

STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE

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January 27, 1995

William F. Caton, Acting Secretary
Federal Communications Commission
1919 M Street, NW
Washington, D.C. 20554

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Re: Petition to Extend Rate Regulation
Filed by the New York State Public Service
Commission et al., PR Docket Nos. 94-103,
94-105, 94-106, 94-108

Dear Secretary Caton:

The New York State Public Service Commission is in receipt of the Order released January 25, 1995 regarding the confidential treatment of data in the above captioned proceedings (DA 95-111). The Order establishes that New York may submit supplemental materials and seek confidential treatment no later than January 30, 1995.

This letter is to inform you that New York will not seek confidential treatment of additional data to support its Petition that New York's continued cellular rate regulation is consistent with the requirements of the Omnibus Budget Reconciliation Act of 1993.

The Petition includes aggregate data regarding rates, revenues, return on common equity, and market share. In the absence of any real challenge to the accuracy of that evidence,^{1/}

^{1/} McCaw Cellular Communications, Inc., argues that it is "unclear" that rates of return on common equity were calculated in a consistent manner, and that replacement cost rather than book value should be used (Opposition of McCaw at 19-20). While company specific data will shed no light on these issues, it

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providing specific company data serves little purpose and is unnecessary for the Commission to conclude that New York has met its burden under the law.

Respectfully submitted,



Maureen Helmer
General Counsel
State Of New York
Public Service Commission

cc: All Parties
Regina M. Keeney
Michael Wack
Stan Wiggins
Julia Kogan

^{1/}(...continued)

should be noted that New York uses book value to calculate returns, and that the methodology used to calculate the equity return was the same for each of the New York companies.

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

In the Matter)

Implementation of Sections 3(n)
the Communication Act)

Regulatory Treatment of Mobile Services)

PR Docket No. 94-108

JAN 30 1995

NOTICE OF CHANGE OF COUNSEL

This is to inform you that Maureen O. Helmer should be substituted for William J. Cowan, as General Counsel, New York State Public Service Commission and that all documents in this proceeding should be addressed to her.

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January 26, 1994
Albany, New York