PN CELLULAR, INC. AND AFFILIATES

I. IDENTITY AND INTEREST OF THE COMMENTER

- Cellular service provider.

III. PROPOSED REGULATORY TREATMENT OF EXISTING SERVICES

- In order to level the regulatory playing field between cellular and enhanced SMRs, Part 90 facilities, other than private carrier paging, that are reclassified as commercial mobile service should be required to be operational prior to August 10, 1993, in order to qualify for the 3 year deferral of Title II jurisdiction. (3)

IV. REGULATORY PARITY

- Part 22 carriers should be permitted to offer dispatch service. (3)

VI. APPLICATION OF TITLE II TO COMMERCIAL MOBILE SERVICES

- The Commission should forbear from imposing certain Title II requirements on CMS (*i.e.*, tariff regulations, hearings on new rates, FCC power to prescribe rates, contract filing requirements, and regulation of extension of lines). In particular, tariffing is burdensome and counter-productive. (7)

VII. INTERCONNECTION RIGHTS OF PCS AND CMS PROVIDERS (STATE AND FEDERAL)

- The Commission should not require CMS providers to provide interconnection into their switches to other mobile service providers nor should it impose equal access obligations on CMS providers. The level of competition in the CMS marketplace obviates any need for these policies. (4-5)

PTC CELLULAR

I. IDENTITY AND INTEREST OF THE COMMENTER

- Provides cellular telephone service as part of a rental car package. Is not affiliated with any cellular network. Resells cellular service to end-user. (1)

VI. APPLICATION OF TITLE II TO COMMERCIAL MOBILE SERVICES

- The Commission should not apply Telephone Operator Consumer Services Improvement Act of 1990 ("TOCSIA") to cellular service provided in conjunction with rental car service. (2)

- Reasonable and non-discriminatory rates are ensured by the competitive market for both rental car services and cellular resale services. (5-6)

- The enforcement of TOCSIA is not necessary because consumers of car rental services are generally sophisticated and receive full information regarding rates. Car rental providers also have a strong incentive to ensure cellular consumers are treated fairly. (6-7)

- The application of TOCSIA would not protect consumers of rental car phone services because the primary expense of rental car phone services is the air time charge, and because in many areas the rental car provider cannot designate a particular IXC. (8-9)

- Compliance with TOCSIA would require expensive universal branding capability. Posting of every cellular carrier would lead to consumer confusion. Compliance would also force cellular carriers to file an informational tariff, yet this is, as a practical matter, not feasible. (9-11)

- If the Commission plans to impose TOCSIA requirements it must first impose equal access requirements on all facilities-based cellular carriers. (12)

IX. OTHER

- The Commission should adopt the equal access proposal in MCI's Petition for Rulemaking either in this proceeding, or promptly initiate a new

proceeding. Equal access will provide the greatest benefit to consumers and resellers of cellular services. (12-13)

RAM MOBILE DATA USA LIMITED PARTNERSHIP

I. IDENTITY AND INTEREST OF THE COMMENTER

- Provider of SMR land mobile data service.

II. DEFINITIONS

B. Commercial Mobile Service

- Argues that by referring to interconnected service, Congress distinguished between mobile systems that are physically interconnected with the PSTN and those that are interconnected and offer interconnected service to subscribers. (3)

- Proposes a definition of interconnected that hinges on whether the licensee offers, on a real-time basis, the ability to send and receive communications to and from end-user telephones connected with the PSTN. (4)

C. Private Mobile Service

- States that the definition of private mobile service in Section 332(d)(3) is facially ambiguous so the FCC must turn to legislative history to determine Congressional intent. (5)

- Argues that Congress sought to preserve the private mobile status of carriers that might fall under the literal definition of CMS but that are not the functional equivalent in that they do not provide conventional cellular telephone service. (6)

- All non-interconnected services should be classified as private mobile service. (7)

VII. INTERCONNECTION RIGHTS OF PCS AND CMS PROVIDERS (STATE AND FEDERAL)

- Urges the FCC to create federally-protected interconnection rights for all mobile service providers be they commercial or private. (8)

