- PCS licensees should be required to offer roaming agreements on reasonable terms to other PCS licensees outside the latter's territory. Such agreements may not occur absent a roaming obligation because many PCS licensees are associated with cellular companies. (6)

CMRS Resale:

- **Applicability of Requirement; Excluded Services; Resale by Facilities-Based Competitors**

  - While resale obligations are generally acceptable, PCS and cellular should not be subject to the same requirements. Since all PCS licenses are to be auctioned off within approximately the same time frame, there is no "headstart" that justifies mandatory resale among facilities-based competitors. (7-8, 10)

  - If there is significant delay between the licensing of different broadband frequency blocks, a resale requirement is justified. The period of required resale would be measured from the close of the A and B block auctions to the close of the final auction for any of the broadband PCS licenses. (8-9)

  - In order to promote competition, cellular resale by CMRS licensees should not be restricted The obligation to permit in-region PCS licensees to resell cellular service should expire after a 10-year buildout period. (9-10)

- **Switch Interconnection by Resellers**

  - Unbundling of CMRS networks to avoid bottlenecks is unnecessary since the CMRS market is highly competitive. A mandatory switch-based resale policy would impose significant administrative costs and would penalize entities who have paid large sums for their licenses. (10-11)

PAGING NETWORK, INC. (PAGENET)

Interest: Paging service provider.

CMRS Resale:

- **Applicability of requirement; excluded services**

  - Opposes resale obligations for paging. (2)

  - Private line, MTS/WATS, and cellular requirements, which addressed monopoly or duopoly markets, should not apply to paging, which is a highly competitive market. (2-5)

  - Requirement is not needed to promote competition for paging. Paging carriers face competition from multiple other paging carriers, narrowband PCS providers, and carriers using cellular, SMRS and FM subcarrier facilities. Ample spectrum is available for paging, and market is easy to enter. (5-6)

  - Price discrimination does not exist because paging market is so competitive. Paging carriers have no market power. In fact, prices have bee falling rapidly. (7-8)

  - Head start issues do not exist in the paging market. There has been no mandatory staggered entry. In narrowband paging, auctions gave those with services of similar geographic scope and spectrum needs authority at the same time. (8)

  - Requirement is unnecessary to spur technical innovation or service diversity in paging. (9-10)

  - Requirement is unnecessary to stimulate demand for paging services. (11)

  - Requirement would not benefit public and would harm paging carriers and subscribers. Accommodating possible resellers would interfere with carriers' normal business decisions. Resale would restrict competition, thus decreasing available facilities, services offered, and new technology. Prices would be higher and services inferior. (12-13)

  - Voluntary resale exists in paging where makes business sense. (15)

- Resale restrictions on paging would not violate §§ 201(b) or 202(a) of Act because would be just and reasonable and not discriminatory. (15-17)

- **Resale by facilities-based competitors**

  - As Commission recognized when it eliminated requirement in duopoly market for two facilities-based cellular carriers, requirement would let reseller use facilities-based carrier's investment than flip its subscribers to another or its own system once built. Facilities-based carrier would suffer from increased costs and technical impediments. (13-15)

PCS PRIMECO, L.P.

Interest: PCS licensee.

CMRS-to-CMRS Interconnection:

- **Need for regulatory mandate**
  - Mandate is inappropriate during this period of significant change in CMRS industry. Many new providers are entering the market with different plans for delivering service. Prescribing a regime would be speculative and may stifle innovation. (5)
  - Market forces should regulate interconnection arrangements. (6)
  - LEC-affiliated carriers will not deny interconnection to independent providers if would reduce costs. (6-7)
  - LEC investment should not affect Commission evaluation of carrier's interconnection policy. (7)

Roaming:

