

IN-FLIGHT PHONE CORPORATION

Interest: 800 MHz Air-Ground Radiotelephone licensee.

Is further forbearance warranted:

- Argues that Air-Ground licensees should be relieved of the obligation to comply with TOCSIA because each of the three conditions necessary to justify an exemption under Section 332(c) plainly exists. (3)
- Asserts that a participant in a fully competitive industry has no incentive to adopt unreasonable charges, practices, classifications, or regulations. (4)
- States that enforcement of TOCSIA is not necessary for the protection of consumers. (4)
 - To In-Flight's knowledge, no aircraft passenger using the Air-Ground service of any Air-Ground licensee ever has complained to the FCC about: (1) the cost of making such calls; (2) the fact that service providers did not identify themselves before they connected the call; (3) charges for unanswered calls; and (4) a lack of customer access to preferred long distance carriers. (4)
 - Argues that any complaints against In-Flight concerning any of these four matters would be unjustified. (5)
- Believes that exempting Air-Ground licensees from mandatory compliance with TOCSIA is consistent with the public interest because the costs that Air-Ground licensees would incur to comply with TOCSIA are substantially greater than the benefits. (6)
 - Points out that if enforced, TOCSIA would require an Air-Ground licensee to subscribe to an "800" or "950" telephone number. Requiring such a number would be wasteful since it is not technologically possible for a caller to access any Air-Ground service from any location other than an aircraft. (6)
 - States that it is plainly wasteful to require that In-Flight install audio equipment to comply with TOCSIA Section 226(b)(1)(A) because In-Flight visually identifies itself as the service provider

on the video screen directly in front of each passenger and on the card in each seatback pocket.
(6-7)

- Suggests that applying TOCSIA to the Air-Ground industry would impose a significant cost upon the FCC. (7)
 - The TOCSIA requirement that service providers charge each caller an identical price for access to the terrestrial telephone network regardless of whether the caller uses the long distance carrier selected by the service provider or the long distance service selected by the caller could result in a major regulatory controversy at the FCC. (7)

- Believes that the Commission should exempt Air-Ground licensees under the criteria established in Section 332(c) from the tariffing and facilities authorization requirements applicable to the provision of international service. (8)
 - Argues that compliance with the tariffing and facilities authorization requirements is unnecessary to guarantee reasonable "charges, practices, classifications or regulations" for international service or for the "protection of consumers." (8)
 - All Air-Ground licensees have been classified as "non-dominant carriers," a regulatory classification defining those carriers which lack the ability to engage in predatory conduct that hurts consumers. (8)
 - Air-Ground licensees provide international service by reselling the switched international service of existing U.S. terrestrial carriers, which is the kind of international service that presents the least need for regulatory oversight. (8-9)
 - Only a small percentage of calls via Air-Ground networks are international. (9)

- Asserts that exempting Air-Ground licensees from mandatory compliance with tariffing and facilities authorization requirements in connection with providing international service is consistent with the public

interest because the costs of compliance plainly outweigh the benefits. (9)

MCCAW CELLULAR COMMUNICATIONS, INC.

Interest: Cellular and paging carrier.

Is further forbearance warranted:

- **Assymetrical regulation of CMRS services is not warranted. (2)**
- **Sections 210, 213, 215, 218, 219, and 220 do not impose affirmative obligations on CMRS providers. Thus, there is no reason to differentiate different classes of CMRS providers. (2)**
- **Forbearance from Section 223, 227, and 228 is unwarranted. These sections only involve entities that voluntarily enter the identified businesses. Moreover, the provisions advance important consumer protection objectives. (2-3)**
- **McCaw opposes disparate forbearance from the application of Section 225 (TRS). Disparate forbearance would frustrate an important policy with no countervailing benefits. (3)**
- **Forbearance from Section 226 (TOCSIA) is appropriate for all CMRS providers. These requirements are unnecessary to protect consumers or assure just and reasonable rates. Compliance with TOCSIA would be impossible in some instances and very costly in others. (4-5)**
- **-- At a minimum, Commission should clarify that an entity should not have to file tariffs if it does not actively hold itself out as an OSP. (6)**

Definition of "small":

- **The Commission's proposed criteria are unrelated to profitability and are ill-suited for determining eligibility for forbearance. (3-4)**

**NATIONAL ASSOCIATION OF BUSINESS AND EDUCATIONAL RADIO
("NABER")**

Interest: Trade Association for land mobile radio service providers.

