed September 26, 2007, by Texas RSA 7B3, L.P. dba Peoples Wireless, as supplemented December 17, 2007, IS GRANTED.

117. IT IS FURTHER ORDERED, pursuant to Sections 1 and 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), and Sections 1.3 and 1.925 of the Commission's rules, 47 C.F.R. §§ 1.3, 1.925, that the Petition for Temporary Waiver or Temporary Stay, filed June 18, 2007, by Texas RSA 15B2 Limited Partnership dba Five Star Wireless, IS GRANTED

118. IT IS FURTHER ORDERED, pursuant to Sections 1 and 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), and Sections 1.3 and 1.925 of the Commission's rules, 47 C.F.R. §§ 1.3, 1.925, that the Hearing Aid Compatibility Report and Request for Waiver of 47 C.F.R. §20.19(d)(2), filed October 30, 2006 by Thumb Cellular LLC, as supplemented March 27, 2007, June 1, 2007, and June 11, 2007, IS GRANTED.

119. IT IS FURTHER ORDERED, pursuant to Sections 1 and 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), and Sections 1.3 and 1.925 of the Commission's rules, 47 C.F.R. §§ 1.3, 1.925, that the Petition for Temporary and Limited Waiver of Section 20.19(d)(2) of the Commission's Rules, filed September 20, 2007, by TMP Corporation and TMP Jacksonville, LLC dba Simmetry Communications, as supplemented December 17, 2007, IS GRANTED.

120. IT IS FURTHER ORDERED, pursuant to Sections 1 and 4(i) of the Communications Act

of 1934, as amended, 47 U.S.C. §§ 151, 154(i), and Sections 1.3 and 1.925 of the Commission's rules, 47 C.F.R. §§ 1.3, 1.925, that the Petition for Temporary Waiver or Temporary Stay, filed September 18, 2006, by Uintah Basin Electronic Telecommunications dba UBET Wireless, as supplemented June 1, 2007, IS DENIED.

121. IT IS FURTHER ORDERED, pursuant to Sections 1 and 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), and Sections 1.3 and 1.925 of the Commission's rules, 47 C.F.R. §§ 1.3, 1.925, that the Petition for Temporary Waiver, filed June 14, 2007, by Union Telephone Company, IS DENIED.

122. IT IS FURTHER ORDERED, pursuant to Sections 1 and 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), and Sections 1.3 and 1.925 of the Commission's rules, 47 C.F.R. §§ 1.3, 1.925, that the Petition for Limited Waiver, filed November 7, 2006, by Virgin Mobile USA, LLC, as supplemented June 7, 2007, IS DENIED.

123. IT IS FURTHER ORDERED, pursuant to Sections 1 and 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), and Sections 1.3 and 1.925 of the Commission's rules, 47 C.F.R. §§ 1.3, 1.925, that the Report and Conditional Request for Waiver of 47 C.F.R. §20.19(d)(2), filed September 18, 2006, by Wilkes Cellular, Inc., as supplemented March 27, 2007, IS DISMISSED.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

APPENDIX A
List of Waiver Petitions and Other Filings

Advantage Cellular Systems, Inc. (Advantage)

- Advantage Cellular Systems, Inc., Petition for Temporary and Limited Waiver of Section 20.19(d)(2) of the Commission's Rules (filed September 18, 2006) (Advantage Petition)
- Advantage Cellular Systems, Inc., dba DTC Wireless, Hearing Aid Compatibility Report (filed November 17, 2006) (Advantage Report)
- Letter, dated June 1, 2007, from Michael R. Bennet, Counsel to Advantage et al, to Marlene Dortch, Secretary, Federal Communications Commission (Advantage Letter)
- Advantage Cellular Systems, Inc., Amendment to Petition for Temporary and Limited Waiver of Section 20.19(d)(2) of the Commission's Rules (filed September 20, 2007) (Advantage Amendment)

Airadigm Communications, Inc. (Airadigm)

- Airadigm Communications, Inc., Petition for Temporary Waiver of Section 20.19(d)(2) of the Rules (filed September 20, 2006) (Airadigm Petition)
- Airadigm Communications, Inc., Supplement to Petition for Temporary Waiver (filed May 29, 2007) (Airadigm May 29, 2007 Supplement)
- Airadigm Communications, Inc., Further Supplement to Petition for Temporary Waiver (filed June 13, 2007) (Airadigm June 13, 2007 Supplement)
- Airadigm Communications, Inc., Hearing Aid Compatible Telephones Report (filed November 17, 2007) (Airadigm November 17, 2007 Report)

Blanca Telephone Company (Blanca)

- Blanca Telephone Company, Report and Request for Waiver -- 47 C.F.R. § 20.19(d)(2) Hearing Aid Compatibility -- Inductive Coupling (filed September 18, 2006) (Blanca September 18, 2006 Report)
- Blanca Telephone Company, Report and Request for Waiver -- 47 C.F.R. § 20.19(d)(2) Hearing Aid Compatibility -- Inductive Coupling (filed March 29, 2007) (Blanca March 29, 2007 Report)
- Blanca Telephone Company, Supplemental Report -- Hearing Aid Compatibility -- Inductive Coupling (filed June 21, 2007) (Blanca June 21, 2007 Report)

Brown County MSA, LP et al., dba Cellcom (Cellcom)

- Brown County MSA, LP et al., dba Cellcom, Petition for Temporary and Limited Waiver of Section 20.19(d)(2) of the Commission's Rules (filed September 18, 2006) (Brown County Petition)
- Brown County MSA, LP et al., dba Cellcom, Hearing Aid Compatibility Report (filed November 16, 2006) (Brown County Report)

Buffalo-Lake Erie Wireless Systems Co., L.L.C. (BLEW)

- Buffalo-Lake Erie Wireless Systems Co., L.L.C, Petition for Temporary and Limited Waiver of Section 20.19(d)(2) of the Commission's Rules (filed September 18, 2006) (BLEW Petition)
- Buffalo-Lake Erie Wireless Systems Co., Semi-Annual Report (filed November 17, 2006) (BLEW Report)
- Buffalo-Lake Erie Wireless Systems Co., Amendment of Petition for Temporary and Limited Waiver (filed January 19, 2007) (BLEW Amendment)

Centennial Communications Corp. (Centennial)