- Many new PCS systems will use air interfaces incompatible among PCS and other carriers. Standards may not help and may harm future market conditions. (7-8)
- In principle, no customer with terminal capable of receiving service from AMPS network should be denied access if customer's home carrier will abide by industry's roaming conventions and make necessary intercarrier agreements. (8)
- Opposes any new rules. There is no evidence that cellular carriers will deny roaming access to new carriers and thus refuse new revenue. (8-9)

CMRS Resale:

- **Applicability of requirement; excluded services**
  - Cellular resale obligation should apply to all CMRS providers unless there is showing of technical infeasibility or economic unreasonableness. (9-10)

- **Resale by facilities-based competitors**

  - CMRS providers should be allowed to deny resale capability to fully operational facilities-based competitors. This would let new entrants enter market quickly, but only while building own system. (10)

- **Switch interconnection by resellers**

  - Opposes reseller switch proposal because would result in extremely intrusive regulation in favor of resellers that have avoided costs of acquiring spectrum, building and expansion of networks, and build-out and other CMRS licensee obligations. Resellers could siphon off customers and revenues that licensees might otherwise use to expand their systems and better serve public. (11)

  - Reseller switch proposal calls for carriers to unbundle services and charge cost-based rates, thus forcing Commission and industry to administer burdensome regulations. (12)

  - Reseller switch proposal raises significant technical problems. (12-13)

  - Given multiplicity of providers entering market, switch-based resale is unnecessary to check inefficient or anticompetitive behavior, increase service offerings, or lower prices. (13)

PERSONAL COMMUNICATIONS INDUSTRY ASSOCIATION

Interest: Industry association.

CMRS-to-CMRS Interconnection

- **Need for Regulatory Mandate**
  - Interconnection mandate is unwarranted and detrimental. (4)
  - Regulation based on unproven assumptions about the direction of technology, the desires of consumers, and the contours of the relevant product and geographic market would stifle innovation and restrict the market. (5)
  - PCS entrants will increase competition and be an incentive for CMRS providers to negotiate tailored interconnection agreements. (6)
  - Interconnection can always be achieved through the LEC network, and CMRS providers have an economic incentive to terminate interconnected calls. (6)
  - The Commission should provide for complaint process in the unlikely event that a CMRS provider denies interconnection unreasonably. (7)

Preemption of state requirements

- Because of the inherently mobile nature of CMRS, and the large market-based service areas that often cross state boundaries, preemption is vital to the success of the Commission's free market approach to interconnection. (7)

Roaming

- Cellular experience indicates that market forces encourage providers to negotiate roaming agreements without regulatory intervention. (8)
- Direct physical connection is not required so long as air interfaces are compatible. (8)
- Proprietary concerns raised by sharing subscriber databases can be resolved in carrier-to-carrier negotiations. (9)

- Any customer who desires roaming service must agree to disclosure of information, thus privacy concerns not a troublesome issue. (9)

CMRS Resale

- **Applicability of Requirement; excluded services**
  - Resale obligations should be extended only to categories of broadband CMRS providers, and only on a qualified basis. (9)
  - There is no public interest rationale in imposing affirmative resale obligations upon paging and narrowband PCS operators. (10)
  - The paging market is already robustly competitive (10), resale already plays an important role in the paging marketplace (12), and not imposing affirmative resale obligation on paging and narrowband PCS market accords with the Communications Act. (14)
  - Mandated resale of SMR services is not technically feasible and is not required by the public interest. SMR operators do not have market power, offer a limited interconnect service, do not control a bottleneck, and have customers with access to many alternatives of service. (15-16)
  - Resale obligation should be extended to broadband CMRS, but not for new PCS licensees during their initial year of operation. (20-21)
- **Resale by facilities-based competitor**
  - Fully-operational facilities-based carriers should not have mandatory access to their competitors' capacity for the purposes of resale. Such a requirement could decrease CMRS capacity below consumer demand. (21)
- **Switch interconnection by resellers**
  - Switch-based resale should not be required because it will not appreciably increase CMRS competition, requirement could produce reliability and service quality concerns, unbundling networks is costly, and administrative costs are high. (22)

RURAL CELLULAR ASSOCIATION

Interest: National association of "small and rural" cellular service providers.