Is further forbearance warranted:

- Imposition of almost any of the Title II regulations on small CMRS providers would result in an unfair or unnecessary economic burden on such carriers and cannot be justified by the implementation of additional regulatory paperwork and/or costs. (4)
- "Small" CMRS providers not currently subject to Title II regulations will be substantially disadvantaged to the extent that they must expend funds to meet increased Title II regulatory burdens. (5)
- The benefits intended to be derived to the consumer public by placing Title II burdens on all CMRS providers will not further the intent of the specific Title II regulations. (5)
- The Commission must view most private radio carriers reclassified as CMRS providers as companies that may be detrimentally impacted both economically and in the competitive environment by having to meet greater regulatory burdens. (5)
- Agrees with the FCC that Section 210 is unrelated to regulatory obligations. By allowing common carriers to issue franks and passes to employees and provide the government with free service in connection with preparations of national events appears to ease potential restrictions on carriers. Further forbearance is not warranted. (6)
- With regard to sections 213, 215, 218, 219, and 220, all relating to reservations of authority, NABER states that to the extent that the Commission forbears from applying these sections, it must make clear that any subsequent decision to undertake or utilize such powers would be on a non-retroactive basis, to give operators sufficient time to respond without incurring undue costs. (6)
- With regard to Section 223 (obscene and harassing calls), NABER agrees that it is important to protect minors from this type of language. If CMRS licensees

effectively decide to provide billing services on behalf of adult information providers, Section 223 should be enforced. (7)

- With regard to Section 225 (Telecommunications Relay Services), NABER states that requiring all CMRS providers to offer TRS may create technical, operational and economic issues, placing unfair burdens on small carriers. (7)
 - Alternatively, a requirement that all CMRS operators contribute to an interstate fund may not present an undue burden, but the danger is that the accounting costs required to discern the proper TRS fee together with the prospective audit review can make the process burdensome to many CMRS providers. (7-8)
- NABER argues that enforcement of the Section 226 (TOCSIA) requirements for all CMRS providers would create added economic costs to the carrier, confuse customers and potentially waste RF capacity, and urges the Commission to forbear with regard to this Section. (9)
- Section 227 (unsolicited telephone and facsimile transmissions) does not apply to CMRS providers unless they voluntarily engage in telemarketing or the sending of unsolicited facsimiles or unwanted communications. Thus, NABER believes the applicability of TCPA to CMRS should not create an undue burden. (9)
- Agrees with the Commission that on the whole, the Telephone Disclosure Resolution Act (Section 228) would not impose any unfair or unreasonable burden on CMRS providers because it affects interexchange carriers. (9)

Definition of "small":

- The Commission must distinguish classes of CMRS operators based on the amount of spectrum held or controlled by licensee. By doing so, the Commission will ensure a competitive marketplace and will not impose burdensome regulations on a carrier unless that carrier has a significant degree of market dominance. (10-11)
- The size or use of the frequency or spectrum offering held by a carrier are key factors in determining whether

such a carrier should be subject to further forbearance.
(11)

- The Commission should not interpret the classification of "small" in such a limiting fashion that it only provides for the very small business. (11)

NEXTEL CORPORATION

Interest: Provider of ESMR service and traditional SMR services.

Is further forbearance warranted:

- Urges the Commission to implement its forbearance discretion consistent with the three prong test of Section 332, to assure the development of a competitive marketplace. This analysis requires the case-by-case appraisal of regulations to assure that the benefits of applying such obligations to particular classes of CMRS carriers promote the public interest without imposing undue costs. (7)
- All the Title II provisions discussed in the NPRM can be forborne for traditional analog SMR stations which, although classified as CMRS, primarily provide private network dispatch services to business customers. (8)
- Nextel agrees that Section 210, which allows common carriers to issue franks and passes to the employees and to provide the government with national defense service, eases potential restrictions, and that forbearance is not necessary for any particular class or group of CMRS providers. (9)
- Sections 213, 215, 218, 219, and 220 do not impose any affirmative obligations on CMRS providers; therefore, the Commission need not forbear from their application to CMRS at this time. In any subsequent proceeding proposing to apply affirmative obligations under these sections to CMRS providers, the Commission should assess the potential impact and determine whether the requirements impose unnecessary costs without corresponding benefits. (9)
- Because only a voluntary business decision would subject CMRS providers to the requirements of Section 223, forbearance is not necessary. Collecting payments on behalf of a third party adult information provider is non-common carrier business activity not integral to providing mobile communication services. (10)
- With regard to Section 225 (Telecommunications Relay Services), Nextel emphasizes the provisions of Title IV of the ADA, requiring all common carriers offering interstate and intrastate telephone voice service to

provide services that enable persons with hearing and speech disability to communicate with hearing individuals through TRS. (11)

