

KECK, MAHIN & CATE

1201 NEW YORK AVENUE, N.W.
WASHINGTON, D.C. 20005-3919
(202) 789-3400
FAX (202) 789-1158

FILE NUMBER 45737-002

DIRECT DIAL (202) 789-8925

RECEIVED

JAN 25 1995

January 25, 1995

By Hand

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

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

Re: Petition of the People of the State of California and
the Public Utilities Commission of the State of
California; PR Dkt. ~~91-105~~/PR File No. 94-SP3

94-105

Dear Mr. Caton:

On October 19, 1994, we filed a joint reply to the
oppositions to the above-referenced petition on behalf of the
Cellular Reseller's Association, Cellular Service, Inc. and
ComTech Mobile Telephone Company. We are hereby filing the
original signature pages of the declarations of David Nelson and
Steve Muir, which are respectively included as Attachments 13 and
14 to that joint reply.

Sincerely,

KECK, MAHIN & CATE


David B. Jeppsen

No. of Copies rec'd 8
List ABCDE

A LAW PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

CHICAGO, ILLINOIS HOUSTON, TEXAS LOS ANGELES, CALIFORNIA SAN FRANCISCO, CALIFORNIA
PEORIA, ILLINOIS OAKBROOK TERRACE, ILLINOIS SCHAMBURG, ILLINOIS
KECK, MAHIN, CATE & KOETHER NEW YORK, NEW YORK FAR HILLS, NEW JERSEY

calls directed through a central "gateway" telephone number. The customer does not have to give out 4 different telephone numbers to be reached. This service is only available to the FCC-licensed cellular carrier's retail users, since they control the switching facilities.

11. Finally, I should add that Nextel Communications, Inc. ("Nextel") is not yet a competitive force in the mobile communications market in Southern California and I have no reason to believe that Nextel will be a force in the foreseeable future. Nextel cannot offer wide area, interconnected service, and the telephones it distributes to consumers are much larger and less user friendly than those offered by the cellular carriers and resellers.

I hereby declare under penalty of perjury that the foregoing is true and correct.



David Nelson

10-17-94

Date

RECEIVED

JAN 25 1995

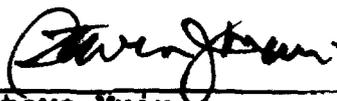
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

- 2 -

on a discriminatory basis to their retail subscribers but not to ComTech's. Attached to this declaration is an advertisement from GTE Mobilnet, one of the Bay Area's FCC-licensed cellular carriers, offering to give a \$319 television to anyone who becomes a new subscriber for GTE Mobilnet's cellular service. Given the small profit margin under which ComTech operates, it is plainly unfair for ComTech to have to compete against such offers which ComTech would otherwise have to purchase Mobilnet's service for its subscribers without receiving any kind of comparable discount or promotion.

5. Like CSI, ComTech is prepared to install its own switch between the cellular carrier's MTSO and the Local Exchange Carrier in order to reduce costs and improve service to its subscribers. ComTech is prepared to engage a manufacturer of carrier switches to ensure that ComTech's switch is technically compatible.

I hereby declare under penalty of perjury that the foregoing is true and correct.



Steve Muir
10/19/94

Date