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BEFORE THE

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C.

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of	)	
	)	PR Docket 94-109
Petition of Public Utilities	)	
Commission, State of Ohio	)	
	)	
	)	
For Authority to Extend Its Rate	)	
Regulation of Commercial Mobile	)	
Radio Services in the State of Ohio	)	

OPPOSITION OF THE CELLULAR TELECOMMUNICATIONS INDUSTRY ASSOCIATION

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List ABCDE

October 4, 1994

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SUMMARY

The assertions of some respondents that a state should be permitted to regulate cellular CMRS providers as "dominant" carriers is inconsistent with the statutory mandate of § 332(c) of the Communications Act and flies in the face of the Commission's decision to forbear all CMRS providers from tariff requirements.

The CMRS industry performs competitively. Given the dynamic and competitive nature of the CMRS marketplace, and because the Petition filed by the State of Ohio has failed to meet the statutory standard and the requisite burden of proof, the Petition should be denied.

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Federal Communications Commission

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In the Matter of	)	
	)	
Petition of the State of Ohio	)	PR Docket No. 94-109
	)	
For Authority to Continue to Regulate Commercial Mobile Radio Services	)	

REPLY COMMENTS
OF THE
CELLULAR TELECOMMUNICATIONS INDUSTRY ASSOCIATION

The Cellular Telecommunications Industry Association ("CTIA")[1] respectfully submits its Reply Comments in the above-captioned proceeding.

I. THE PROPER STANDARD FOR RETAINING STATE REGULATION HINGES UPON A FINDING OF SUFFICIENT COMPETITION, NOT MARKET DOMINANCE.

A number of respondents in this proceeding claim that the states are justified in retaining jurisdiction over the rates of cellular CMRS providers but not the rates of non-cellular CMRS

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[1] CTIA is a trade association whose members provide commercial mobile 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.

providers, based on the characterization of cellular carriers as "dominant."[2] By referring to cellular carriers as "dominant," these respondents seek to imply, without the benefit of empirical evidence, that cellular operators have market power and exercise bottleneck control over their facilities, thereby impeding competition. More importantly, assertions that states should be permitted to use "dominance" as a basis for regulating CMRS providers as distinct from non-cellular CMRS providers flies in the face of the Commission's decision in the CMRS Second Report and Order.[3]

In enacting last year's amendments to Section 332(c) of the Communications Act, Congress did not impose a "dominant" and "non-dominant" standard as the statutory test for state preemption of CMRS providers. Respondents' unsubstantiated claims misapprehend the test established by Congress for the extension of state regulation of CMRS. Congress directed the Commission to authorize state rate regulation of CMRS based on a state's showing, supported by empirical evidence, that "market

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[2] Comments of Nextel Communications, Inc. at 11-14; Comments of Association of Mobile Telecommunications Association, Inc. at 5-7; Comments of National Cellular Resellers Association at 2-3.

[3] Regulatory Treatment of Mobile Services, Second Report and Order in GN Docket No. 93-252, 9 FCC Rcd 1411 (1994)("Second Report and Order").

conditions . . . fail to protect subscribers adequately from unjust and unreasonable rates or rates that are unjustly or unreasonably discriminatory."[4] By establishing such requirements, Congress intended the Commission to ensure that State regulation is consistent with the overall intent of Section 332(c)(3), "so that...*similar services are accorded similar regulatory treatment*."[5] Neither the State of Ohio, nor any of the respondents in this proceeding, have provided the requisite empirical evidence to satisfy the statutory test for the authorization of state regulation of CMRS. This test, in fact, is the same statutory test the Commission analyzed when it determined to exercise its forbearance authority under § 332.

Earlier this year, when it applied the statutory test for exercising regulatory forbearance of cellular service, the Commission found determinative that the level of competition sufficiently protected consumers from unjust and unreasonable discrimination. The Commission's analysis yielded a finding that

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[4] 47 U.S.C. § 332(c)(3).

[5] H.R. Rep. No. 213, 103d Cong., 1st Sess. 494 (emphasis added). While Congress was well aware of the dominant/non-dominant distinction when it enacted the Budget Act, Congress did not impose any requirements that the Commission classify a CMRS provider as "non-dominant" to justify forbearance or state preemption. See e.g., H.R. Rep. No. 111, 103d Cong., 1st Sess. 260-61 (stating that the Committee was aware of the Court of Appeals decision voiding the "Commission's long standing policy of permissive detariffing, applied to non-dominant carriers.")