- Centennial Communications Corp., Petition for Waiver of Section 20.19(d)(2) of the Commission's Rules (filed September 18, 2006) (Centennial Petition)
- Centennial Communications Corp., Hearing Aid Compatibility Compliance Report (filed November 17, 2006) (Centennial November 17, 2006 Report)
- Centennial Communications Corp., Supplement to Petition for Waiver (filed June 1, 2007) (Centennial Supplement)
- Centennial Communications Corp., Hearing Aid Compatibility Compliance Report (filed November 19, 2007) (Centennial November 19, 2007 Report)

CTC Telecom, Inc. (CTC)

- CTC Telecom Inc., Report and Request for Waiver -- 47 C.F.R. 20.19(d)(2) Hearing Aid Compatibility -- Inductive Coupling (filed September 18, 2006) (CTC September 18, 2006 Report)
- CTC Telecom Inc., Report and Withdrawal of Request for Waiver -- 47 C.F.R. 20.19(d)(2) Hearing Aid Compatibility -- Inductive Coupling (filed April 2, 2007) (CTC April 2, 2007 Report)
- CTC Telecom Inc., Report and Withdrawal of Request for Waiver -- 47 C.F.R. 20.19(d)(2) Hearing Aid Compatibility -- Inductive Coupling (filed June 7, 2007) (CTC June 7, 2007 Report)

CT Cube, L.P. dba West Central Wireless (West Central)

- CT Cube, L.P. dba West Central Wireless, Petition for Temporary and Limited Waiver of Section 20.19(d)(2) of the Commission's Rules (filed September 27, 2007) (West Central Petition)
- Letter, dated December 17, 2007, from Kenneth C. Johnson, Counsel to CT Cube, L.P. dba West Central Wireless, to Marlene Dortch, Secretary, Federal Communications Commission (West Central Letter)

Dobson Communications Corporation (Dobson)

- Dobson Communications Corporation, Petition for Waiver and Extension of Section 20.19(d)(2) of the Commission's Rules (filed September 18, 2006) (Dobson Petition)
- Dobson Communications Corporation, Petition for Waiver and Extension of Section 20.19(d)(2) of the Commission's Rules – Notification of Compliance and Modification of Requested Relief (filed November 1, 2006) (Dobson Notification)
- Dobson Communications Corporation Status Report on Hearing Aid Compatible Wireless Devices as of November 15, 2006, attachment to Hearing Aid Compatibility Compliance Efforts Status Report #6 Submitted by the Alliance for Telecommunications Industry Solutions (filed November 17, 2006) (Dobson Report)

Farmers Cellular Telephone, Inc. (Farmers Cellular)

- Farmers Cellular Telephone, Inc., Hearing Aid Compatibility Report and Request for Extension of GSM-based HAC Compliance Relief (filed September 18, 2006) (Farmers Cellular Report)
- Farmers Cellular Telephone, Inc., Supplement to Hearing Aid Compatibility Report and Request for Extension of GSM-based HAC Compliance Relief (filed February 16, 2007) (Farmers Cellular February 16, 2007 Supplement)
- Farmers Cellular Telephone, Inc., Supplement to Hearing Aid Compatibility Report and Request for Extension of GSM-based HAC Compliance Relief and Submission of Current Report Information (filed March 27, 2007) (Farmers Cellular March 27, 2007 Supplement)
- Farmers Cellular Telephone, Inc., Supplement to Hearing Aid Compatibility Report and Request for Extension of GSM-based HAC Compliance Relief and Submission of Current Report Information (filed June 12, 2007) (Farmers Cellular June 12, 2007 Supplement)

Farmers Mutual Telephone Company (Farmers Mutual)

- Farmers Mutual Telephone Company Report and Request for Waiver -- 47 C.F.R. 20.19(d)(2) Hearing Aid Compatibility -- Inductive Coupling (filed September 18, 2006) (Farmers Mutual September 18, 2006 Report)
- Farmers Mutual Telephone Company Report-- 47 C.F.R. 20.19(d)(2) Hearing Aid Compatibility - - Inductive Coupling (filed March 27, 2007) (Farmers Mutual March 27, 2007 Report)

Farmers Mutual Telephone Company dba FMTC Mobile Services (FMTC Mobile)

- Farmers Mutual Telephone Company dba FMTC Mobile Services, Report and Request for Waiver -- 47 C.F.R. 20.19(d)(2) Hearing Aid Compatibility -- Inductive Coupling (filed September 13, 2006) (FMTC Mobile September 13, 2006 Report)
- Farmers Mutual Telephone Company dba FMTC Mobile Services, Report and Request for Waiver -- 47 C.F.R. 20.19(d)(2) Hearing Aid Compatibility -- Inductive Coupling (filed March 27, 2007) (FMTC Mobile March 27, 2007 Report)
- Farmers Mutual Telephone Company dba FMTC Mobile Services, Report and Request for Waiver -- 47 C.F.R. 20.19(d)(2) Hearing Aid Compatibility -- Inductive Coupling (filed June 13, 2007) (FMTC Mobile June 13, 2007 Report)

Inland Cellular Telephone Company (Inland)

- Inland Cellular Telephone Company, Petition for Limited Waiver of Section 20.19(d)(2) of the Commission's Rules (filed September 18, 2006) (Inland Petition)
- Inland Cellular Telephone Company, Hearing Aid Compatibility Status Report (filed November 17, 2006) (Inland Report)
- Inland Cellular Telephone Company, Amendment to Petition for Limited Waiver of Section 20.19(d)(2) of the Commission's Rules (filed December 29, 2006) (Inland Amendment)
- Inland Cellular Telephone Company, Supplemental Hearing Aid Compatibility Report (filed December 29, 2006) (Inland Supplement)

Iowa 15 Wireless, LLC dba Cellular One & Long Lines Wireless, LLC (Iowa 15/Long Lines)