IX. OTHER

- Seeks clarification on the ability of SMRs to serve foreign governments or their agents. (7)

REED SMITH SHAW & MCCLAY

I. IDENTITY AND INTEREST OF THE COMMENTER

- A law firm which represents clients that are not believed to offer mobile radio services to the public. (1)

II. DEFINITIONS

B. Commercial Mobile Service

- Supports Commission suggestion that private land mobile services targeted to specific businesses, industries or user groups are not intended for use by the public or a substantial portion thereof. (3)

- Use of the word "classes" rather than "class" in the statute limits the meaning of a substantial portion of the public. Suggests that a service whose eligible users are limited to one class, such as a single industry, is not effectively available to the public and should not be classified as a commercial mobile service. (3)

- Commission should not disregard eligibility limitations and instead use a vague "large sector of the public" standard in determining the definition of effectively available since this would disregard the statutory language "classes of eligible users." (4)

- An interconnected mobile service to a limited class of eligible users, such as a single industry group, is not a commercial mobile service. System capacity and service area size and location may be used to narrow the class of CMS but may not expand it unless those factors are used to resolve close cases of what is a "class" or "classes" of eligible users. (5)

C. Private Mobile Service

- A mobile service which falls within the definition of CMS should still be classified as a private mobile service if the Commission determines that it is not functionally equivalent to CMS. A mobile service which is functionally equivalent to CMS but does not meet the literal definition is also a private

mobile service. This interpretation is supported by a literal reading of the statute and legislative history. (6)

III. PROPOSED REGULATORY TREATMENT OF EXISTING SERVICES

- Mobile-satellite services should not be classified as CMS without regard to whether they satisfy the CMS definition. For instance, a MSS may offer service to a narrow class of users and thus not to a substantial portion of the public. Resellers of other services may similarly offer services to a class of eligible users and thus not qualify as CMS. (5)

RIG TELEPHONES, INC.

I. IDENTITY AND INTEREST OF THE COMMENTER

- Provides RF based communications services under parts 22, 80 and 90 in the Gulf of Mexico to offshore drilling rigs, petroleum production platforms and vessels. (1)

VI. APPLICATION OF TITLE II TO COMMERCIAL MOBILE SERVICES

- Supports FCC's decision to forbear from tariff regulation of CMS providers since there is sufficient competition in the market. (3)

- Because the CMS market is competitive, any tariff forbearance extended to cellular mobile service providers should also be extended to RTI and requests that the Commission so state in its order. (3)

- Because of the increased competition in the Gulf communications offerings, RTI should be reclassified as a nondominant carrier. (4)

- Title II forbearance should be applied to RTI's Part 22 and Part 80 operations to the same extent as to cellular carriers since RTI is competing directly with cellular carriers to offer services in the Gulf of Mexico. (5)

VII. INTERCONNECTION RIGHTS OF PCS AND CMS PROVIDERS (STATE AND FEDERAL)

- Supports offering CMS providers the interconnection rights currently offered to Part 22 common carrier licensees, but this policy must be enforced. (6)

- If a uniform interconnection policy is not established, RTI may no longer be able to offer the full range of services available to onshore carriers. Southwestern Bell Telephone Company has told RTI that it intends to discontinue provision of DID services which is routinely provided to cellular carriers. DID service is integral to CMS. The FCC should make explicit that its uniform interconnection policy applies to DID service. (6)

I. IDENTITY AND INTEREST OF THE COMMENTER

- Roamer One is a communications construction and management firm which specializes in 220 MHz systems. (2)
- Commission's regulatory treatment of 220 MHz services should recognize that such services are substantially different from 800 and 900 MHz services. (4)