"the current state of competition regarding cellular services does not preclude our exercise of forbearance authority."[6] Similarly, the Commission's statement that the cellular market may not "be fully competitive" does not undermine the overall finding of a sufficient level of competition within cellular services, thereby obviating the need for state regulation.[7]

It bears repeating that none of the respondents in this proceeding have substantiated their allegations regarding the level of competition in cellular with any empirical evidence. Reliance upon the unsupported opinions of the proponents of state regulation is not a substitute for economic analysis of actual market conditions. Yet economic analysis is precisely what the states and respondents fail to offer to bolster their claims that cellular providers have market power.

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[6] Regulatory Treatment of Mobile Services, Second Report and Order in GN Docket No. 93-252, 9 FCC Rcd 1411, 1467 (1994)("Second Report and Order").

[7] Second Report and Order at 1478. Recently, the Commission has stated that even the existence of large, multi-market cellular firms does not necessarily limit competition in the cellular marketplace, because, "the wireless communications business is one in which relatively small, entrepreneurial competitors have often been as successful as large ones . . . ." Applications of McCaw and AT&T for Consent to the Transfer of Control of McCaw Cellular Communications and its Subsidiaries, File Nos. ENF-93-44 and 05288-CL-TC-1-93 et al., Memorandum Opinion and Order, FCC 94-238 at ¶ 38 (Released September 19, 1994)("Applications of AT&T/McCaw").

Even if the unsubstantiated claims regarding the previous level of competition were correct, respondents are taking a "rear-view mirror approach" to cellular regulation. Whatever the state of competition in the past, wireless services stand poised to experience an explosion of new competition from ESMR and PCS. Therefore, regardless of the current state of competition, the entry of strong, aggressive new competitors in the coming year will infuse substantial new competition into the industry and assure cost-based prices for CMRS services. The Commission itself expects that the level of competition in the cellular marketplace will continue to intensify: "We anticipate that the advent of PCS will open the commercial radio services . . . marketplace, which includes cellular service, to intense competition."[8] For the Commission to ignore the impact of these new CMRS competitors that it so successfully has brought into the market would be neither responsible nor correct.

II. THE CMRS INDUSTRY PERFORMS COMPETITIVELY

As CTIA has shown repeatedly and contrary to respondents' unsupported opinions, the CMRS industry does perform competitively.[9] In addition, recent analyses by the Commission

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[8] Applications of AT&T/McCaw at 25.

[9] See Drs. Stanley Besen, Robert J. Larner, and Jane Murdoch, Charles River Associates, "The Cellular Service Industry: Performance and Competition" (Nov. 1992), submitted,

refute the allegations that cellular providers impede competition by maintaining bottleneck control of cellular facilities.[10] In recently granting AT&T/McCaw's transfer of control application, the Commission rejected BOC requests for the imposition of MFJ equal access requirements upon the merged entity. Significantly, the Commission found:

> [t]he rationale for the MFJ's [equal access] limitations on the BOCs -- the existence of a long-entrenched exchange service bottleneck encompassing virtually every home and business in the BOCs' territories -- does not apply to AT&T/McCaw. In the absence of a factual rationale for applying the MFJ to AT&T/McCaw, doing so would be counterproductive.[11]

Additional findings by the Commission also undermine various respondents' claims that the existence of only two cellular providers per service area is anti-competitive or injurious to

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inter alia, as an attachment to CTIA Opposition in this docket (Sept. 19, 1994).

[10] Comments of National Cellular Resellers Association at 3. While NCRA appends only a bibliography of Federal documents as authority for lack of competition, such a listing unaccompanied by any analysis is far from persuasive. Further, if the Commission closely examines the Appendix, it will find that NCRA's "proof" is another example of its repeated attempts to distort reality to make otherwise untenable conclusions appear plausible. See Appendix to Comments by the National Cellular Resellers Association.