- Iowa 15 Wireless, LLC dba Cellular One and Long Lines Wireless, LLC, Petition for Temporary and Limited Waiver of Section 20.19(d)(2) of the Commission's Rules (filed September 18, 2006) (Iowa 15/Long Lines Petition)
- Iowa 15 Wireless, LLC dba Cellular One, Hearing Aid Compatibility Report (filed November 16, 2006) (Iowa 15 November 16, 2006 Report)
- Letter, dated June 1, 2007, from Michael R. Bennet, Counsel to Iowa 15 Wireless, LLC and Long Lines Wireless, LLC et al., to Marlene Dortch, Secretary, Federal Communications Commission (Iowa 15/Long Lines June 1, 2007 Letter)
- Letter, dated June 27, 2007, from Michael R. Bennet, Counsel to Iowa 15 Wireless LLC & Long Lines Wireless LLC, to Marlene Dortch, Secretary, Federal Communications Commission (Iowa 15/Long Lines June 27, 2007 Letter)
- Long Lines Wireless, LLC, Amendment to Petition for Temporary and Limited Waiver of Section 20.19(d)(2) of the Commission's Rules (filed September 20, 2007) (Long Lines Amendment)
- Iowa 15 Wireless LLC dba Long Lines Wireless Hearing Aid Compatibility Report (filed November 19, 2007) (Long Lines November 19, 2007 Report)

Iowa Wireless Services, LLC dba i wireless and related licensees (i wireless)

- Iowa Wireless Services, LLC dba i wireless et al., Petition for Waiver of Section 20.19(d)(2) of the Commission's Rules (filed September 20, 2006) (i wireless Petition)
- Iowa Wireless Services, LLC dba i wireless et al, Status Report on Hearing Aid Compatible Wireless Devices (filed November 21, 2006) (i wireless Report)
- Iowa Wireless Services, LLC dba i wireless et al, Supplement to Petition for Waiver of Section 20.19(d)(2) of the Commission's Rules (filed June 28, 2007) (i wireless Supplement)

IT&E Overseas, Inc. (IT&E)

- IT&E Overseas, Inc., Petition for Temporary Waiver or Temporary Stay (filed September 13, 2006) (IT&E Petition)
- IT&E Overseas, Inc., Sixth Semi-Annual Report (filed November 16, 2006) (IT&E November 16, 2006 Report)
- IT&E Overseas, Inc., Supplement to Petition for Temporary Waiver or Temporary Stay (filed June 1, 2007) (IT&E Supplement)
- IT&E Overseas, Inc., Annual Report (filed November 14, 2007) (IT&E November 14, 2007 Report)
- IT&E Overseas, Inc., Amendment to Petition for Temporary Waiver or Temporary Stay (filed December 19, 2007) (IT&E Amendment)
- IT&E Overseas, Inc., *Ex parte* Clarification of Amendment to Petition for Temporary Waiver or Temporary Stay (filed January 23, 2008) (IT&E *Ex parte*)

Kyocera Wireless Corp. (Kyocera)

- Kyocera Wireless Corp., Request for Waiver of Section 20.19(d)(1) of the Commission's Rules (filed September 15, 2006) (Kyocera Request)
- Kyocera Status Report on Hearing Aid Compatible Wireless Devices as of November 15, 2006, attachment to Hearing Aid Compatibility Compliance Efforts Status Report #6 Submitted by the Alliance for Telecommunications Industry Solutions (filed November 17, 2006) (Kyocera Report)

Lamar County Cellular, Inc. (Lamar)

- Lamar County Cellular, Inc., Petition for Temporary and Limited Waiver of Section 20.19(d)(2) of the Commission's Rules (filed September 26, 2007) (Lamar Petition)
- Letter, dated December 17, 2007, from Kenneth C. Johnson, Counsel to Lamar County Cellular, Inc., to Marlene Dortch, Secretary, Federal Communications Commission (Lamar Letter)

Leap Wireless International, Inc. (Leap)

- Leap Wireless International, Inc., Request for Limited Waiver and Brief Extension (filed September 15, 2006) (Leap Request)
- Leap Wireless International, Inc., Status Report and Supplemental Request for Limited Waiver and Brief Extension (filed October 31, 2006) (Leap October 31, 2006 Report)
- Leap Status Report on Hearing Aid Compatible Wireless Devices as of November 15, 2006, attachment to Hearing Aid Compatibility Compliance Efforts Status Report #6 Submitted by the Alliance for Telecommunications Industry Solutions (filed November 17, 2006) (Leap November 17, 2006 Report)
- Leap Wireless International, Inc., Status Report (filed November 30, 2006) (Leap November 30, 2006 Report)
- Correction to Hearing Aid Compatibility Compliance Efforts Status Report #6 Submitted by the Alliance for Telecommunications Industry Solutions (filed June 7, 2007) (Leap Correction)

Litchfield County Cellular, Inc., dba Ramcell of Oregon (Litchfield)

- Litchfield County Cellular, Inc., dba Ramcell of Oregon, Petition for Limited Waiver of Section 20.19(d)(2) of the Commission's Rules (filed September 18, 2006) (Litchfield Petition)
- Litchfield County Cellular, Inc., dba Ramcell of Oregon, Hearing Aid Compatibility Status Report (filed November 17, 2006) (Litchfield Report)
- Litchfield County Cellular, Inc., dba Ramcell of Oregon, Amendment to Petition for Limited Waiver of Section 20.19(d)(2) of the Commission's Rules (filed December 29, 2006) (Litchfield Amendment)
- Litchfield County Cellular, Inc., dba Ramcell of Oregon, Supplement to Hearing Aid Compatibility Status Report (filed December 29, 2006) (Litchfield Supplement)
- Letter, dated June 1, 2007, from William J. Sill, Counsel to Litchfield County Cellular, Inc., to Aaron Goldschmidt, Assistant Division Chief, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau (Litchfield Letter)

Mid-Tex Cellular, Ltd. (Mid-Tex)

- Mid-Tex Cellular, Ltd., Petition for Temporary and Limited Waiver of Section 20.19(d)(2) of the Commission's Rules (filed September 15, 2006) (Mid-Tex Petition)
- Mid-Tex Cellular, Ltd., Hearing Aid Compatibility Report (filed November 14, 2006) (Mid-Tex Report)
- Letter, dated June 1, 2007, from Michael R. Bennet, Counsel to Mid-Tex Cellular, Ltd. et al., to Marlene Dortch, Secretary, Federal Communications Commission (Mid-Tex June 1, 2007 Letter)
- Letter, dated June 12, 2007, from Michael R. Bennet, Counsel to Mid-Tex Cellular, Ltd. et al., to Marlene Dortch, Secretary, Federal Communications Commission (Mid-Tex June 12, 2007 Letter)
- Mid-Tex Cellular, Ltd., Amendment to Petition for Temporary and Limited Waiver of Section 20.19(d)(2) of the Commission's Rules (filed October 1, 2007) (Mid-Tex October 1, 2007 Amendment)
- Mid-Tex Cellular, Ltd., Second Amendment to Petition for Temporary and Limited Waiver of Section 20.19(d)(2) of the Commission's Rules (filed October 17, 2007) (Mid-Tex Second Amendment)
- Mid-Tex Cellular, Ltd., Supplement to Second Amendment to Petition for Temporary and Limited Waiver of Section 20.19(d)(2) of the Commission's Rules (filed October 24, 2007) (Mid-Tex Supplement to Second Amendment)

