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March 29, 1995

EX PARTE

Mr. William F. Caton, Acting Secretary
Office of the Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, DC 20037

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MAR 29 1995

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Re: **CC Docket No. 94-102**
Ex Parte Presentation

Dear Mr. Caton:

On behalf of the Rural Cellular Association (RCA), we are submitting an original and one copy of this letter to inform the Commission that on this date, representatives of RCA, as noted below, met with the following Commission staff members to discuss RCA's position on the issues raised in this proceeding, which are a matter of record before the Commission:

Nancy Booker and Judy Argentiere in the Wireless Telecommunications Bureau:

David L. Jones
Richard Adams
William Biere
Jackie N. Dukes

Kathie Zentgraf
Richard Ekstrand
J.D. Jones

Mary McManus of Commissioner Susan Ness' Office:

Richard Adams
William Biere

J.D. Jones
Kathie Zentgraf

Ruth Milkman of Chairman Reed Hundt's Office:

David L. Jones
Richard Adams
William Biere
Jackie N. Dukes

Kathie Zentgraf
Richard Ekstrand
J.D. Jones

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Rudy Baca of Commissioner James Quello's Office:

William Biere
Richard Ekstrand
J.D. Jones

Lisa Smith of Commissioner Andrew Barrett's Office and Jill Lockett of Commissioner Rachelle Chong's Office:

Richard Ekstrand
J.D. Jones

The attached outline summarizes RCA's position and presentation.

Should there be any questions concerning this matter, please contact this office.

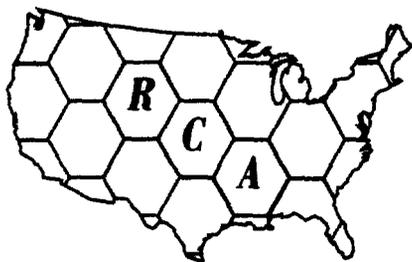
Very truly yours,



Sylvia Lesse

SL/cvh
Attachments

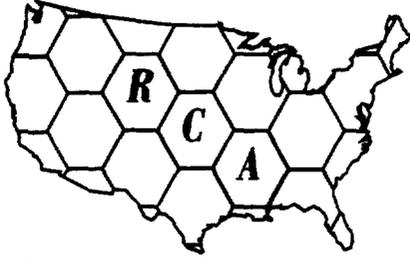
cc: Nancy Booker, Wireless Telecommunications Bureau
Judy Argentiere, Wireless Telecommunications Bureau
Mary McNanus, Commissioner Ness' Office
Ruth Milkman, Chairman Hundt's Office
Rudy Baca, Commissioner Quello's Office
Lisa Smith, Commissioner Barrett's Office
Jill Lockett, Commissioner Chong's Office



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**REGULATORY AND LEGISLATIVE ISSUES
MARCH 29, 1995**



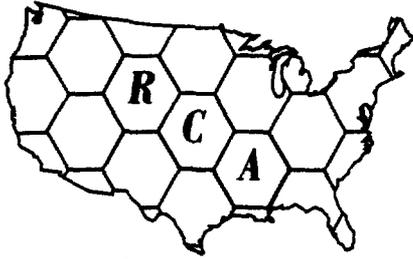
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Equal Access

- Long distance equal access was developed to promote competition in the long distance industry by granting consumers access through the local exchange bottleneck.
- Cellular service providers offer a variety of packages of local and long distance services, including wide area calling plans that treat as "local" mobile calls which would otherwise be long distance calls. Equal access requirements, however, restrict the ability of cellular carriers to compete with other long distance service providers by effectively prohibiting the offering of these unique long distance packages to their customers. If equal access restrictions are imposed on cellular carriers, customers will potentially pay long distance toll charges for calls once billed as local.

Status: Under the Senate Bill mark-up, cellular providers are not required to provide equal access to interexchange carriers.



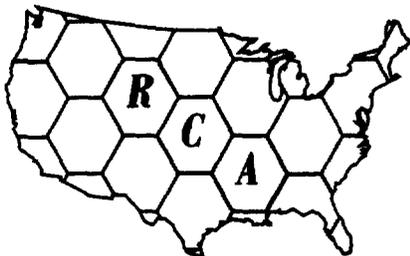
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Mandated Interconnection

- The FCC imposed interconnection requirements to compensate for monopoly control of essential facilities by local telephone companies. Unlike telcos, wireless service providers enjoy neither monopoly control over essential facilities nor the market dominance which would give them the incentive to create barriers to entry.
- The imposition of unbundled interconnection policies on wireless service providers will result in costly and burdensome regulations, significantly reducing incentives to deploy new facilities, particularly in high risk rural areas.
- In the competitive wireless industry, sound business practices and market forces produce incentives for mutually agreed upon interconnection arrangements.

Status: Under the Senate Bill mark-up, only carriers defined by FCC to have "market power" are required to provide interconnection -- "market" includes all providers of exchange or exchange access services (telco inclusion in this definition may effectively exclude cellular companies from this requirement). The Commerce Committee will now submit the mark-up to the full Senate for review and voting.



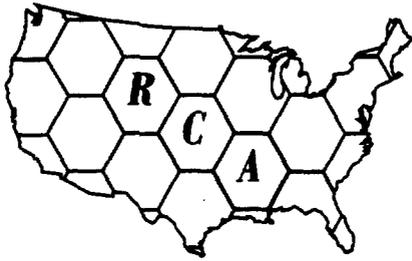
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Enhanced 911 Services

- RCA filed Reply Comments in the FCC's proceeding concerning enhanced 911 services ("E-911") for mobile services. RCA supports mobile E-911 services but believes that they should be provided when technically feasible in response to customer demand.

Status: A final Order has not yet been released in this FCC proceeding.



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Congressional Preemption of State and Local Zoning Authorities

- Cellular carriers are dependent upon tower sites to make service available to consumers. Cellular carriers utilize approximately 15,000 towers nationwide and have invested over \$16 billion in infrastructure to provide service to over 20 million customers. More antenna sites will be required to build out the PCS wireless infrastructure.
- State and local jurisdictions have the authority to delay or prevent the siting of radio towers, impeding the development of an efficient infrastructure for the provision of cellular service.
- The FCC and FAA have federal responsibility to ensure that wireless towers/antennas comply with specific emissions, height, construction and performance. The American National Standards Institute ("ANSI") sets radiofrequency ("RF") power limits for cellular sites.
- Revised Section 332 of the Communications Act restates Congressional interest in developing a competitive mobile services marketplace and prohibits state and local governments from barring entry into the mobile services market.
- Congress should, therefore, preempt state and local governments from enforcing zoning and other similar regulation of tower sites which have the purpose or effect of barring or impeding cellular and other wireless service providers from locating and constructing towers.

Status: CTIA has petitioned the FCC to initiate a rulemaking to address this issue.