General Philosophy: Policies addressing the relationships between and among CMRS providers must be founded on:

(1) maintenance of **regulatory parity** among CMRS providers; (2) and
(2) **flexibility** to address the varying characteristics of market areas. (2)

CMRS-to-CMRS Interconnection:

Need for Regulatory Mandate:

- There is no present need to establish general interstate interconnection regulations for CMRS providers. (3)

- CMRS users can already interconnect through LEC networks. (3).

- Whether specific interconnection obligations should be imposed on a carrier should be based on a "market power" analysis. (4).

- Since rural service area boundaries do *not* generally coincide with economic market areas, the FCC should consider a carrier's position throughout its entire economic market when determining whether to subject the carrier to additional regulations. (4)

- The rural cellular carrier's market power held solely in a rural area of a larger economic market cannot alone justify the imposition of specific interconnection obligations, when PCS carriers compete against the cellular carrier in the *majority* of the economic market. (5)

- Where a carrier lacks the market power necessary to adversely affect the provision of competitive services by other carriers, the public interest is adequately protected and additional regulation is thus unnecessary. (5)

- Affiliation of a rural cellular provider with a rural LEC does not demonstrate that the carrier holds "market power," because rural independent tel. co. owners of rural cellular systems generally serve fewer than 10,000 access lines. (5-6).

Preemption of State Requirements: While this Comment does not discuss preemption issues at all, it seems to presume an absence of state and local regulations.

Roaming:

- There is no present need to establish additional roaming regulations for CMRS providers. (7)

- The FCC should continue to monitor the development of roaming service and intercede, if necessary, where parties are unable to reach reasonable private agreements. (7)

- The consideration of whether a proposed roaming arrangement is reasonable should include consideration of the economic characteristics of the carrier's license area and the degree of market power the carrier has throughout the entire economic market. (7-8).

CMRS Resale:

Applicability of requirement; excluded services:

- Existing resale obligations imposed on cellular carriers should apply to all CMRS providers on the same basis. (8).

- The Commission should continue to distinguish the right to resell from the assertion of an unjustified right to be assured of a profit. (8-9).

- Resellers do not constitute a special class of customer entitled to more favorable rates than other classes of customers. Rather, they should simply be treated the same as other large customers. (9).

Resale by facilities-based competitors:

- The fulfillment of a request for service by a facilities-based competitor should be conditioned on, among other things, requiring the customer (competitor) to guarantee the utilization of the service for a period of time to allow the provider to recover its costs of providing the service; requiring the customer to provide a service deposit and/or service initiation fee; and the opportunity to increase rates for the service, if necessary, prior to initiating service. (10).

- The FCC should clarify whether the obligation to consider whether a reseller's request for service is reasonable includes the conditions just described. (10).

- A five-year time limitation should be applied to any obligation of a facilities-based CMRS provider to permit another facilities-based CMRS provider to resell its services. (11).

- A facilities-based carrier should be allowed to refuse a request for resale from another facilities-based carrier, both during the five-year period and thereafter, if the request is unreasonable. (12).

- After the five-year period, facilities-based carriers should be *allowed*, but not *required* to resell services to other facilities-based CMRS providers licensed to serve the same geographic area. (12).

Switch Interconnection by resellers:

- A cellular carrier should not be required to interconnect to a reseller's switch. (9).

- In a competitive marketplace served by multiple CMRS providers, the decision of whether or not to offer reseller switch interconnection should be left to market negotiation. (9).

Number Transferability/ portability: is not discussed.

RURAL CELLULAR COALITION

Interest: Comprised of over thirty rural cellular carriers.