- The choices available to CMRS carriers for offering TRS provide sufficiently flexible alternatives so that new SMR providers will not be burdened by TRS obligations. (11)
- Contributions to interstate TRS funds help to maintain reasonable rates and are not unduly burdensome as under the current formula, new entrants would only have to contribute \$100 per year until the yearly gross interstate revenues exceed \$330,000. (11-12)
- Because MIRS equipment will not be able to be used with TDDs until sometime in 1995, Nextel suggests that ESMR operators should have an additional six months after August 10, 1996 to implement the technology to comply with Section 225. (13)
- There is no demonstrated basis for applying Section 226 (TOCSIA) to ESMR providers. (14-16)
 - Congress enacted Section 226 to respond to consumer abuses by segments of the communications industry other than mobile communications providers. (15)
 - ESMRs lack the market power to engage in unreasonable discriminatory behavior and have no history in anticompetitive practices. (15)
- Section 227 (unsolicited calls and facsimile transmissions) protects residential telephone subscribers' privacy by banning the use of automated or pre-recorded telephone calls. It primarily applies to telemarketing that is typically not a CMRS activity. Nextel does not oppose application of Section 227 to ESMR providers after August 10, 1996. (16)
- To the extent ESMR carriers are considered co-carriers with the local exchange, Nextel does not oppose applying the same obligation to permit subscribers to block access to 900 services where technically feasible (Section 228). However, since the Commission has forborne tariff filing obligations for all CMRS providers, it should similarly forbear from tariff filings for 900 blocking capability. (17)

Definition of "small":

- Supports forbearance from all but statutorily mandated Title II provisions for small CMRS providers that serve fewer than 5,000 subscribers nationwide. CMRS carriers with less than 5,000 subscribers nationwide do not provide the high capacity message telephone-type services that most of the Title II statutory provisions address. (8)

NYNEX

Interest: Regional Bell Operating Company.

Is further forbearance warranted:

- The Commission is correct in its determination that the public interest is not served by further forbearance from Sections 210, 213, 215, 218-220, 223, 226, 227, and 228 for certain CMRS providers. (4)
 - Section 210 should remain in effect because it actually eases restrictions on carriers irrespective of size. (4)
 - Sections 213, 215, 218, 219, and 220 should remain in effect because they do not place affirmative obligations on CMRS providers. Instead, they simply underscore the Commission's existing enforcement authority. (4)
 - Section 223 should remain in effect because protecting minors from obscene communications outweighs any cost of compliance for small carriers. (4)
 - Section 225 (TRS) should remain in effect because its proportional funding structure does not unduly burden small carriers. (5)
 - Section 226 (TOCSIA) should remain in effect because all consumers should be protected from unreasonably high rates and anti-competitive practices. (5)
 - Section 227 (tele-marketing) should remain in effect because the public interest is served by this section, and there is no evidence that certain CMRS providers would face an unfair or disproportionate burden from complying with this section. (6)
 - Section 228 (pay-per-call) should remain in effect because there is no evidence that particular classes of CMRS providers would face unduly burdensome implementation costs. (6)

Definition of "small":

- There are no instances where the size of a carrier provides sufficient basis for different regulatory treatment. (3)
 - There is no evidence that the cost of compliance with these provisions outweighs the benefits to the public. (3)
 - The size of a CMRS provider is no basis for jeopardizing important public interest objectives. (4)

ONECOMM CORPORATION

Interest: Provider of integrated wireless communications services.

