

EX PARTE OR LATE FILED
DOCKET FILE COPY ORIGINAL

Dockets - 222



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

~~DOCKET FILE COPY DUPLICATE~~

OCT 12 1993

PP. No. 93-~~314~~
253

OFFICE OF
THE CHAIRMAN

Honorable Jim Bunning
House of Representatives
2437 Rayburn House Office Bldg.
Washington, DC 20515-1704

93-253

RECEIVED
OCT 11 2 1993
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Dear Congressman Bunning:

This is in response to your letter of September 16, 1993, addressing the 2 GHz Personal Communications Services (PCS) proceeding, GEN Docket No. 90-314. You express concern that telephone companies such as Cincinnati Bell Telephone that do not have a controlling interest in cellular radio licenses may be restricted from full PCS participation.

On September 23, 1993, the Commission adopted final rules in GEN Docket No. 90-314. Our decision allocates 120 megahertz of spectrum for licensed PCS, and permits telephone companies without cellular interests to access up to 40 megahertz of this spectrum (the maximum authorized to any one licensee). Telephone companies with cellular interests will be restricted to 10 megahertz in a PCS service area in which they own 20 or more percent of the stock in a cellular company, if the cellular company serves 10 or more percent of the population of the PCS service area. It is my understanding that Cincinnati Bell owns more than 20 percent of the stock in a local cellular licensee. Thus, Cincinnati Bell would be eligible to obtain 10 megahertz of additional spectrum at 2 GHz to provide PCS service. Inasmuch as we permit cellular licensees to provide services in addition to mobile voice, the cellular licensee in which Cincinnati Bell owns the minority interest also will be permitted to use its cellular spectrum at 800 MHz to provide service equivalent to PCS.

The limitations on the ability of telephone companies with significant interests in cellular licensees to provide PCS in their service areas are designed to foster competition among PCS providers and between PCS providers and cellular operators and to promote diversity in the provision of PCS. For your information, I am attaching the press releases of GEN Docket No. 90-314 and PP Docket No. 93-253 that address these issues.

Sincerely,

James H. Quello
Chairman

Enclosures

JIM BUNNING
4TH DISTRICT, KENTUCKY

COMMITTEES:
WAYS AND MEANS
VICE CHAIRMAN, SUBCOMMITTEE
ON SOCIAL SECURITY
BUDGET COMMITTEE
ETHICS COMMITTEE
EXECUTIVE COMMITTEE
ON COMMITTEES

Congress of the United States
House of Representatives
Washington, DC 20515-1704

September 16, 1993

OET
20-314
PV JH9
3777

2437 RAYBURN BUILDING
WASHINGTON, DC 20515
(202) 225-3465

1717 DUNE HIGHWAY
SUITE 180
FT. WRIGHT, KY 41011
(606) 341-2602

The Honorable James Quello
Federal Communications Commission
Room 802
1919 M Street, NW
Washington, D.C. 20554

Dear Chairman Quello:

I understand that the Commission plans to consider rules for Personal Communications Services (PCS) later this month. While I applaud the Commission moving ahead to establish this important new service, I hope that your rules will not prohibit or restrict the ability of telephone companies such as Cincinnati Bell Telephone to participate in this exciting new technology.

In addition to providing telephone service in the Greater Cincinnati area, Cincinnati Bell Telephone also holds a minority non-controlling interest in a local cellular license. This interest is a purely passive one and carries with it no ability to control the business. Control rests solely with the general partner. In effect, Cincinnati Bell's participation in the existing cellular franchise is simply an investment. Moreover, it is my understanding that Cincinnati Bell Telephone agreed to take a minority position in order to avoid lengthy hearings and to further the FCC's interest in getting cellular service up and running.

PCS can be very important to local telephone companies as a means of meeting their universal service obligations, especially in high cost areas. Moreover, telephone companies should have the same access to this new technology as their competitors, such as local cable television companies.

I hope that any rules the FCC chooses to adopt would not bar companies such as Cincinnati Bell Telephone, which do not control cellular licenses, from full access to PCS.

Thank you for your careful consideration of this matter.

Best personal regards,

A handwritten signature in black ink, appearing to read "Jim Bunning". The signature is written in a cursive style with a large, prominent initial "J".

JIM BUNNING
Member of Congress

cc: Commissioners Barrett and Duggan
Mr. Frank Sommerkamp, Cincinnati Bell