MTPCS, LLC dba Chinook Wireless (MTPCS)

- MTPCS, LLC, Petition for Temporary Waiver (filed September 21, 2006) (MTPCS Petition)
- MTPCS, LLC, Hearing Aid Compatible Telephones Report (filed November 17, 2006) (MTPCS Report)
- MTPCS, LLC, Supplement to Petition for Temporary (filed May 29, 2007) (MTPCS Supplement)

Nemont Communications, Inc. et al (Nemont)

- Nemont Communications, Inc. et al, Report and Request for Waiver -- 47 C.F.R. 20.19(d)(2) Hearing Aid Compatibility -- Inductive Coupling (filed September 18, 2006) (Nemont September 18, 2006 Report)
- Nemont Communications, Inc. et al, Report and Request for Waiver -- 47 C.F.R. 20.19(d)(2) Hearing Aid Compatibility -- Inductive Coupling (filed March 27, 2007) (Nemont March 27, 2007 Report)

- Nemont Communications, Inc. et al, Report and Request for Waiver -- 47 C.F.R. 20.19(d)(2) Hearing Aid Compatibility -- Inductive Coupling (filed June 12, 2007) (Nemont June 12, 2007 Report)

North Carolina RSA 1 Partnership (NCR1P)

- North Carolina RSA 1 Partnership, Petition for Limited Waiver of Section 20.19(d)(2) of the Commission's Rules (filed September 18, 2006) (NCR1P Petition)
- North Carolina RSA 1 Partnership, Hearing Aid Compatibility Status Report (filed November 17, 2006) (NCR1P Report)
- North Carolina RSA 1 Partnership, Amendment to Petition for Limited Waiver of Section 20.19(d)(2) of the Commission's Rules (filed December 29, 2006) (NCR1P Amendment)
- North Carolina RSA 1 Partnership, Supplement to Hearing Aid Compatibility Status Report (filed December 29, 2006) (NCR1P Supplement)

North Dakota Network Co. (NDNC)

- North Dakota Network Co., Petition for Temporary Waiver or Temporary Stay (filed September 15, 2006) (NDNC Petition)
- North Dakota Network Co., Sixth Semi-Annual Report (filed November 9, 2006) (NDNC Report)
- North Dakota Network Co., Sixth Semi-Annual Report, As Amended (filed November 16, 2006) (NDNC Amendment)
- North Dakota Network Co., Supplement to Petition for Temporary Waiver or Temporary Stay of Section 20.19(d)(2) of the Commission's Rules (filed May 31, 2007) (NDNC Supplement)

Northwest Missouri Cellular Limited Partnership (NWMC)

- Northwest Missouri Cellular Limited Partnership, Petition for Temporary and Limited Waiver of Section 20.19(d)(2) of the Commission's Rules (filed September 14, 2006) (NWMC Petition)
- Northwest Missouri Cellular Limited Partnership, Hearing Aid Compatibility Report (filed November 17, 2006) (NWMC Report)
- Letter, dated June 1, 2007, from Michael R. Bennet, Counsel to Northwest Missouri Cellular Limited Partnership et al., to Marlene Dortch, Secretary, Federal Communications Commission (NWMC June 1, 2007 Letter)
- Letter, dated June 12, 2007, from Michael R. Bennet, Counsel to NWMC et al., to Marlene Dortch, Secretary, Federal Communications Commission (NWMC June 12, 2007 Letter)

NTCH, Inc. and IAT Communications, Inc. (NTCH)

- NTCH, Inc. and IAT Communications, Inc., Petition for Temporary and Limited Waiver of Section 20.19(d)(2) of the Commission's Rules (filed September 14, 2006) (NTCH Petition)
- NTCH, Inc. and IAT Communications, Inc, Hearing Aid Compatibility Report (filed November 17, 2006) (NTCH Report)
- Letter, dated June 1, 2007, from Michael R. Bennet, Counsel to NTCH, Inc. and IAT Communications, Inc et al., to Marlene Dortch, Secretary, Federal Communications Commission (NTCH Letter)

Panhandle Telecommunication Systems, Inc. (PTSI)

- Panhandle Telecommunications System, Inc., Petition for Temporary and Limited Waiver of Section 20.19(d)(2) of the Commission's Rules (filed September 14, 2006) (PTSI Petition)
- Panhandle Telecommunication System, Inc., Hearing Aid Compatibility Report (filed November 15, 2006) (PTSI Report)

- Letter, dated June 1, 2007, from Michael R. Bennet, Counsel to Panhandle Telecommunication System, Inc et al., to Marlene Dortch, Secretary, Federal Communications Commission (PTSI Letter)
- Panhandle Telecommunications System, Inc., Amendment to Petition for Temporary and Limited Waiver of Section 20.19(d)(2) of the Commission's Rules (filed September 20, 2007) (PTSI Amendment)

Plateau Telecommunications, Incorporated et al. (Plateau)

- Plateau Telecommunications, Incorporated et al., Petition for Temporary and Limited Waiver of Section 20.19(d)(2) of the Commission's Rules (filed September 15, 2006) (Plateau Petition)
- Plateau Telecommunications, Incorporated et al., Hearing Aid Compatibility Report and Withdrawal of Request for Waiver of Section 20.19(d)(2) of the Commission's Rules (filed November 15, 2006) (Plateau Report)
- Letter, dated June 1, 2007, from Michael R. Bennet, Counsel to Plateau Telecommunications, Incorporated et al., to Marlene Dortch, Secretary, Federal Communications Commission (Plateau Letter)
- Plateau Telecommunications, Incorporated et al., Amendment to Petition for Temporary and Limited Waiver of Section 20.19(d)(2) of the Commission's Rules (filed June 1, 2007) (Plateau Amendment)