Is further forbearance warranted:

- Argues that the Commission should grant certain SMR providers additional flexibility under Title II. (3)
- Contends that market conditions within the SMR industry justify differential regulatory treatment for at least some SMR providers and services under Title II provisions at issue in this proceeding. (3)
 - Argues that all SMRs are nondominant service providers and that their share of the wireless communications market is small in comparison with cellular providers. (4)
 - Believes that the market conditions under which SMR providers compete also are significantly different from cellular providers. (4)
 - Asserts that SMR costs for marketing and subscriber equipment are higher than those of cellular carriers. (5)
- Contends that when these differences are considered with respect to certain services and smaller SMR providers, a cost/benefit analysis supports differential Title II treatment for SMR providers as a whole. (5)
- Believes that although a cost/benefit analysis permits the Commission to forebear from applying all Title II provisions to traditional SMR providers, some Title II provisions of the Act would be more onerous than others. (6)
 - Notes less concern with the Commission's decision to continue to apply Sections 213, 215, 218, 219, and 220 of the Act to all CMRS providers since it also decided not to take immediate action to exercise its authority under these provisions. (6)
 - Strenuously objects to the imposition of annual reporting requirements and to the prescription of the format for accounts and records upon any SMR provider because such additional regulatory costs

would negatively impact SMR providers' competitive position. (6)

- Very concerned about the application of Section 225 (Telecommunications Services for Hearing-Impaired and Speech-Impaired Individuals) and Section 226 (Telephone Operator Consumer Services Improvement Act) to traditional SMR providers. (7)
 - Believes that a cost/benefit analysis fails to support the application of Section 225 to traditional SMR providers (particularly those engaged in dispatch services) because there would appear to be little, if any, demand for TRS service by customers of traditional SMR providers. (8)
 - Believes that the costs of providing TRS service, even if offered by a third party, will be sufficient enough to offset any benefit that the service might provide. (8-9)
 - Questions whether traditional SMR providers should be required to contribute to the TRS fund because the administrative costs required to determine the proper fund contribution will far outstrip the amount of any contribution. (9)
 - Argues that the costs of applying Section 226 to SMR providers and services, particularly traditional SMR operators, outweigh any benefits that may be attributed to application of the TOCSIA rules. (10)
 - Maintains that Section 332 of the Act will ensure nondiscriminatory charges without resort to the application of Section 226 to any SMR providers. (11)
 - Urges the Commission not to assume that application of Section 226 is required to temper the competitive behavior of these nondominant service providers even before they enter the market. (12)
 - Urges the Commission to at least withhold a decision on whether SMR providers should be subject to Section 226. (12)
 - Requests that if the Commission decides to apply Section 226 across-the-board to CMRS providers that

the Commission look favorably upon waiver requests.
(12)

PACIFIC BELL AND NEVADA BELL

Interest: Bell Operating Companies.

Is further forbearance warranted:

- The Commission should forbear from applying Sections 213, 215, 218, 219, and 220 of the Communications Act for all CMRS providers. (13)
 - Tremendous growth is occurring in the CMRS market at this time and unnecessary regulation will stand in the way of this development and increase costs to providers. (13)
 - Competition will ensure that CMRS providers' rates and practices are reasonable and not unjustly discriminatory and, together with the complaint process, will ensure that consumers are protected. (14)
- Declining to forbear from these provisions could send negative signals. (14)
 - The reservation of authority under Section 213 to make valuations of carrier property would retain the threat of burdensome and anti-competitive rate of return regulation or price cap regulation with sharing. (14)
 - The reservation of authority to prescribe depreciation rates under Section 220 would retain the threat of slow depreciation lives and would frustrate the ability of the industry to compete with rapidly changing technology. (14-15)
 - Reservation of authority under Sections 219 and 220 would retain the threat that the Part 32 Uniform System of Accounts would be applied even though it bears little or no resemblance to accounting systems used by competitive companies. (15)

Definition of "small":

- The Commission should not forbear in favor of some types or sizes of CMRS providers. The use of consortia, partnerships, and other business arrangements will make such a distinction meaningless in the CMRS marketplace. (3)

- Such distinctions would discourage small providers from expanding, as increasing in size would subject them to more regulation. (5)
- Such determinations would create an administrative nightmare for the Commission. (5)
- For example, Pacific Bell plans to create a PCS subsidiary which on its own might qualify as a small provider, but could arguably be construed as a large provider if its parent company is taken into consideration. (7)
- Any attempt to classify CMRS offerings by customer type would be intrusive, speculative, and useless. (6)
 - It may be impossible to determine the size of a CMRS provider's customer base because each customer may have one phone number for all calls. (6)
 - It would be difficult to distinguish between residential and business calls. (6)
- Market share determinations of CMRS providers' dominance or non-dominance is an inappropriate means of determining whether or not to forbear as to these providers. (8)
 - The existence of competitors in a marketplace and the ease with which competitors can enter a marketplace may be a better indicator of competition than market share data. (8)

SEA INCORPORATED

Interest: Manufacturer of narrow-band radio equipment and 220 MHz licensee.

