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(MAY 19 1994

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

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In The Matter Of)	
)	GN Docket No. 93-252
Implementation of Sections 3(n) and 332 of)	
the Communications Act)	
)	
Regulatory Treatment of Mobile Services)	

AMERITECH'S PETITION FOR RECONSIDERATION

Ameritech respectfully offers this Petition for Reconsideration of the Commission's Second Report and Order.¹ The Order offers a well-reasoned approach to balancing its regulatory structure across all Mobile Services, and applying it in an even-handed and rational manner. This Petition seeks reconsideration of a narrow issue in the Order; i.e., treatment of the structural separation requirement contained in Part 22.901 of the Commission's Rules. A further Commission proceeding on this topic is both timely and necessary.

The Order appropriately notes that the issue of the cellular structural separation requirements currently imposed upon the Bell Operating Companies was not specifically contained in the Commission's earlier Notice of Proposed Rule Making.² The Order, as adopted, also contained a finding the "there is not enough information in the record to evaluate whether we should remove the safeguards."³

¹ In the Matter of Implementation of Sections 3(n) and 332 of the Communications Act. Regulatory Treatment of Mobile Services, GN Docket No. 93-252, adopted February 3, 1994 ("Order").

² Implementation of Sections 3(n) and 332 of the Communications Act, Regulatory Treatment of Mobile Services, GN Docket No. 93-252, Notice of Proposed Rule Making, 8 FCC Rcd 7988 (1993) ("Notice").

³ Order, at p. 82 (para. 218).

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The record to date in this docket, as well as that established in other Commission proceedings⁴, includes a substantial amount of material regarding structural and other forms of safeguards applicable to mobile service providers. Moreover, the record in the instant proceeding contains materials submitted by no fewer than twelve parties regarding the general question of safeguards as well as the specific issue of the cellular structural separation requirements and their applicability.⁵

Specifically, in this docket, commenting parties have argued both for the imposition of additional safeguards -- i.e., measures beyond the current structural separation requirements -- upon CMRS affiliates of the RBOC's,⁶ as well urging that the structural separation requirements that exist in Section 22.901 of the Rules should be either extended to all cellular affiliates of dominant carriers, or removed from all CMRS carriers⁷. Still others urged at the structural separation question should be handled in a later phase of this proceeding.⁸

The record regarding the competitive nature of the commercial mobile radio marketplace, and the related issues of safeguards and regulation in general, was deemed sufficient to support the Commission's findings regarding its forbearance authority⁹, and regarding the classes and appropriate treatment of various

⁴ See, e.g., In the Matter of Amendment of the Commission Rules to Establish New Personal Communications Services, GEN Docket 90-314, Second Report and Order, adopted September 23, 1993 ("Broadband PCS Order"), 8 FCC Rcd 7700, at pp. 7743-48 (para. 97-111).

⁵ An overview of some of these materials is provided in the Order itself; Order, at pp 80-83 (para. 214-219).

⁶ Those advocating this view are generally parties seeking to enter the wireless marketplace without such handicaps as apply to the RBOC incumbents; see, e.g., Comments of Cox, at pp. 6-8; Comments of Nextel, at pp. 23-24.

⁷Comments of Bell Atlantic, at 36-38.

⁸ Reply comments of MCI, at 6. MCI, of course, offered this opinion prior to their announced acquisition of Nextel.

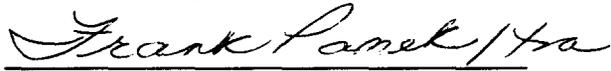
⁹ Order, at pp. 54-62 (para. 126-154).

commercial mobile radio services.¹⁰ In addition, the Commission acknowledged, in its recent Broadband PCS Order, that the record regarding the competitive status of mobile radio services in general was sufficient to support its findings that no structural separation requirement should be imposed upon broadband PCS operators.¹¹

CONCLUSION

Ameritech agrees that “[t]he Commission can play a positive role in fostering this (new) competitive environment by examining and establishing the proper mix of safeguards designed to insure that no CMRS provider gains an uncompetitive advantage”¹² To that end, Ameritech asks the Commission reconsider its list of further proceedings in this docket¹³ to include a later phase specifically designed to investigate whether the structural separation requirements in Section 22.901 of the rules should continue to be imposed upon the Bell Operating Companies.

Respectfully Submitted,

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May 19, 1994

¹⁰ Order, at pp. 62-65 (para. 155-163).

¹¹ Broadband PCS Order, 8 FCC Rcd 7700 at pp. 7751-52 (para. 126).

¹² Order, at p. 83 (para. 219).

¹³ Order, at pp. 104-5 (para. 285).

CERTIFICATE OF SERVICE

I, Kimberly M. Gurrieri, do hereby certify that a copy of the foregoing pleading has been served on all parties by first class mail, postage prepaid, on this 19th day of May 1994.


Kimberly M. Gurrieri
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