Punxsutawney Communications, LLC, dba Pocket Communications (Pocket)

- Punxsutawney Communications, LLC, Petition for Limited Waiver of Section 20.19(d)(2) of the Commission's Rules (filed September 18, 2006) (Pocket Petition)
- Punxsutawney Communications, LLC, Petition for Limited Waiver of Section 20.19(d)(2) of the Commission's Rules filed September 18, 2006 – Modification of Requested Relief (filed December 26, 2006) (Pocket Modification)
- Punxsutawney Communications, LLC, Withdrawal of December 29, 2006 Request for Further Relief (filed March 1, 2007) (Pocket Withdrawal)

Rural Cellular Corporation (RCC)

- RCC Atlantic Licenses LLC et al., Petition for Temporary Waiver (filed July 9, 2007) (RCC Petition)

RSA 1 Limited Partnership dba Cellular 29 Plus and Iowa RSA 2 LP dba Lyrix (Cellular 29/Lyrix)

- RSA 1 Limited Partnership dba Cellular 29 Plus and Iowa RSA 2 LP dba Lyrix, Petition for Temporary and Limited Waiver of Section 20.19(d)(2) of the Commission's Rules (filed September 15, 2006) (Cellular 29/Lyrix Petition)
- RSA 1 Limited Partnership dba Cellular 29 Plus and Iowa RSA 2 LP dba Lyrix, Hearing Aid Compatibility Report (filed November 15, 2006) (Cellular 29/Lyrix Report)
- RSA 1 Limited Partnership dba Cellular 29 Plus and Iowa RSA 2 LP dba Lyrix, Amendment to Sixth Hearing Aid Compatibility Report (filed May 10, 2007) (Cellular 29/Lyrix Amendment)
- Letter, dated June 1, 2007, from Michael R. Bennet, Counsel to RSA 1 Limited Partnership dba Cellular 29 Plus and Iowa RSA 2 LP dba Lyrix et al., to Marlene Dortch, Secretary, Federal Communications Commission (Cellular 29/Lyrix June 1, 2007 Letter)
- Letter, dated June 12, 2007, from Michael R. Bennet, Counsel to RSA 1 Limited Partnership dba Cellular 29 Plus and Iowa RSA 2 LP dba Lyrix et al., to Marlene Dortch, Secretary, Federal Communications Commission (Cellular 29/Lyrix June 12, 2007 Letter)

SLO Cellular, Inc. dba Cellular One of San Luis Obispo, and Entertainment Unlimited (SLO)

- SLO Cellular, dba Cellular One of San Luis Obispo and Entertainment Unlimited, Petition for Temporary Waiver or Temporary Stay (filed September 14, 2006) (SLO/EU Petition)
- SLO Cellular, dba Cellular One of San Luis Obispo, Sixth Semi-Annual Report (filed November 17, 2006) (SLO Report)
- SLO Cellular, dba Cellular One of San Luis Obispo, Petition for Temporary Waiver or Temporary Stay (filed November 17, 2006) (SLO Petition)
- Harinder R. Kumra dba Entertainment Unlimited, Sixth Semi-Annual Report (filed November 17, 2006, refiled December 4, 2006 with replacement signature) (EU November 17, 2006 Report)
- Harinder R. Kumra dba Entertainment Unlimited, Supplement to Petition for Temporary Waiver or Temporary Stay (filed June 6, 2007, refiled June 12, 2007 with supporting Declaration) (EU Supplement)
- SLO Cellular, dba Cellular One of San Luis Obispo, Supplement to Petition for Temporary Waiver or Temporary Stay (filed June 6, 2007) (SLO Supplement)
- Harinder R. Kumra dba Entertainment Unlimited, Annual Report – 2007 (filed November 16, 2007) (EU November 16, 2007 Report)

South Central Utah Telephone Association, Inc. (South Central)

- South Central Utah Telephone Association, Inc., Petition for Temporary Waiver or Temporary Stay (filed November 17, 2006) (South Central Petition)
- South Central Utah Telephone Association, Inc., Sixth Semi-Annual Report (filed November 17, 2006) (South Central Report)
- Letter, dated June 1, 2007, from Brant Barton, CEO and General Manager, South Central Utah Telephone Association, Inc., to Marlene Dortch, Secretary, Federal Communications Commission (South Central June 1, 2007 Letter)
- Letter, dated June 5, 2007, from Brant Barton, CEO and General Manager, South Central Utah Telephone Association, Inc., to Marlene Dortch, Secretary, Federal Communications Commission (South Central June 5, 2007 Letter)

South No. 5 RSA LP dba Brazos Cellular Communications, Ltd. (Brazos)

- South No. 5 RSA LP dba Brazos Cellular Communications, Ltd., Petition for Temporary and Limited Waiver of Section 20.19(d)(2) of the Commission's Rules (filed September 15, 2006) (Brazos Petition)
- Brazos Cellular Communications, Ltd., Hearing Aid Compatibility Report, (filed November 14, 2006) (Brazos Report)
- Letter, dated June 1, 2007, from Michael R. Bennet, Counsel to Brazos et al., to Marlene Dortch, Secretary, Federal Communications Commission (Brazos June 1, 2007 Letter)
- Letter, dated June 12, 2007, from Michael R. Bennet, Counsel to Brazos et al., to Marlene Dortch, Secretary, Federal Communications Commission (Brazos June 12, 2007 Letter)

South Slope Cooperative Telephone Company dba South Slope Wireless (South Slope)

- South Slope Cooperative Telephone Company dba South Slope Wireless, Petition for Temporary Waiver or Temporary Stay (filed September 18, 2006) (South Slope Petition)
- South Slope Cooperative Telephone Company dba South Slope Wireless, Sixth Semi-Annual Report (filed November 14, 2006) (South Slope Report)
- South Slope Cooperative Telephone Company dba South Slope Wireless, Supplement to Petition for Temporary Waiver or Temporary Stay (filed May 31, 2007) (South Slope Supplement)

SunCom Wireless, Inc. (SunCom)