[11] Applications of AT&T/McCaw at 20 (footnote omitted). The Commission characterized the BOCs' bottleneck exchange services as "historical" and "ubiquitous," while describing cellular service as "relatively new, serving only a small percentage of the population." Applications of AT&T/McCaw at 24.

consumers.[12] Significantly, the Commission has found that, "the existence of two facilities-based [cellular] carriers has created a degree of rivalry not present in `wireline' exchange services under the former Bell system."[13]

III. THE COMMISSION SHOULD REJECT PROPOSALS TO ALLOW STATES TO IMPOSE DIFFERENT REGULATORY REGIMES ON CELLULAR AND NON-CELLULAR CMRS PROVIDERS.

In commenting upon the state petitions to retain CMRS regulations, various respondents have requested the Commission to authorize states to maintain disparate regulatory regimes within the CMRS classification.[14] In particular, they have asked the Commission to authorize states to single out cellular CMRS providers for regulation as distinct from all other functionally-equivalent CMRS providers. Even if we were to assume, *arguendo,* that the level of competition in the CMRS marketplace was insufficient to adequately protect consumers from unjust and unreasonable rates or discrimination, the Commission should

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[12] Comments of American Mobile Telecommunications Association at 6-7; Comments of National Cellular Resellers Association at 2-3; Comments of Nextel Communications, Inc. at 12-13.

[13] Applications of AT&T/McCaw at 24.

[14] See, e.g., Comments of the American Mobile Telecommunications Association, Inc. at 6-7; Comments of Nextel Communications, Inc. at 9.

reject respondents' requests for disparate state regulation of competitive services as violative of both the letter and the policy of § 332(c) of the Communications Act.

Congress revised § 332(c) to establish regulatory parity for substantially similar forms of CMRS. This action was taken to remedy the disparate regulatory treatment of such services.[15] In so doing, the Congress clearly desired to create a uniform, nationwide regulatory regime which would benefit consumers by requiring substantially similar CMRS providers to compete directly with each other, unimpeded and therefore unprotected by artificial regulatory distinctions.[16]

The Commission, in its implementing regulations, acknowledged that Congress intended to accord similar mobile services similar regulatory treatment.[17] Accordingly, the

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[15] Regulatory Treatment of Mobile Services, Third Report and Order in GN Docket No. 93-252, FCC 94-212 at ¶ 4 (Released September 23, 1994)("Third Report and Order").

[16] See H.R. REP. No. 111, 103d Cong., 1st Sess. 259-261 (1993); See also Third Report and Order at ¶ 29.

[17] Second Report and Order at 1418 ("By establishing a new class of commercial mobile radio services, Congress has taken a comprehensive and definitive action to achieve regulatory symmetry in the classification of mobile services."); See also Third Report and Order at ¶¶ 6 and 25.

Commission promulgated a broad definition of CMRS that includes all mobile services and their "functional equivalents."[18]

Moreover, while noting its power to impose different Title II obligations upon the various CMRS providers, the Commission nonetheless found that market conditions required equal regulatory treatment of all newly-classified forms of CMRS.[19] Specifically, the Commission found that differential regulation would be justified only when "the possibility [exists] that one carrier or class of carriers has market power."[20] Importantly, it found the market sufficiently competitive to warrant consistent regulations for all CMRS. Most significantly, the tariff obligations the states request to remain enforceable are

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[18] Second Report and Order at 1447. Carrying out the intent of Congress, the Commission reclassified paging, SMR, ESMR, cellular, PCS, and other mobile services as CMRS. Second Report and Order at 1519. See also Third Report and Order at ¶ 12.

[19] While the Commission has issued a Notice exploring the efficacy of additional regulatory forbearance for certain CMRS services, it nevertheless removed all tariffing and other burdensome Title II obligations for all CMRS providers. Second Report and Order at 1467-1472. See also Further Forbearance from Title II Regulation for Certain Types of Commercial Mobile Radio Service Providers, GN Docket No. 94-33, Notice of Proposed Rule Making, FCC 94-101 (Released May 4, 1994).

[20] Second Report and Order at 1474 ("At this time, however, differential tariff and exit and entry regulation of CMRS as a general matter does not appear to be warranted.").

similar to the types of regulations already forborne by the Commission.[21]

The FCC's decision to subject all CMRS to the same regulatory regime must be observed in the context of state regulation as well. For the Commission now to allow states to impose inconsistent regulations on different providers within the CMRS classification would yield precisely the result that Section 332(c) -- amended by Congress just last year -- is designed to remedy. Accordingly, the Commission should reject any requests for differential state regulatory treatment and thereby assure that regulatory parity is maintained and that the disparities once prevalent do not again dominate.