II. DEFINITIONS

B. Commercial Mobile Service

- Customer perception should be the linchpin of whether mobile service is interconnected; If end user can't knowingly invoke/access the PSTN, the service is not interconnected. (6)
- Under this test, traditional dispatch service, alarm monitoring, process control and vehicle status monitoring services are not interconnected; Mobile-telephone SMR and PSTN-activated paging services are interconnected. (8)
- Widespread public availability should be required to qualify as CMS. (8)
- Nominal eligibility restrictions would not exempt a service from this definition; Narrowly targeted eligibility restrictions or service offerings would. (9)
- Significant geographic limitations on private-radio service should render that service unavailable to a substantial portion of public. (10)

C. Private Mobile Service

- Supports inclusive definition of PMS that includes systems which either are not commercial mobile systems or not the functional equivalent of CMS. (11)

III. PROPOSED REGULATORY TREATMENT OF EXISTING SERVICES

- Local 220 MHz licensees should be classified on a case-by-case basis depending upon their primary use of spectrum. (13)

- Flexibility is essential for 220 MHz licensee to develop the best use of their spectrum. (13)

- Overlapping licensing of CMS and private service should be irrelevant to the Commission's choice of service classifications; in fact, overlapping is a positive attribute. (13)

- Commission should classify those 220 MHz Local licensees that are not primarily offering interconnected service as private mobile service providers. (14)

V. REGULATORY CLASSIFICATION OF PCS

- PCS licensees should be permitted to self-certify their service offerings; This concept should be extended to 220 MHz Local licensees. (14)

IX. OTHER

- Disagrees with FCC that the Communications Act poses limitations on foreign ownership for private services at this time where they are not likely to be reclassified; the Commission should not extend Section 310(b) prohibitions on alien investment to legitimate private mobile services. (15)

ROCHESTER TELEPHONE CORPORATION

I. IDENTITY AND INTEREST OF COMMENTER

- Local exchange carrier.

II. DEFINITIONS

B. Commercial Mobile Service

- Shared use systems should be classified as for-profit. (3)
- A service is interconnected if the end user of the service can access the public switched network. The technology used, such as store-and-forward or operator connection, should be irrelevant. (4)
- Capacity and territorial limitations should not affect whether a service is publicly available. Neither should the fact that a service is targeted to a specific industry. (5)

III. PROPOSED REGULATORY TREATMENT OF EXISTING SERVICES

- Commission should classify as commercial those services that are currently classified as private, but which are substitutable for existing common carrier services. Certain SMR services would fall within this category. (3)

V. REGULATORY CLASSIFICATION OF PCS

- The definitional framework for commercial mobile services should apply equally to PCS. (5)
- PCS applications that are not common carrier in nature (eg. a wireless PBX that serves a single building) should be treated as a form of customer premises equipment. In such cases, PMS classification would be appropriate. (6)

VI. APPLICATION OF TITLE II TO COMMERCIAL MOBILE SERVICES

- Commission should forbear from tariff regulation. (7)
- Commission should not apply stricter rules to CMS providers that are affiliated with exchange carriers. (8)

- ESMRs should be classified as CMS to avoid having a service substitutable for CMS being regulated differently. (8)

III. PROPOSED REGULATORY TREATMENT OF EXISTING SERVICES

- Services which the public views as substitutes should be in the same classification and subject to the same regulations or the market will be distorted and competition will be reduced. (10)

- If all mobile service providers have the same rights, flexibility to provide both commercial and private services in the same spectrum would serve the public interest. This would encourage the efficient use of scarce spectrum and development of new services. However, if only some services are given this flexibility, they will have a competitive advantage and overall competition will be diminished. (11-13)

- Consistent with this, all CMS providers should be allowed to offer dispatch, enhanced, and ancillary fixed services. (13)

VI. APPLICATION OF TITLE II TO COMMERCIAL MOBILE SERVICES

- Title II regulation (including tariffs and related regulations) is not necessary to protect consumers or the public interest because of the significant competition both between carriers of the same service and between different services regulates the market. (14)

- Enforcement of TOCSIA obligations is also unnecessary because the problems TOCSIA was created to solve do not exist in the mobile services context. (18)