Other:

- 220 MHz systems that might be classified as CMRS should not be regulated as though they are substantially similar to other CMRS offerings. (3)
- The Commission should not regulate 220 MHz CMRS providers in the same manner that it regulates large common carrier providers, such as cellular telephone companies and ESMR operators. (4)
- It will be difficult to predict with any certainty whether commercial 220 MHz licensees will in fact provide service that is substantially similar to any Part 22 service. (6)
- 220 MHz service will be a half-duplex, i.e., push to talk service, and cellular telephone users will not view a half-duplex 220 MHz service as substantially similar to the full duplex interconnect telephone service which they are accustomed. (6-7)
- Only half of the existing SMR station licenses are being used for interconnected service. Therefore, the statutory definition of CMRS service (that the service operate has to interconnect) cannot be applied to 220 MHz systems. (7)
- Commercial 220 MHz licensees offering interconnectability will most likely do so only to enhance the convenience of the primary dispatch service for their customers rather than offering it in full competition with the full-duplex telephone interconnect services offered by cellular and EMRS carriers. (7)
- 220 MHz licensees should not be burdened with the technical requirements that are appropriate for large common carrier CMRS providers, because 220 MHz service providers possess a small amount of spectrum. The rules for channel assignment, co-channel interference protection, comparable antenna height, etc. simply do not fit the circumstances of 220 MHz service. (8)

- The SunCom petition, which sought permission to aggregate non-nationwide 220 MHz 5 channel blocks on a regional basis to provide multi-market service on a single service, should be denied. (9)
- The 220 MHz service is not cellular, ESMR, or PCS and SunCom's attempt to transform it into a head-to-head competitor with these services even before 220 MHz is deployed is misguided. (10)
- The SunCom petition is an attempt to circumvent the Commission's decision to license only four 5 channel trunked nationwide commercial systems. (11)
- If SunCom is interested in providing service that is regional, it should follow the Commission's existing rules for the 220 MHz service. (11)
- SunCom's attempt to acquire a nationwide license appears to be motivated by a desire to evade the financial qualification criteria of the rules governing 220 MHz nationwide licenses (Section 90.713(a)(5)). (12)
- If the Commission grants SunCom's request for a construction "milestone" approach, it must be presumed to apply to all outstanding 220 MHz licenses. Given that the fundamental purpose of reallocating 220 MHz spectrum was to facilitate the rapid and varied deployment of narrowband technologies, the Commission would be contradicting its own stated goal if it granted SunCom's request. (14)
- If the Commission decides the present approach for 220 MHz service is inadequate for some reason, then the Commission can set out to create a new nationwide regional licensing framework. At that time, the Commission should amend the rules following notice and comment, reconfigure the 220 MHz channel plan, and allow all persons to apply for the newly created licenses to be awarded by either lottery or auction. (16)

THE SOUTHERN COMPANY

Interest: Wide-area, interconnected SMR licensee.

Is further forbearance warranted:

- The Commission should not forbear from applying Section 223 because protecting the public from obscene and indecent communications is an important public interest goal. (5)
- The Commission should not forbear from applying Section 225 because providing telecommunication service to the hearing and speech impaired is an important public interest goal. Additionally, providing such services is not overly burdensome for CMRS licensees, especially in view of the fact that such services can be contracted out to third parties. (5-6)
- The Commission should exercise its forbearance authority in the case of Section 226 (TOCSIA) as applied to all CMRS licensees. CMRS services are subscription-based and therefore, the general public cannot use CMRS facilities without becoming a subscriber, and public interest problems as "call-splashing" are not at issue. (6)
- The Commission should not forbear from applying Section 227 because those CMRS providers that decide to engage in telemarketing should comply with the requirements of this section. (7)
- The Commission should not forbear from applying Section 228 because it only applies to those CMRS providers offering 900 pay-per-call services. For carriers offering such services complying with this section would not be overly burdensome. (7)

Other:

- Southern opposes reliance on the complaint process as a means for determining eligibility for forbearance because this process may encourage frivolous complaints by competitors. (8)
- Southern supports a case-by-case approach for determining further forbearance eligibility, with the burden of proof resting with the CMRS applicant. This is warranted because following issuance of a license,

circumstances can arise that would warrant CMRS licensees to seek further forbearance and employing a case-by-case approach prevents foreclosure of such an opportunity. (8-9)

SOUTHWESTERN BELL MOBILE SYSTEMS

Interest: Cellular service provider.