IV. STATE RATE REGULATION IS UNNECESSARY IN VIEW OF COMPETITIVE FORCES WITHIN THE CMRS MARKETPLACE.

Commercial mobile services are rapidly becoming an indispensable part of the national information infrastructure. Currently, mobile communications are the fastest growing segment of the telecommunications industry with no single provider capable of fully meeting consumer demand. Growth and entrepreneurism in commercial mobile services are being driven by such factors as digital technology, economies of scale, and an ever-increasing consumer demand for such cost-effective services.

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[21] See Third Report and Order at ¶ 42 and n. 62.

Investment in CMRS has further been spurred by the flexible and substitutable nature of available wireless technology and services. In addition, expansion of the wireless industry has been aided by the Commission's open entry policies and its systematic efforts to eliminate artificial distinctions between the various commercial mobile services.

Further, such regulation can impose burdensome costs which may ultimately harm competition and cause an increase in rates. To illustrate, cellular rates in states that regulate cellular prices are approximately five to fifteen percent higher than rates in states that are free of regulation.[22] Thus, regulation "does not lead to lower prices" in those markets.[23] Further, regulation, not the lack of competition, may explain the higher rates of which the states complain.

Together, all of these factors demonstrate that state regulation of intrastate rates is unnecessary to protect consumers. The cellular industry, which, for reasons of spectral limitations, has only two licensees per geographic market, itself performs competitively. And the cellular industry has by no means tapped out the consumer demand for mobile services.

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[22] See Affidavit of Jerry A. Hausman at 3 (September 14, 1994). Dr. Hausman's Affidavit is attached hereto.

[23] Id.

Moreover, other mobile services providers currently provide services that are readily substitutable for cellular services and additional competitive entry is promised in the near future.

A. Economic analysis supports the conclusion that the cellular marketplace performs competitively.

Drs. Stanley M. Besen, Robert J. Larner, and Jane Murdoch, of Charles River Associates, concluded after careful analysis regarding the state of competition in the cellular marketplace that, "the business of supplying cellular telephone communications has been characterized by rapidly increasing volume, declining prices, expanded service offerings, and significant technological change."[24] Significantly, they stated that the cellular services industry has performed the way economists expect a "young industry driven by market forces and developing in a competitive context" to operate.[25] In other words, the performance of cellular is, in fact, already competitive.

The conclusion reached by Drs. Besen, Larner, and Murdoch as to the competitive nature of the cellular services industry is

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[24] Drs. Stanley Besen, Robert J. Larner, and Jane Murdoch, Charles River Associates, "The Cellular Service Industry: Performance and Competition" (Nov. 1992) submitted as an Appendix to CTIA Reply Comments in GN Docket 90-314, at 1 (Jan. 1993). A copy of the above is attached hereto.

[25] Id. at 4.

buttressed by the high rate of intra-industry churn, i.e., customers switching from one cellular carrier to another. EMCI, Inc., in its CELLTRAC survey, noted average annual churn rates of nearly 25 percent among commercial mobile services customers.[26] Of this turnover, roughly one third is intra-industry churn, i.e., customers switching to competing cellular providers.[27] The rate of intra-industry churn is evidence of the dynamic nature of the cellular communications industry and the absence of barriers to customers changing service providers therein.[28] Further, the high degree of intra-industry churn underscores the fact that cellular service providers are facing competition from within their own ranks, not to mention from other commercial mobile service providers.

Drs. Besen, Larner, and Murdoch attribute the competitive performance of the cellular industry to the rapid rate of technological development, explaining that such a phenomenon "imparts a high degree of variability to the services offered and

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[26] See e.g., EMCI, U.S. Cellular Marketplace, 1993 at 34-35.

[27] Id. See also Robert F. Roche, "Competition and the Wireless Industry" ("Roche Study") at 14-15. A copy of Mr. Roche's study is attached hereto.

[28] For example, unlike "800" service, number portability is not an issue because most cellular customers do not publicize their cellular number, and therefore have no investment or interest in it.

the prices of those services."[29] They concluded that the dynamism of the cellular industry prevents competitors from entering into collusive arrangements that would inflate prices and harm the public interest.[30] Additionally, the panelists that participated in the Commission's recent panel discussions on consumer demand for personal communications systems ("PCS") agreed that the rapid growth and competition that marks the cellular industry is expected to spread across the entire mobile telecommunications marketplace.[31] The introduction of unnecessary state regulations to an already competitive market will only serve to dampen existing levels of competition and thereby harm the public interest.