CMRS-to-CMRS Interconnection

- **Need for regulatory mandate**
  - Interconnection obligations would be premature. As PCS and SMR are introduced, the market will determine the extent to which they will interconnect. (2)
  - It is technologically infeasible and economically unreasonable to require the still evolving services to anticipate and design mechanisms required for interconnection. (2)
  - Cellular carriers would incur a disproportionate amount of the costs associated with developing interconnection facilities. (3)

Roaming:

- CMRS providers should not be required to enter into interservice carrier roaming agreements. Market forces will ensure that roaming capacity is offered by CMRS providers. (4)
- If the Commission does choose to impose roaming requirements, it should not subject cellular carriers lacking SS7 capability to the same technical requirements. (5)
- Direct interconnection is unnecessary for roaming, as roamers can continue to place calls utilizing the landline network. (6)

CMRS Resale

- **Applicability of requirement; excluded services**
  - Regulatory parity requires that all CMRS providers should be subject to the same resale obligations currently imposed on cellular licensees. (6)
  - Allowing CMRS providers to avoid resale obligations will only serve to delay the advent of full competition in new services such as PCS. (6)

- CMRS providers should not be required to offer bulk rates to resellers; however, any volume discount offered to providers' customers should also be available to resellers. (6)

- **Resale by facilities-based competitors**

  - A five year limit will afford new CMRS licensees a headstart in providing service, while retaining an incentive to meet mandatory buildout requirements. (7)

  - If a PCS providers can provide PCS and resell cellular service within the same market during a five year "buildout" period, cellular carriers must also be permitted to offer both, by reselling the PCS services, in order to maintain competition with PCS and SMR. (7)

- **Switch interconnection by resellers**

  - Switch-based resale is neither necessary nor technically and financially viable. (8), (9)

  - Requiring cellular licensees to open up their switches for interconnection would impose costs to modify and update switches, as well as the purchase of new switches to accommodate the interconnection of potentially numerous reseller switches. (8-9)

  - If cellular carriers are unable to control access to the switch or control switch capacity because of demand placed on the cellular switch by potentially numerous reseller-based switches, the quality of service will be lowered. (9)

  - Such a regulatory scheme would allow a reseller to provide full cellular service without the regulatory constraints placed on the licensee, creating an uneven playing field. (9)

- **Number Transferability**

  - The issue of transferability in particular instances should be subject to negotiation between the carrier and reseller. (7)

  - Resellers should not be afforded the right to force cellular carrier to transfer an entire NXX code; it would deplete the number required by cellular carriers for future growth and would give resellers a benefit for which they have not paid. (8)

SAN DIEGO CELLULAR COMMUNICATIONS, INC.

Interest: Resale provider of cellular services

CMRS Resale:

- **Number Transferability/Portability**
  - The Commission should require number transferability. Under such a regime San Diego Cellular would be able to provide immediate rate reductions to subscribers. (1)
  - PCS providers could use number transferability to build subscriber bases during their build-out phases. (1)

SNET CELLULAR, INC.

Interest: Cellular carrier

CMRS-to-CMRS Interconnection:

- **Need for regulatory mandate**
  - Mandatory interconnection should not be imposed on CMRS providers. (4)
  - The competitive market will properly facilitate interconnection arrangements without the need for regulation. (6)
  - CMRS providers do not control bottleneck facilities. (7)
  - Regulation will subsidize those seeking interconnection, while draining financial resources and incentive which promote innovation. (7)
  - It is premature to impose carrier-to-carrier interconnection requirements on new CMRS entrants, since technical and cost considerations cannot yet be assessed. (10)
  - Given the costs, any such requirements must be applicable to all carriers. (10-11)
- **Preemption of state requirements**
  - The Commission should preempt state-imposed interconnection obligations because (1) such obligations would not be required in a market as competitive as today's; and (2) a multitude of state regulations would impose additional and divergent costs on CMRS providers operating in more than one state, with the likely result that the federal goal of a seamless national network would be impeded. (11)

CMRS Resale:

- **Applicability of requirement; excluded services**
  - The same resale obligations should be extended to all carriers. (13)

- The Commission should keep in mind three goals: (1) parity among all CMRS providers; (2) the public interest in rapid deployment; and (3) the increased capacity and additional investment resulting from any requirement that a carrier meet its competitor's demand for a limited period of time (13-14).