Is further forbearance warranted:

- Urges the Commission not to create subclasses of providers of CMRS and discriminate among the subclasses for enforcing Title II. (1)
- Forbearance cannot be considered on a generic basis. Each section of Title II must be considered individually. (3)
- The two-part test for considering the public interest (the third prong of the forbearance test) is inadequate. It assumes the public interest is to be measured by costs of compliance and comparisons among CMRS providers and overlooks most of what Title II was supposed to protect. (4)
- Depending on the Title II provision, the Commission should forbear from applying certain sections. Forbearance should be applied uniformly across the class of CMRS providers. (4)
- Forbearance from Sections 213, 215, 218, 219, and 220 is appropriate because these provisions are tailored for regulation of monopoly telephone companies rather than the competitive wireless market. (5)

-- If in the future a CMRS provider's practices threaten the public interest in a manner warranting review, the size of the offending carrier or cost to the carrier of the review would not allow the Commission to turn its head if the public interest required otherwise. (7)
- Every CMRS should provide TRS service, since the American Disabilities Act obligates all common carriers to provide these services to those with hearing and speech disabilities. Additionally, no part of the three prong test to justify forbearance is met with regard to Section 225. (7-9)
- Urges the Commission to forbear from applying TOCSIA to CMRS providers because the elements of the three part test to justify forbearance in Sec. 332 are met. (10-11)

- Expenses for complying with TOCSIA would be burdensome on CMRS providers, such as acquiring and configuring switches to brand roamer calls. Branding and other applications would create customer confusion as well. (14)
- There is no evidence before the Commission that CMRS consumers are confronted with the types of problems that led Congress to enact TOCSIA. (15)
- Application of TOCSIA is not necessary to assure just and nondiscriminatory rates and is not necessary for the protection of consumers. (11)
- There is no need to impose the burden of blocking calls on CMRS carriers. Rather, TDDRA (Section 228) requirements can be met by having subscribers lock the phone. (17)
 - Blocking is unnecessary, therefore the tariff obligations related to blocking should be forborne. (17)

Definition of "small":

- It would be impossible for the Commission to fulfill its obligation to consider and protect the public interest if it were to provide generic exemption from Title II on the basis of size of certain providers. (2)
- The Commission could not comply with its statutory obligation to consider the public interest if it were to make generalizations about classes of carriers exempt from Title II, especially if those classifications were based on size. (18)
- Exemptions for classes of CMRS based on net worth, income, or percentage of interconnected traffic would undermine regulatory parity. These types of exemptions would require constant adjustment. (18-19)

UNITED STATES SUGAR CORPORATION

Interest: Operator of SMR system used for internal communications.

Is further forbearance warranted:

- Claims that the provisions of Title II being considered for forbearance will not impose tremendous compliance costs on traditional SMRs, but argues that establishment of a "small" CMRS category including traditional SMRs is necessary to draw a legal distinction between those SMRs that can (wide-area SMRs) and cannot (traditional SMRs) compete with common carriers and PCS. (20)

Definition of "small":

- Urges the Commission to establish a defined class of "small" CMRS providers for Title II forbearance, and applauds the Commission's recognition that there exists such a class that will be unduly burdened financially and technically if they are obligated to comply with Title II and other common carrier regulations. (16)
- Agrees that the Small Business Association (SBA) definition of "small" is not the best for forbearance and regulatory purposes, particularly in terms of the administrative difficulties associated with separating the net worth of a traditional SMR system from the overall net worth of the licensee operating the system. (16-17)
- Instead, "small" CMRS providers should be identified by their similarity to "traditional" SMRs, i.e., local contentional or trunked 800 MHz systems with only a moderate number of channels used primarily to provide dispatch communications for other small businesses. (17)
- In this same connection, suggests that the degree to which a system is interconnected is a good indication of its "substantial similarity" to common carriers, and should be considered in the making of a size determination for forbearance purposes. (19)
- Suggests that another indication of size for purposes of forbearance is the number of competitors available to potential users. (19)

Other:

- Urges that "small" CMRS operations that meet the criteria of the traditional SMR should remain subject to the current private land mobile regulations after they are reclassified as CMRS on August 10, 1996. (22)