- The Commission should find that all cellular providers are non-dominant because of the significant competition in that market which the. (19-20)

- Additional regulation should not be placed on wireline carriers or their wireless affiliates. (20)

VII. INTERCONNECTION RIGHTS OF PCS AND CMS PROVIDERS (STATE AND FEDERAL)

- Supports giving CMS providers same range of interconnection rights currently afforded to Part 22 licensees. Private mobile service providers

VIII. PREEMPTION OF STATE REGULATION OF CMS PROVIDERS

- Commission should not permit states to reassert rate and entry regulation over CMS providers unless there is "strong evidence demonstrating a clear market failure." (9)

ROCKWELL INTERNATIONAL CORPORATION

I. IDENTITY AND INTEREST OF THE COMMENTER

- Manufacturer of equipment for private radio services.

II. DEFINITIONS

A. Mobile Service

- Communication facilities provided on transportable platform in which platform does not move when communications services are provided should be excluded from the definition of mobile services. (1)

B. Commercial Mobile Service

- "For-profit" interpretation should consider special status of new and experimental services, in which early phases may be devoted to technology and market evaluation. The for-profit categorization should apply only when rates are set to generate a profit. (2)

- Licensees who operate system for internal use, but make excess capacity available for-profit, should be deemed to be providing for-profit service to that extent. (2)

- Commission should adopt the Part 90 test that distinguishes store-and-forward service from interconnected service. (3)

- User should not be considered interconnected, unless real-time, "transparent through the hub," packet-switched access to the public network is available. (3)

- The term "public-switched network" is more appropriate than PSTN because the latter suggests a dependence on the type of service provided. PSDN's would then be within the purview of the regulation. (4)

III. PROPOSED REGULATORY TREATMENT OF EXISTING SERVICES

- If exemption from common carrier regulation is to be granted based on flexibility, it should be to end-user resellers, not satellite system licensees. (4-5)

RURAL CELLULAR ASSOCIATION

I. IDENTITY AND INTEREST OF THE COMMENTER

- RCA is an association of cellular operators who provide service in rural areas. Members hold licensees under Parts 21 and 22. (1)

III. PROPOSED REGULATORY TREATMENT OF EXISTING SERVICES

- All CMS providers should be able to provide dispatch services. (4)
- A provider who uses any portion of its spectrum to provide CMS, should be regulated like a CMS provider. (3)

V. REGULATORY CLASSIFICATION OF PCS

- PCS providers should be classified according to the statutory definitions of private and commercial mobile services. They should not be able to choose their classification. (2)

VI. APPLICATION OF TITLE II TO COMMERCIAL MOBILE SERVICES

- Commission should forbear from enforcing tariff regulations under Title II. (6)
- Commission should forbear from all Title II regulation that does not relate to complaints, damages and liabilities (e.g., Sections 210, 212, 213, 215, 218, 219, 220, 221). (6)

VIII. PREEMPTION OF STATE REGULATION OF CMS PROVIDERS

- In order to initiate rate regulation, a state should have to "either demonstrate that the specific mobile service provider does not have an FCC licensed competitor providing the same type of service or a functionally equivalent service covering seventy-five percent of the same geographic service area or that the commercial mobile service provider has fifty percent or higher penetration level within the state." (7)

SOUTHWESTERN BELL CORPORATION

I. IDENTITY AND INTEREST OF THE COMMENTER

- Regional Bell Operating Company
- States its goal as "regulatory parity and streamlined regulation for competitive wireless services," which is the only way of providing the public the greatest benefits flowing from competition. (3)

II. DEFINITIONS

B. Commercial Mobile Service

- "For profit" should be defined by the intention to make a profit, as evidenced by provision of a service for which compensation is received, including the sale of excess capacity, regardless of whether some element (e.g., interconnection) is provided not-for-profit. (5-6)
- "Interconnected" should be defined expansively to include arrangements requiring a system operator, store and forward systems, and AVM systems, but not all systems that lease capacity from LECs, since some internal use networks rely on dedicated telco trunks that are not "switched." (6-8)
- "Public switched network" should be defined the same as "public switched telephone network." (7)
- "Effectively available to . . . the public" should be assessed independent of eligibility restrictions, the actual number of customers, and the geographic area served, and should include all services available to a large sector of the public as end users, which would include PCPs, customized and individually negotiated services, and facilities-based carriers selling all of their capacity to a reseller. (9-11)