- SunCom Wireless, Inc., Petition for Waiver of Section 20.19(d)(2) of the Commission's Rules (filed September 15, 2006) (SunCom Petition)
- SunCom Wireless Inc. Status Report on Hearing Aid Compatible Wireless Devices as of November 15, 2006, attachment to Hearing Aid Compatibility Compliance Efforts Status Report #6 Submitted by the Alliance for Telecommunications Industry Solutions (filed November 17, 2006) (SunCom Report)
- SunCom Wireless, Inc., Amendment to Petition for Waiver of Section 20.19(d)(2) of the Commission's Rules (filed January 12, 2007) (SunCom January 12, 2007 Amendment)
- SunCom Wireless, Inc., Amendment to Petition for Waiver of Section 20.19(d)(2) of the Commission's Rules (filed March 30, 2007) (SunCom March 30, 2007 Amendment)
- SunCom Wireless, Inc., Notification of Substantial Compliance with Section 20.19(d)(2) of the Commission's Rules and Request for Limited Waiver (filed June 1, 2007) (SunCom June 1, 2007 Notification)
- SunCom Wireless, Inc., Notification of Compliance with Section 20.19(d)(2) of the Commission's Rules and Request for Limited Waiver *Nunc Pro Tunc* (filed June 11, 2007) (SunCom June 11, 2007 Notification)

Texas RSA-1 Limited Partnership dba XIT Wireless (XIT)

- Texas RSA-1 Limited Partnership dba XIT Wireless, Petition for Temporary and Limited Waiver of Section 20.19(d)(2) of the Commission's Rules (filed September 14, 2006) (XIT Petition)
- Letter, dated June 1, 2007, from Michael R. Bennet, Counsel to XIT Wireless et al., to Marlene Dortch, Secretary, Federal Communications Commission (XIT Letter)

Texas RSA 7B3, L.P. dba Peoples Wireless (Peoples)

- Texas RSA 7B3, L.P. dba Peoples Wireless, Petition for Temporary and Limited Waiver of Section 20.19(d)(2) of the Commission's Rules (filed September 26, 2007) (Peoples Petition)
- Letter, dated December 17, 2007, from Kenneth C. Johnson, Counsel to Texas RSA 7B3, L.P. dba Peoples Wireless, to Marlene Dortch, Secretary, Federal Communications Commission (Peoples Letter)

Texas RSA 15B2 Limited Partnership dba Five Star Wireless (Five Star)

- Texas RSA 15B2 Limited Partnership dba Five Star Wireless, Petition for Temporary Waiver or Temporary Stay of Section 20.19(d)(2) of the Rules (filed June 18, 2007) (Five Star Petition)

Thumb Cellular, LLC (Thumb)

- Thumb Cellular, LLC, Hearing Aid Compatibility Report and Request (filed October 30, 2006) (Thumb October 30, 2006 Report)
- Thumb Cellular, LLC, Hearing Aid Compatibility Report (filed March 27, 2007) (Thumb March 27, 2007 Report)
- Thumb Cellular, LLC, Hearing Aid Compatibility Report (filed June 1, 2007) (Thumb June 1, 2007 Report)
- Thumb Cellular, LLC, Hearing Aid Compatibility Report (filed June 11, 2007) (Thumb June 11, 2007 Report)

TMP Corporation and TMP Jacksonville, LLC dba Simmetry Communications (Simmetry)

- TMP Corporation and TMP Jacksonville, LLC dba Simmetry Communications, Petition for Temporary and Limited Waiver of Section 20.19(d)(2) of the Commission's Rules (filed September 20, 2007) (Simmetry Petition)

- Letter, dated December 17, 2007, from Kenneth C. Johnson, Counsel to TMP Corporation and TMP Jacksonville, LLC dba Simmetry Communications, to Marlene Dortch, Secretary, Federal Communications Commission (Simmetry Letter)

Utah Basin Electronic Telecommunications dba UBET Wireless (UBET Wireless)

- Utah Basin Electronic Telecommunications dba UBET Wireless, Petition for Temporary Waiver or Temporary Stay (filed September 18, 2006) (UBET Wireless Petition)
- Utah Basin Electronic Telecommunications dba UBET Wireless, Sixth Semi-Annual Report (filed November 16, 2006) (UBET Wireless Report)
- Utah Basin Electronic Telecommunications dba UBET Wireless, Supplement to Petition for Temporary Waiver or Temporary Stay (filed June 1, 2007) (UBET Wireless Supplement)

Union Telephone Company (Union)

- Union Telephone Company, Petition for Temporary Waiver (filed June 14, 2007) (Union Petition)
- Union Telephone Company Hearing Aid Compatible Telephones Report (filed November 16, 2007) (Union November 16, 2007 Report)

Virgin Mobile USA, LLC (Virgin Mobile)

- Virgin Mobile USA, LLC, Petition for Limited Waiver (filed November 7, 2006) (Virgin Mobile Petition)
- Letter, dated June 7, 2007, from Peter Lurie, General Counsel, Virgin Mobile USA, LLC, to Aaron Goldschmidt, Assistant Division Chief, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau (Virgin Letter)

Wilkes Cellular, Inc. (Wilkes)

- Wilkes Cellular, Inc., Report and Conditional Request for Waiver -- 47 C.F.R. 20.19(d)(2) Hearing Aid Compatibility -- Inductive Coupling (filed September 18, 2006) (Wilkes September 18, 2006 Report)
- Wilkes Cellular, Inc., Report and Conditional Request for Waiver -- 47 C.F.R. 20.19(d)(2) Hearing Aid Compatibility -- Inductive Coupling (filed March 28, 2006) (Wilkes March 27, 2006 Report)

APPENDIX B
Petitioners (in petition short-form name order)