B. Cellular services providers do not occupy the entirety of the CMRS marketplace, leaving an untapped demand to be filled by other CMRS providers.

While cellular is growing at an annual rate of more than forty percent, existing subscribership is small in comparison to the potential overall market for the broad range of available

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[29] Drs. Besen, Larner, and Murdoch, "The Cellular Service Industry: Performance and Competition" at 7.

[30] Id.

[31] See Roche Study at 18-21. See also *FCC En Banc Meeting*, April 11, 1994, (testimony of Elliott Hamilton, Vice President and Director, U.S. Wireless Consulting, transcript at 46-49; testimony of Mark Lowenstein, Director, Wireless Mobile Communications, Yankee Group, transcript at 35-40).

CMRS services.[32] The total number of domestic cellular subscribers is 19.3 million, or only about 8 percent of the U.S. population.[33] If the pool of addressable mobile consumers is used, the total number of current subscribers to cellular services represents only 16.7 percent of the potential market. This leaves over 83 percent of the population either served by other CMRS providers or untapped and ripe for mobile services to be provided by a diverse range of competitors.

C. Other CMRS providers are competing with cellular service providers.

In promulgating rules to implement § 332, the Commission stated that it would consider as "pertinent to determine market conditions and the need for consumer protection" such factors as the substitutability of services offered by CMRS providers, opportunities for new entrants to the commercial mobile services marketplace, and the existence of barriers to such entry, among others.[34] Economists have analyzed these factors and have found evidence that strongly supports the presumption against state regulation of commercial mobile services.

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[32] See Roche Study at 24-25.

[33] "Mid-year Results Show Wireless Customers Near 20 Million Mark; Monthly Bill Drops," CTIA News Release (September 6, 1994.

[34] Second Report and Order, supra note 8, at 1504-1505.

The unclaimed portion of the CMRS marketplace is vast and competition by non-cellular CMRS providers for subscribers already exists. Competition will only increase with the further development of additional mobile services. Existing CMRS providers currently offer a wide range of mobile services to compete with cellular, including advanced and wide area paging, specialized mobile radio ("SMR"), enhanced specialized mobile radio ("ESMR"), PCS, wireless cable, traditional radio services, mobile satellite, basic exchange telecommunications radio service ("BETRS"), wireless facsimile, and broadband video (28 GHz LMDS).

Current providers of mobile services, such as cellular, paging, and SMR, are the beneficiaries of technological advancements which enable them to offer increased service capabilities to their customers. Similarly, these companies as well as new entrants will soon be eligible to offer new services, such as PCS, enabling them to compete with a broader array of other CMRS providers. In addition, scale economies have reduced the cost of manufacturing mobile communications equipment and infrastructure. These factors result in lower prices for consumers, increased innovation, and decreased barriers to entry into new commercial mobile services.

In a December 1992 study, EMCI, Inc. predicted that technological development and market conditions, combined with

regulatory changes, will permit the various commercial mobile services to compete against each other and, in fact, serve as cost-effective substitutes.[35] Not even two years have passed since that study, and already we are witnessing SMR providers switching from dispatch to mobile telephone service and paging companies moving from one-way to two-way messaging and voice services. In addition, digital SMR and paging systems are increasingly able to provide substitutable services by deploying new technologies and through frequency reuse.

In a second study by Drs. Besen, Larner, and Murdoch, ESMR was found to serve as a competitive alternative to cellular services and certain applications of PCS were also found to serve as potential competitive substitutes.[36] Drs. Besen, Larner, and Murdoch discussed the increase in ESMR's quality, capacity, and service offerings that is likely to result from the consolidation of radio frequencies, digital technology, multiplexing technology, and the use of multiple base stations.

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[35] EMCI, *The Changing Wireless Marketplace,* Cellular Brief at 3 (December 17, 1992).

[36] Drs. Stanley M. Besen, Robert J. Larner, and Jane Murdoch, Charles River Associates, "An Economic Analysis of Entry by Cellular Operators into Personal Communications Services," submitted as an Appendix to CTIA Comments in GN Docket 90-314, at 37-38 and generally (Nov. 1992). A copy of the above is attached hereto.