C. Private Mobile Service

- Should be defined narrowly to include the following basic types of service: those used for internal purposes by the licensee itself or used by governmental and public safety entities. (4-5)
- Because using the "functional equivalence" language to expand the universe of "private" services would assume that CMS is defined not by statute but rather by some "essence of

commerciality," SWBC supports using the term as written in the statute to narrow the class of private services based on customer perception. (12-14)

III. **PROPOSED REGULATORY TREATMENT OF EXISTING SERVICES**

- Suggests that FCC should continue block assignments of spectrum to particular classes, e.g., CMS, to place carriers on notice that they should offer service to the public. (14)
- Some joint CMS/private block allocations may be appropriate to avoid relocating existing users. (15)
- CMS carriers should be permitted to offer private services, but only as a sideline that did not interfere with the ability to offer CMS. (15)
- Cellular, SMR (EMSR), AVM, and paging should be considered CMS, but government, public safety, and systems for internal use only should be private based on the definitions discussed. (15-17)
- The eligibility restrictions on ESMRS/SMRS can no longer be justified. (21-25)
- Common carriers should be permitted to provide dispatch services. (25)

IV. **REGULATORY PARITY**

- The FCC should differentiate between categories of CMS. (26)

V. **REGULATORY CLASSIFICATION OF PCS**

- Due to Congressional intent and legal problems with auctioning private authorizations, PCS should be classified as CMS and PCS carriers should not be able to convert a substantial amount of their capacity to private use; some private "sideline" services should be permitted. (17-21)

VI. **APPLICATION OF TITLE II TO COMMERCIAL MOBILE SERVICES**

- As borne out by the experience of cellular carriers, the FCC should streamline regulation where there are two or more competitors in a geographic area. (27-28)
- The FCC should forbear from regulating CMS, including tariffing, and forbearance from Sections 203, 204, 205, 211 and 214. (28-29)

- The FCC should not mandate interconnection among CMS providers. (29-31)

- Until all CMS providers are free of equal access obligations, all should be required to provide equal access in the interests of regulatory parity. (31-35)

VII. INTERCONNECTION RIGHTS OF PCS AND CMS PROVIDERS (STATE AND FEDERAL)

- Agrees that the FCC should preempt state regulation of the right to intrastate interconnection and the right to specify the type of interconnection. (29)

SPRINT CORPORATION

I. IDENTITY AND INTEREST OF COMMENTER

- Interexchange carrier

II. DEFINITIONS

B. Commercial Mobile Service

- Key in defining components is that purpose of Title VI was to reform the "patchwork" of mobile service regulations in favor of a comprehensive set of rules to address CMS and PCS. (3)

- "For profit" has commonplace meaning of "pecuniary gain resulting from the employment of capital in any transaction." "For profit" thus encompasses licensees that sell excess capacity and third party managers. (5)

- "Interconnected service" should be broadly interpreted. Ability of end-user or licensee to directly control access to the PSN is irrelevant; focus is on the service itself and whether use of the service provides access to the PSN. (5)

- Neither real-time nor two-way access should be critical to the definition of "interconnected service." Rather, if a mobile service provides connection to the PSN, regardless of whether it is real-time or two-way, the service should be treated in the same manner as any other mobile service. These may, however, be relevant considerations from the end-user's perspective. (5-6)

- "PSN" should be broadly defined and should incorporate the likelihood that PCS services may create a wireless public switched network. (7)

- Services limited to specialized user groups such as taxicabs should be considered available to the public because taxi companies are part of the public, and other mobile services that may not be limited to taxi companies must compete with the limited providers. (7-8)