Petition Name	Petitioners
Advantage	Advantage Cellular Systems, Inc.
Airadigm	Airadigm Communications, Inc.
Blanca	Blanca Telephone Company
BLEW	Buffalo-Lake Erie Wireless Systems Co., L.L.C.
Brazos	South No. 5 RSA LP dba Brazos Cellular Communications, LTD
Cellcom	Brown County MSA, LP
	Wisconsin RSA #4, LP
	Wisconsin RSA #10, LP
	Wausau Cellular Telephone Co., LP
	Nsighttel Wireless, LLC
Cellular 29 and Lyrix	RSA 1 Limited Partnership dba Cellular 29 Plus
	Iowa RSA 2 Limited Partnership dba Lyrix
Cellular One	Iowa 15 Wireless LLC dba Cellular One
	Long Lines Wireless LLC
Centennial	Centennial Communications Corp.
CTC	CTC Telcom, Inc.
Dobson	Dobson Communications Corporation
Farmers Cellular	Farmers Cellular Telephone, Inc.
Farmers Mutual	Farmers Mutual Telephone Company
Five Star	Texas RSA 15B2 Limited Partnership
FMTC Mobile	Farmers Mutual Telephone Company dba FMTC Mobile Services
Inland	Inland Cellular Telephone Company
IT&E	IT&E Overseas, Inc.
i wireless	Andrew Telephone Company
	Barnes City Telephone Company
	Benton Linn Wireless
	Bernard Communications
	Brooklyn Mutual Telecommunications Coop.
	Casey Cable Co.
	Cedar County PCS, LLC
	Cedar-Wapsie Communications, Inc.
	Center Junction Telephone Co.
	Central Iowa Wireless
	Central Scott Telephone Co.
	Clear Lake Independent Telephone Co.
	Cooperative Telephone Company
	Corn Belt Telephone Co.
	D.C. Communications
	Dumont Wireless
	FWC Communications
	Kalona Cooperative Telephone Co.
	MAC Wireless
	Mill Valley Wireless
	Modern Cooperative Telephone
	Montezuma Mutual Telephone Company
	Northeast Iowa Telephone Company

Petition Name	Petitioners
i wireless (cont'd)	Olin Telephone Co.
	OmniTel Communications
	Onslow Cooperative Telephone Association
	Ogden Telephone Company
	Radcliffe Telephone Co.
	Rockwell Cooperative Telephone Assn.
	Rolling Hills Communications
	SEI Wireless
	Sharon Telephone Company
	Southeast Wireless
	Ventura Telephone Co.
	Wapsi Wireless, LLC
	Wellman Telephone Cooperative Association
	Winnebago Cooperative Telephone Association
Kyocera	Kyocera
Lamar	Lamar County Cellular
Leap	Leap Wireless International, Inc. & Affiliated Entities
Litchfield	Litchfield County Cellular, Inc. dba Ramcell of Oregon
Mid-Tex	Mid-Tex Cellular, Ltd.
MTPCS	MTPCS, LLC dba Chinook Wireless
NCR1P	North Carolina RSA 1 Partnership
NDNC	North Dakota Network Co.
Nemont	Nemont Communications, Inc.
	Sagebrush Cellular, Inc.
	Triangle Communication System, Inc.
NTCH	NTCH-CA, Inc.
	NTCH-IDAHO, Inc.
	NTCH-WEST TENN, Inc.
NWMC	Northwest Missouri Cellular Limited Partnership
Peoples	Texas RSA 7B3, L.P. dba Peoples Wireless
Plateau	Plateau Telecommunications, Inc.
	Texas RSA 3 Limited Partnership
	New Mexico RSA 4 East Limited Partnership
	E.N.M.R. Telephone Cooperative
Pocket	Punxsutawney Communications, LLC
PTSI	Panhandle Telecommunication Systems, Inc.
RCC	RCC Atlantic Licenses, LLC
	RCC Minnesota, Inc.
	Wireless Alliance, LLC
	TLA Spectrum, LLC
Simmetry	TMP Corporation dba Simmetry Communications
	TMP Jacksonville, LLC dba Simmetry Communications
SLO	SLO Cellular, Inc. dba Cellular One of San Luis Obispo
	Entertainment Unlimited, Inc. (commonly-controlled affiliate)
South Central	South Central Utah Telephone Association
South Slope	South Slope Cooperative Telephone Co., Inc. dba South Slope Wireless
SunCom	SunCom Wireless, Inc.
Thumb	Thumb Cellular, LLC
UBET Wireless	Uintah Basin Electronic Telecommunications dba UBET Wireless
Union	Union Telephone

Petition Name	Petitioners
Virgin Mobile	Virgin Mobile USA, LLC
West Central	CT Cube, L.P. dba West Central Wireless
Wilkes	Wilkes Cellular, Inc.
XIT	Texas RSA-1 Limited Partnership dba XIT Wireless

APPENDIX C
Inductive Coupling Waiver Summary (in petition short-form name order)

