

EX PARTE OR LATE FILED

DOCKET FILE COPY ORIGINAL



Building The
Wireless Future™

CTIA

Cellular
Telecommunications
Industry Association
1250 Connecticut
Avenue, N.W.
Suite 200
Washington, D.C. 20036
202-785-0081 Telephone
202-785-0721 Fax

May 13, 1994

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W. Room 222
Washington, D.C. 20554

Re: Ex Parte Filing
GEN Docket No. 90-314
Personal Communications Services

RECEIVED

MAY 13 1994

Dear Mr. Caton:

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

On Friday, May 13, 1994, copies of the attached letter, map and overlay, were served on Mr. Ralph A. Haller, Chief of the Private Radio Bureau, and Chairman of the PCS Task Force, Mr. Donald Gips, Deputy Chief, Office of Plans and Policy, and Mr. Gregory Rosston, Telecommunications Specialist, Office of Plans and Policy.

Pursuant to Section 1.1206 of the Commission's Rules, an original and one copy of this letter and the attachment are being filed with your office.

If there are any questions in this regard, please contact the undersigned.

Sincerely,

Robert F. Roche

Attachments

No. of Copies rec'd
List ABCDE

041



Building The
Wireless Future

CTIA

Cellular
Telecommunications
Industry Association
1250 Connecticut
Avenue, N.W.
Suite 200
Washington, D.C. 20036
202-785-0081 Telephone
202-785-0721 Fax

RECEIVED

May 13, 1994

Mr. Ralph Haller
Chief, Private Radio Bureau
Federal Communications Commission
2025 M Street, N.W. - Room 5002
Washington, D.C. 20554

RE: Personal Communications Services - Docket No. 90-314

Dear Mr. Haller:

MAY 13 1994

In response to your query, the following outlines the degree to which the ownership and overlap interest rules impact cellular companies and investors in the PCS Basic Trading Areas (BTAs). FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Examination of any number of BTAs reveals the extreme and unnecessary impact of the Commission's ownership and overlap rules, and the degree to which CTIA's proposal will permit greater participation by cellular companies and investors in adjacent geographic areas.

For example, in the Louisville Major Trading Area, the Lexington BTA is composed of 35 counties, with a population estimated at 861.5 thousand (per the 1994 population estimates in Paul Kagan Associates' *1994 PCS Atlas and Databook*). The Lexington BTA is served by nine licensees -- Alpha Cellular, Appalachian Cellular, Bell Atlantic Mobile, BellSouth Mobility, Cellular Phones of Kentucky, Contel Cellular, Danbury Cellular, First Kentucky and Mountaineer Cellular. *Of these nine companies, five are restricted by the ownership/overlap rules.*

Company	Counties Served Out of BTA Total	Estimated Pops	Percentage of BTA Total Served
Bell Atlantic Mobile	9 out of 35	116.5 thousand pops	13.5 percent
BellSouth Cellular	17 out of 35	530.4 thousand pops	61.6 percent
Contel Cellular	6 out of 35	376.8 thousand pops	43.7 percent
Danbury Cellular	12 out of 35	214.4 thousand pops	24.9 percent
Mountaineer Cellular	9 out of 35	116.5 thousand pops	13.5 percent



CTIA's proposed 40 percent overlap threshold would permit three of these companies to pursue serving the adjacent counties -- which are outside their existing cellular service areas -- with more than 10 MHz of spectrum.

Like examples exist in other BTAs. Within the Louisville MTA, the Corbin BTA has a population estimated at 134.1 thousand, and it is served by four cellular companies. *All of these companies are restricted by the Commission's overlap rules.*

Company	Counties Served Out of BTA Total	Estimated Pops	Percentage of BTA Total Served
Cellular Phone of Kentucky	1 out of 4	47.1 thousand pops	35.1 percent
Contel Cellular	3 out of 4	87.0 thousand pops	64.9 percent
Danbury Cellular	1 out of 4	47.1 thousand pops	35.1 percent
First Kentucky Cellular	3 out of 4	87.0 thousand pops	64.9 percent

Similarly, in the Somerset BTA, also in the Louisville MTA, which has a population estimated at 117.0 thousand, Danbury Cellular and Bluegrass Cellular each serve 3 out of 5 counties, with 49.8 thousand pops (42.6 percent), while BellSouth serves one out of 5 counties, with 14.3 thousand pops (12.2 percent). *All three are restricted under the Commission's overlap rules.*

Similar examples can be found across the nation. For example, in the Watertown BTA (in the New York MTA), which is made up of four counties with an estimated population of 309.0 thousand, four cellular companies provide service. *All four are restricted under the Commission's overlap rules.*

Company	Counties Served Out of BTA Total	Estimated Pops	Percentage of BTA Total Served
Adirondack Limited Partnership	1 out of 4	47.1 thousand pops	15.2 percent
Contel Cellular	1 out of 4	47.1 thousand pops	15.2 percent
NYNEX Mobile	3 out of 4	262 thousand pops	84.8 percent
U.S. Cellular	3 out of 4	262 thousand pops	84.8 percent



Likewise, in the Florence South Carolina BTA (in the Charlotte MTA), which is made up of four counties with an estimated 249.6 thousand pops, four cellular companies provide service. *All four are restricted under the Commission's overlap rules.*

Company	Counties Served Out of BTA Total	Estimated Pops	Percentage of BTA Total Served
BellSouth Cellular	4 out of 4	249.6 thousand pops	100 percent
GTE MobileNet	1 out of 4	120.8 thousand pops	48.4 percent
U.S. Cellular	2 out of 4	93.7 thousand pops	37.5 percent
Vanguard Cellular	1 out of 4	35.2 thousand pops	14.1 percent

Moreover, these carriers' minority partners or investors -- which include Palmetto MobileNet (PMN) in the Florence BTA -- are also restricted by the rules, as was noted by PMN in its pleadings on Reconsideration.