Dr. Jerry A. Hausman, MacDonald Professor of Economics at the Massachusetts Institute of Technology, concurs in the prediction that ESMR will serve as a close substitute to cellular service and adds that the competition for the CMRS market is already vigorously underway.[37] As evidence for this conclusion, Dr. Hausman, in the 1994 Affidavit, cited recent developments in the mobile services industry. One such development is the fact that Nextel, which started operations in 1993, has already begun to provide ESMR in Los Angeles, San Francisco, and Sacramento,[38] and plans to expand its digital network to Chicago, Milwaukee, San Diego, and the New York City metropolitan area later this year.[39] Nextel recently purchased enough spectrum to provide ESMR to between seventy and 85 percent of the U.S. population.[40]

In his Affidavit, Dr. Hausman demonstrates that the market for ESMR is dynamic and rapidly developing by discussing the recent efforts of other companies to construct ESMR networks to

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[37] See Affidavit of Jerry A. Hausman, United States v. Western Elec. Co., Civil Action No. 82-0192, at 5-8 (June 15, 1994) ("1994 Affidavit").

[38] NEXTEL COMMUNICATIONS, INC., 1994 ANNUAL REPORT 2 (1994).

[39] 1994 Affidavit at 5.

[40] 1994 Affidavit at 5. See also, Motorola Could Strengthen Strategic Position of MIRS Technology Following Merger of Major SMR Companies 12 Mobile Phone News at 1, Aug. 15, 1994. By comparison, McCaw, the largest cellular carrier, has service areas covering only about 25 percent of the U.S. population.

compete for subscribers in the CMRS marketplace. Dr. Hausman also describes the plans of ESMR companies to construct networks throughout the Southeastern, Rocky Mountain, and Pacific Northwest regions.[41]

PCS mobile wireless providers also promise to offer substitutable services to those currently offered by the cellular industry. At the Commission's first narrowband PCS auction in July 1994, six companies successfully bid for ten licenses to provide nationwide wireless service in direct competition with current CMRS service offerings. Additional significant competition from broadband PCS, i.e. head-to-head competition with cellular and other CMRS providers, is expected in the U.S. in the near future.[42]

The substitutability of commercial mobile services is also a consumer, or demand-side, phenomenon. From the consumers' perspective, cellular service could be supplanted by ESMR or PCS if cellular prices or service quality is deemed unsatisfactory.

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[41] 1994 Affidavit at 6.

[42] Dr. Hausman points out that PCS already exists in the United Kingdom. Two companies, including a US West partnership, currently operate competing PCS networks in the UK. Since PCS began operation in the UK in 1993, prices already have dropped by about 20-33 percent. If the PCS experience in the UK is portentous of the future state of competition in the US, cellular companies will soon be competing against ESMR, SMR, and numerous PCS companies for a share of the U.S. mobile communications services marketplace. 1994 Affidavit at 5.

Consumer demand for commercial mobile services is growing. And the demand will only increase as technology develops and the competing CMRS providers continue to offer overlapping services.

To illustrate, the cellular industry currently is experiencing an inter-industry churn rate, that is, customers substituting other telecommunications services for cellular, of nearly sixteen percent.[43] Thus, notwithstanding the fact that cellular services have been growing at an annual rate of approximately forty percent, market analysts have estimated that traditional SMR services and paging have grown at an annual rate of fourteen and 22 percent, respectively.[44] Dramatic growth is also expected for the PCS and ESMR industries. Currently, over 25 million people in the U.S. use cellular, SMR, or paging services. Projections for the combined market, including PCS, range from 38 million to 68 million customers by the year 2001.

Activity within the current mobile services marketplace clearly demonstrates that market forces are such that continued state regulation of rates is not only unnecessary for consumer protection, but can actually impede competition.

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[43] EMCI, U.S. Cellular Marketplace, 1993 at 34-35.

[44] Roche Study at 24, n.90.

CONCLUSION

For the foregoing reasons, CTIA respectfully requests that the Commission deny the petition of the State of Ohio to retain its existing regulatory authority, even on an interim basis, over intrastate cellular rates.

Respectfully submitted,

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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 Reply Comments of the Cellular Telecommunications Industry Association were served by hand delivery upon the following parties:

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