Petition	Air Interface	Extension Request*	Filing Date*	Compliance Date	T-coil Handset Models**
Advantage	GSM	12/1/2006	9/18/2006	12/27/2006	V3i; 6126h
Airadigm	GSM	until available	9/20/2006	11/17/2007	V3i; W710
Blanca	CDMA	not specified	9/18/2006	6/20/2007	V3c; SCH-A870
BLEW	CDMA	12/31/2006	9/18/2006	12/1/2006	V3m; SCH-A870
Brazos	CDMA	1/1/2007	9/15/2006	12/26/2006	V3c; L7c
Cellcom	CDMA	12/1/2006	9/18/2006	10/12/2006	V3c; 6265i
Cellular 29 and Lyrix	CDMA	1/1/2007	9/15/2006	8/31/2006	V3c; V3m
Cellular One (Iowa 15 Wireless)	CDMA	1/1/2007	9/18/2006	12/14/2006	V3c; 6265i
Cellular One (Long Lines) (joint with Iowa 15)	GSM	1/1/2007	9/18/2006	11/19/2007	V3i; W710
Centennial	CDMA	6/18/2007	9/18/2006	1/3/2007	K1m; V3m
Centennial	GSM	6/18/2007	9/18/2006	11/19/2007	6085; C2000
CTC	CDMA	not specified	9/18/2006	3/13/2007	V3m; V323i
Dobson	GSM	12/18/2006	9/18/2006	10/27/2006	V3i; C2000
EU(joint with SLO)	TDMA	9/18/2007	9/14/2006	none	none
Farmers Cellular	GSM	not specified	9/18/2006	6/6/2007	W712a; Z712a
Farmers Mutual	UNK	Exemption	9/18/2006	none	none
Five Star	CDMA	12/29/2006	6/18/2007	12/29/2006	V3c; K1m
FMTC Mobile	CDMA	not specified	9/13/2006	12/27/2006	V3c; K1m
Inland	CDMA	12/31/2006	9/18/2006	10/12/2006	V3c; 6265i
IT&E	CDMA	9/18/2007	9/13/2006	12/5/2006	V3m; K1m
IT&E	GSM	9/18/2007	9/13/2006	none	6126h
i wireless	GSM	until available	9/20/2006	3/22/2007	V3i; 6126h
Kyocera	CDMA	until certified	9/15/2006	9/21/2006	K323; K325
Lamar	GSM	10/26/2006	9/26/2007	10/26/2006	V3i; 6126h
Leap	CDMA	10/31/2006	9/15/2006	11/9/2006	V3c; 6265i
Litchfield	CDMA	12/31/2006	9/18/2006	2/23/2007	V3c; V323i
Mid-Tex	GSM	1/1/2007	9/15/2006	11/30/2006	V3i; 6126h
MTPCS	GSM	until available	9/21/2006	11/16/2006	V3i; 6126h
NCR1P	CDMA	12/31/2006	9/18/2006	10/28/2006	V3c; SPH-M500
NDNC	CDMA	9/18/2007	9/15/2006	1/23/2007	K1m; L7c
Nemont	CDMA	not specified	9/18/2006	12/21/2006	K1m; L7c
NTCH	CDMA	1/1/2007	9/14/2006	1/1/2007	V3c; L7c
NWMC	CDMA	1/1/2007	9/14/2006	12/15/2006	V3c; K1m
Peoples	CDMA	12/1/2006	9/26/2007	12/1/2006	K1m; L7c
Plateau	GSM	1/1/2007	9/15/2006	11/1/2006	C2000; V3i
Pocket	CDMA	12/31/2006	9/18/2006	12/31/2006	V3c; K1m
PTSI	CDMA	1/1/2007	9/14/2006	1/29/2007	K1m; L7c
RCC	GSM	5/7/2007	7/9/2007	5/7/2007	V3i; 6085
Simmetry	GSM	10/11/2006	9/20/2007	10/12/2006	V3i; 6126h
SLO	GSM	9/18/2007	9/14/2006	12/1/2006	C2000; V3i
South Central	CDMA	6/18/07	11/17/2006	12/27/2006	V3c; L7c
South Slope	GSM	9/18/2007	9/18/2006	3/22/2007	V3i; 6126h
SunCom	GSM	1/18/2007	9/15/2006	6/8/2007	6085; W710
Thumb	CDMA	not specified	10/30/2006	11/14/2006	6165i; 6265i
UBET Wireless	CDMA	9/18/2007	9/18/2006	1/15/2007	V3m; K1m
Union	GSM	6/30/2007	6/14/2007	11/16/2007	6085; S500i
Virgin Mobile	CDMA	7/18/2007	11/7/2006	4/19/2007	K127; K325
West Central	GSM	10/18/2006	9/27/2007	10/18/2006	V3i; 6126h
Wilkes	GSM	Exemption	9/18/2006	none	none
XIT	GSM	1/1/2007	9/14/2006	11/9/2006	V3i; 6126h

* Only the date of the initial waiver petition is included.

** Handsets listed are those offered as of the date the petitioner came into compliance.

APPENDIX D
Inductive Coupling Approved Handsets as of November 2006 Compliance Status Reports

MANUFACTURER	AIR INTERFACE	MODEL	FCC ID	DATE APPROVED
Kyocera	CDMA	K323	OVFKWC-K24B	9/21/06
	CDMA	K325	OVFKWC-K24-2J0	9/21/06
LG	CDMA	LG-VX3400	BEJVX3400	8/25/06
	CDMA	LG-VX8300	BEJVX8300	8/25/06
	CDMA	LG-LX350	BEJLX350	8/25/06
	CDMA	LG-LX550	BEJLX550	8/23/06
	GSM	C2000	BEJC2000	7/26/06
	GSM	CG300	BEJCG300	7/27/06
	GSM	CU400	BEJCU400	9/8/06
Motorola	CDMA	E815	IHDT56EL1	7/12/06
	CDMA	E816	IHDT56EL1	7/12/06
	CDMA	V3c	IHDT56FT1	8/31/06
	CDMA	V3m	IHDT56FT1	8/31/06
	CDMA	K1m	IHDT56GH1	9/13/06
	CDMA	L7c	IHDT56GQ1	9/27/06
	CDMA	V323i	IHDT56GS1	10/13/06
	CDMA	V325i	IHDT56FA1	10/13/06
	GSM	V3e	IHDT56GL1	7/27/06
	GSM	V3i*	IHDT56GW1	8/3/06
	iDEN	i870	AZ489FT5846	9/6/06
	iDEN	i580	AZ489FT5848	9/6/06
	iDEN	i850	AZ489FT5844	8/16/06
iDEN	i670	AZ489FT5844	8/16/06	
Nokia	CDMA	6215i	QMNRM-214	8/30/06
	CDMA	2365i	QMNRM-155	9/5/06
	CDMA	6265i	QMNRM-66	9/20/06
	CDMA	6165i	QMNRM-125	9/28/06
	GSM	6126h	PPIRM-126H	9/5/06
	GSM	6133h	PPIRM-126H	9/5/06
	GSM	6085	LJPRM-198H	10/4/06
RIM	CDMA	7250	L6ARAR20CN	8/10/06
	CDMA	7130e	L6ARAV20CW	8/14/06
	CDMA	8703e	L6ARBF20CW	8/23/06
	GSM	8705	L6ARBH40GW	8/16/06
	GSM	8705g	L6ARBH40GW	8/16/06
Samsung	CDMA	SPH-M500	A3LSPHM500	8/23/06
	CDMA	SCH-A870	A3LSCHA870	8/24/06
	CDMA	SCH-A990	A3LSCHA990	8/22/06
	CDMA	SPH-720	A3LSPHA720	8/25/06
	GSM	SGH-407T	A3LSGHD407	9/15/06

MANUFACTURER	AIR INTERFACE	MODEL	FCC ID	DATE APPROVED
Samsung	GSM/WCDMA	SGH-ZX20	A3LSGHZX20	9/15/06
Sanyo	CDMA	SCP-2400	AEZSCP-24H	8/31/06
	CDMA	SCP-3100	AEZSCP-31H	8/31/06
Sony Ericsson	GSM	W712a	PY7AF042011	9/15/06
	GSM	Z712a	PY7AF042012	9/18/06

* The Motorola V3i was also produced pursuant to FCC ID IHDT56EU1 as an M3 rated handset that has been certified as acoustic coupling-compatible, but not as inductive coupling-compatible.

We note that the Commission issues certifications based on FCC ID numbers, not model numbers. A manufacturer may produce one or more handset model numbers based on a certification without notifying the Commission. Our information regarding compatible handset models is based largely on the manufacturers' November 17, 2006 status reports.