- **Resale by facilities-based competitors**

  - An 18-month period is appropriate for a start-up resale obligation. This should be applied to all facilities-based CMRS carriers. (17)

  - This window would allow new entrants a reasonable time to "jump start" their services prior to network operation, without placing an overly costly and burdensome obligation on the underlying carriers to build out to service short term customer demand. (17)

  - Unlike a longer time period, the window will not have the detrimental effect of disincenting new entrants from rapid deployment of their own fully operational networks. (17)

- **Switch interconnection by resellers**

  - Mandatory reseller interconnection could increase costs for CMRS providers even if resellers provide their own switches and administer other associated functions. (8-9)

  - Even if resellers install their own switches, cellular carriers will still have to maintain separate customer databases, verify users, validate roaming, and route service to reseller switches, resulting in additional inefficiencies. (9-10)

- **Number transferability**

  - Issues of technical feasibility must be resolved before number portability can occur. (18)

  - Number portability in the resale context would allow resellers the ability to move their customers and their numbers to other facilities-based providers, raising certain "slamming" concerns. (18)

  - Consumers' choice of carriers should be protected against this possibility. (18)

THE SOUTHERN COMPANY

Interest: Licensee of Specialized Mobile Radio stations

CMRS-to-CMRS Interconnection:

- **Need for Regulatory Mandate**
  - CMRS-to-CMRS interconnection is a necessary element for universal service. The Commission should therefore proceed with a service-by-service approach to full CMRS interconnection. (10)
  - The Commission should first impose interconnection obligations on a service-by-service basis. Once technical problems are resolved between "like" services, full interconnection can proceed. (10)
  - In the short term, interstate interconnection obligations should not be imposed upon all CMRS providers. (11)

Roaming:

- The Commission can facilitate interconnection by requiring wide-area SMR licensees to enter into roaming agreements with adjacent wide-area SMR market licensees under reasonable terms. This requirement should be imposed until the technology is capable of deploying CMRS-to-CMRS interconnection. (11-12)
- SMR licensees who refuse to enter into roaming agreements should be subject to Title II complaint and hearing procedures. (11-12)

CMRS Resale:

- **Applicability of Requirement; Excluded Services**
  - While resale requirements may be appropriate for certain CMRS providers (e.g. cellular, PCS), such obligations should not be extended to specialized mobile radio services. (3-5)
  - Unlike cellular and PCS, SMR is not a start-up service. Because wide-area SMR systems are fully developed and operational, resale requirements are not necessary to level the competitive playing field. (5)

- Imposing resale requirements would stifle the growth of SMR systems because it would dampen the incentive to invest in new technology. (6)

- In the Budget Act, Congress granted the FCC the discretion not to impose resale obligations on interconnected SMR service even though the service is classified as a CMRS. (7)

- The limited spectrum capacity of SMR licensees makes mandatory resale technically impossible. Resale obligations would exacerbate the lack of spectrum capacity, forcing SMR customers to seek more expensive services. (8-9)

- Southern is unique in that a portion of its wide-area SMR capacity must be devoted to internal dispatch needs. This makes the provision of reserve capacity for resellers problematic. (9)

- Due to the lack of SMR frequencies, a reseller could never become a facilities-based competitor unless it bought another SMR system. Resale obligations would never cease under this scenario. (9)

SOUTHWESTERN BELL MOBILE SYSTEMS, INC.

Interest: RBOC and CMRS provider.