- Capacity and service area are not relevant under availability prong. (8)

C. **Private Mobile Service**

- "Functional equivalence" language should be interpreted to broaden the definition of CMS. Thus, a provider that meets the CMS definition or is the functional equivalent of a CMS should be classified as CMS. (9)

III. **PROPOSED REGULATORY TREATMENT OF EXISTING SERVICES**

- Sprint opposes differential regulatory treatment of CMS providers and suggests that all CMS providers should receive like regulatory treatment. (10)

V. **REGULATORY CLASSIFICATION OF PCS**

- Sprint opposes self-designation for PCS licensees. The Act only allows for commercial and private mobile services, and requires the Commission to review PCS applications accordingly. If the service applied for is for profit and interconnected, it is CMS. (11)

VI. **APPLICATION OF TITLE II TO COMMERCIAL MOBILE SERVICES**

- Specifically favors forbearance for CMS from Sections 203, 204, 205, 210, 211, 212, 213, 214, 218, 219, 220 and 221. Agrees that Sections 201, 207, 209, 216, 217, 223, 225, 226, 227, and 228 should be enforced. (12-13)

STARSYS GLOBAL POSITIONING, INC

I. IDENTITY AND INTEREST OF THE COMMENTER

- Reseller of MSS and global positioning service.

III. PROPOSED REGULATORY TREATMENT OF EXISTING SERVICES

- Commission should continue to use its existing satellite-industry procedures in order to authorize mobile satellite service operators to offer space segment capacity for the provision of mobile service on a non-common carrier basis. (2)

- This conclusion is consistent with the Commission's actions in adopting licensing and operating procedures for NGNV MSS. (2)

- STARSYS reserves the right to file reply comments after the Commission releases its Report and Order in CC Docket No. 92-76 (NVNG MSS). (3)

TELEPHONE AND DATA SYSTEMS, INC.

I. IDENTITY AND INTEREST OF COMMENTER

- Telephone holding company.

II. DEFINITIONS

B. Commercial Mobile Service

- If any aspect of the entire service offering to a subscriber by a mobile service provider is for-profit, the for-profit test has been met. (4)

- Internal use of non-commercial system is not for-profit. For-profit offering of excess capacity on such channels should be treated no differently than wholly for-profit offerings. (4-5)

- Shared use and multiple-licensed systems should be examined on the basis of the service as a whole to determine if there is a for-profit element. The hiring of a third party manager is not alone evidence of for-profit nature, but the Commission should evaluate the level of the manager's entrepreneurial involvement, such as setting rates, dictating the service offering, and holding a direct or indirect interest in equipment. Such indicia may demonstrate for-profit character. (5, n. 1)

- "Interconnected service" must provide end users ability to control directly access to the PSN. Private line services are not interconnected services. (6-7)

- Paging is a special case because it is one-way. TDS agrees with the Data Com decision which held that a message telephoned from the LPSN to an answering service and relayed via paging system to a paging subscriber was not interconnected service. Similarly, store-and-forward paging should not be considered "interconnected service" because the calling party cannot activate the paging transmitter from a position in the PSN. Direct access, real-time paging service is interconnected service. (7-8, n. 3)

- "Public switched network" should encompass the traditional local exchange industry and all interexchange carriers directly and indirectly interconnected to the traditional local exchange carriers. (8)

- "Public availability" component is satisfied by traditional common carrier offerings. Commission should distinguish between "narrow classes of users" that constitute a substantial portion of the public, and "small or specialized user groups" that do not, based on the individualized focus of the service provided. (8)

- Service to small group of users that collectively arrange with a provider to meet their needs should not be "publicly available," nor should customized services to a limited group of users involving use of proprietary technologies. (9)

- System capacity and service area size alone should not be factors under public availability prong. (9-10)

C. **Private Mobile Service**

- Commission should interpret "functional equivalent" language to mean that a service that does not meet the CMS test but is still the functional equivalent of a CMS is a CMS. Customer perception should be the linchpin of the functional equivalence test. (10-11)

