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Before the  
Federal Communications Commission  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
 )  
Petition of the People of the State ) PR Doc. No. 94-105  
of California and the Public Utilities )  
Commission of the State of California )  
 )  
To Retain Regulatory Authority Over )  
Intrastate Cellular Service Rates )

**OPPOSITION OF THE  
CELLULAR TELECOMMUNICATIONS INDUSTRY ASSOCIATION  
TO REQUEST OF THE NATIONAL CELLULAR RESELLERS ASSOCIATION  
FOR ACCESS TO CALIFORNIA PETITION FOR STATE REGULATORY  
AUTHORITY PURSUANT TO THE TERMS OF A PROTECTIVE ORDER**

The Cellular Telecommunications Industry Association ("CTIA")<sup>1</sup> respectfully submits its opposition to the Request for Access to California Petition for State Regulatory Authority Pursuant to the Terms of a Protective Order filed by the National Cellular Resellers Association ("NCRA") on September 19, 1994, in the above-captioned proceeding.<sup>2</sup> In its request, NCRA seeks disclosure of commercially sensitive and proprietary information submitted

<sup>1</sup> CTIA is a trade association whose members provide commercial mobile radio services, including over 95 percent of the licensees providing cellular service to the United States, Canada, Mexico, and the nation's largest providers of ESMR service. CTIA's membership also includes wireless equipment manufacturers, support service providers, and others with an interest in the wireless industry.

<sup>2</sup> In the Matter of Petition of the People of the State of California and the Public Utilities Commission of the State of California to Retain Regulatory Authority Over Intrastate Cellular Service Rates, PR Docket No. 94-105 (August 9, 1994).

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by the California Public Utilities Commission ("CPUC") in support of its petition to retain intrastate cellular service rates. CTIA opposes such a request for the reasons set forth in the oppositions filed in this docket by AirTouch Communications ("AirTouch"), GTE Service Corporation ("GTE"), and McCaw Cellular Communications, Inc. ("McCaw") in response to NCRA's request. CTIA concurs that NCRA's request should be dismissed or denied.

Airtouch, GTE, and McCaw have correctly noted that NCRA has failed to provide a sufficient justification for granting access to the confidential documents.<sup>3</sup> Similar to its comments filed in this proceeding, NCRA's request lacks the supportive legal analysis that is necessary for the Commission to grant such an extraordinary remedy as a protective order. As AirTouch noted in its opposition, "the request is devoid of any explanation as to why it is necessary to obtain the confidential data to respond to the CPUC Petition."<sup>4</sup>

CTIA also supports the position taken by AirTouch, GTE and McCaw that the Commission should not further exacerbate the alleged illegal action taken by CPUC when it submitted confidential data to the FCC.<sup>5</sup> Granting NCRA's request for

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<sup>3</sup> See AirTouch Opposition at 2-3, GTE Opposition at 4-5, McCaw Opposition at 3.

<sup>4</sup> AirTouch Opposition at 4.

<sup>5</sup> See AirTouch Opposition at 9, GTE Opposition at 5-6, McCaw Opposition at 2-3.

access to commercially sensitive information such as carrier rate plans, capital utilization, and subscriber data would place carriers at a competitive disadvantage. Furthermore, granting access to highly sensitive and proprietary information would allow NCRA to "forum shop" and undermine state administrative rulings when such rulings provide confidential treatment to commercially sensitive documents.

**Conclusion**

For the foregoing reasons, CTIA strongly urges the Commission to deny NCRA's request for access to the confidential data submitted by the CPUC in support of its petition to retain regulatory authority over intrastate cellular service rates.

Respectfully submitted,

**CELLULAR TELECOMMUNICATIONS  
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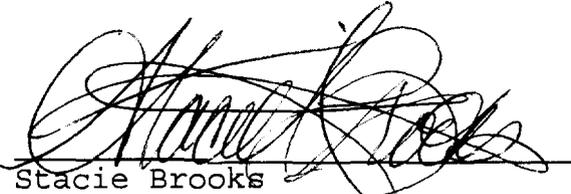
October 4, 1994

**CERTIFICATE OF SERVICE**

I, Stacie Brooks, hereby certify that on this 4th day of October, 1994 copies of the foregoing Opposition of the Cellular Telecommunications Industry Association were served by hand delivery upon the following parties:

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