As Palmetto MobileNet argued in its Reply to Oppositions to Petitions for Reconsideration, filed January 13, 1994, at p.3, "the arguments it has made and those advanced by others uniformly provide firm support for relaxation of the cellular eligibility and attribution rules, if not their outright elimination."

CTIA's proposed higher attribution and overlap standard will permit more companies already active in mobile services to extend service beyond their existing cellular boundaries, by acquiring additional spectrum -- taking advantage of their existing infrastructure and knowledge, and their interest in offering innovative new services both in and outside of their existing markets.

If you have any questions about the foregoing, please contact the undersigned.

Very truly yours,

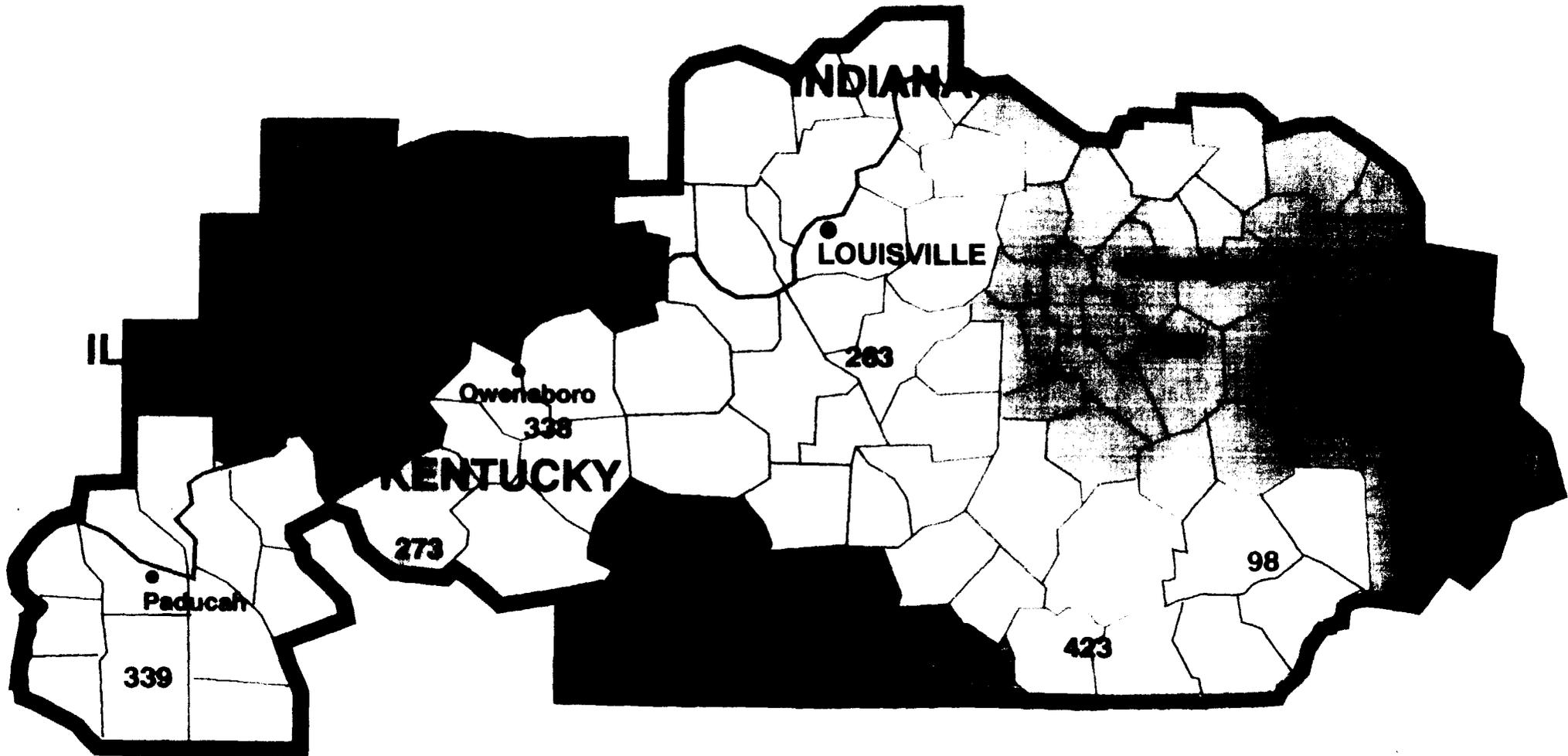
A handwritten signature in black ink, appearing to read "Robert F. Roche", is written over a horizontal line.

Robert F. Roche

Attachment

cc: Donald Gips
Gregory Rosston

LOUISVILLE MAJOR TRADING AREA



Legend: On the base map, different BTAs are defined by color, and associated number. Number 252 is the Lexington BTA, 98 is the Corbin BTA, and 423 is the Somerset BTA. On the overlay, red lines indicate MSA/RSA boundaries.