III. PROPOSED REGULATORY TREATMENT OF EXISTING SERVICES

- Suggests that the Commission initially classify existing and new radio services based on its evaluation of the characteristics of the predominant service offerings currently provided or anticipated in that service. (12)

- Commission should permit licenses to offer services other than those covered by the predominant CMS or private classification for the radio service involved. (13)

- SMR services should be classified as CMS under for-profit and eligibility prongs. Fact that individual SMRs do not offer wide-area service or do not employ frequency reuse should not be dispositive in classification as private, nor should provision of traditional dispatch services

or of services to specialized user groups under TDS's definition of "public availability." (13-14)

- There may also be some non-interconnected SMRs that should be classified as CMS. Commission should be prepared to find that the "public availability" of data services does not necessarily require access to traditional LEC or IEC networks. (14)

- All paging should initially be classified as private. (14-15)

- Agrees with Commission that existing common carrier mobile services providing interconnected radiotelephone service, such as cellular and others, should be classified as CMS. (16)

- Strongly supports elimination of dispatch prohibition. TDS does not believe dispatch is inherently private, but suggests that if the Commission determines otherwise, CMS providers should still be permitted to provide dispatch services. (16)

V. REGULATORY CLASSIFICATION OF PCS

- Supports Commission's tentative conclusion that no single regulatory classification should be applied to PCS. Narrowband and broadband PCS providers should be able to offer both CMS and private services under flexible regulatory procedures that allow licensees broad authority to offer services responsive to the full range of user requirements. (17)

- Commission could impose a threshold level of CMS that must be provided on broadband PCS systems, particularly those with channel blocks totalling 20 MHz or more. Licensees proposing to establish or expand private services could then be required to apply for modification. (18,19)

- Application filing procedures for initial PCS licensing should be simplified to expedite processing. For example, TDS suggests use of a standard application form for all broadband and narrowband PCS filings. (18)

VI. APPLICATION OF TITLE II TO COMMERCIAL MOBILE SERVICES

- Strongly disagrees with the Commission's tentative conclusion that the agency may establish different regulatory requirements for individual service providers within a class. CMS providers with

identical or functionally equivalent offerings should be regulated in an identical manner. (19)

- Generally supports the Commission's tentative conclusions regarding forbearance of specific provisions including sections 203, 204, 205, 211, 214, 210, 212, 213, 215, 218, 219, 220, and 221 (20, Appendix)

VII. INTERCONNECTION RIGHTS OF PCS AND CMS PROVIDERS (STATE AND FEDERAL)

- Supports requiring CMS providers to provide interconnection to other mobile providers only where necessary to ensure that the operations of adjacent non-regional systems providing CMS offerings in the same service have an opportunity to interconnect to promote regional roaming. (20)

- Opposes imposition of equal access obligations on any class of PCS provider. (20-21)

TELOCATOR

I. IDENTITY AND INTEREST OF THE COMMENTER

- Trade association of mobile service providers.

II. DEFINITIONS

A. Mobile Service

- Supports including mobile services under Part 22, satellite services under Part 25, Part 90, Parts 80 and 87, and Part 95 services in the definition of mobile services. (7)

B. Commercial Mobile Service

- The "for profit" part of the definition of CMS should not include businesses that operate mobile radio systems solely for their own, internal use but those who sell internal capacity on their internal systems to others for a profit should be a "for-profit service" to the extent of those sales. (8-9)

- Shared systems should be treated as not-for-profit. (9)

- Interconnected service should mean any service which enables subscribers to directly access the public switched telephone network for the purpose of initiating or receiving messages, including cellular radiotelephone and paging. (9-10)

- Agrees with FCC definition of public switched network. (10)

- "Effectively available" to substantial portions of the public should be determined by whether the majority of the public is eligible to take service. System capacity should not be a factor in making this determination. (11-12)

C. Private Mobile Service

- In defining private mobile services, functionally equivalent services should be subject to similar regulation. (12-13)