CMRS-to-CMRS Interconnection:

- **Need for regulatory mandate**
  - Mandate is premature given evolving CMRS industry. Should leave to market. (2-3)
  - Mandate is unnecessary as CMRS providers have options for interconnection with public switched network, including through their choice of LECs or CAPs. (4-6)
  - Relevant product market is entire local exchange, both landline and wireless, including all alternate local exchange providers, CAPs, and any other connection options. (4)
  - As number of providers increase, mandate would result in complex and inefficient network arrangements. Market will ensure direct interconnection when economically feasible. (6)
  - Mandate would not advance Congressional and Commission public policy goals because network access is already guaranteed, and infrastructure investment between all carriers would be a waste. (7)
  - Commission should use § 208 complaint process for claims from denial of interconnection requests. Commission can then judge whether request would actually serve public interest. Rulemaking is inappropriate because there are no bottleneck facilities. (8-10)
  - LEC investment in CMRS provider should not affect determination of reasonableness of denial of interconnection. (10-11)
- **Preemption of state requirements**
  - Inconsistent state regulations must be preempted, like in CMRS-to-LEC interconnection. Service is inseparable, and allowing state mandates would thwart national goals. (11-13)

Roaming:

- The industry and market should determine roaming arrangements. (13)
- Cellular roaming evolved efficiently without regulation (e.g., IS-41 standards). (13-14)
- Describes process of cellular roaming. (14-17)
- PCS-cellular roaming would need a dual mode phone. Some PCS providers' GSM technology is incompatible with IS-41. (17)
- Other carriers do not need access or data to support roaming. Only roaming partner need know about provider's customers. (17-18)

CMRS Resale:

- **Applicability of requirement; excluded services**
  - Requirement should apply to all CMRS providers. (18)
- **Resale by facilities-based competitors**
  - Should be exempted from resale obligation. If allowed, should have five year limit. (18-20)
- **Switch interconnection by resellers**
  - Reseller switch proposal should be rejected. Reselling service provided by CMRS carrier does not give reseller right to force opening up of, unbundling of, or interconnection of switch directly to network. (22)
- **Number transferability/portability**
  - Should not be required as means of stimulating resale. Requirement would eliminate current efficient cellular roaming network and drive up consumer costs. (20)
  - Losing a phone number does not prevent customers from changing carriers, as most do not publicize their mobile number. (21)
  - Technical issues must be studied in depth in separate proceeding before any requirement. (21-22)

- If Commission wants means for facilities-based resellers to move customers without changing numbers to their facilities, then should use transferable NXX scheme as in cellular resale. (22)

SPRINT TELECOMMUNICATIONS VENTURE

Interest: The wireless component of Sprint Telecommunications Venture is WirelessCo, L.P. WirelessCo is the auction winner for multiple MTA broadband PCS licenses.

CMRS-to-CMRS Interconnection:

- **Need for regulatory mandate**

  - The Commission's initial conclusion that current market conditions do not warrant a general interstate interconnection obligation at this time is correct. A section 201 proceeding is currently unnecessary. (2-3)

  - The CMRS industry has worked to provide appropriate physical interconnection between cellular carriers when such arrangements have been efficient and cost effective and have enhanced customer service. (3)

  - The Commission's concern that CMRS providers might raise their rivals' costs by denying direct interconnection is valid, although the only providers likely to have market power are those associated with incumbent LECs operating in the same area. (3)

  - A CMRS provider affiliated with the local LEC will lack the same incentives as other CMRS providers to directly interconnect. Indeed, total corporate revenues may be maximized by the CMRS provider denying direct interconnection and requiring the use of the LEC's facilities for indirect inter-connection. (4)

  - Both the incumbent LEC and its affiliated CMRS provider might seek terminating service compensation and thereby abuse their market power. (5)

  - Since some LECs have abused their wireline local exchange bottleneck interconnection facilities in the past, such abuse must be prevented as competition develops in the wireline/wireless local exchange market. (6)

  - The Commission's public policy concerns should focus on two issues: (1) The basic, primary policy for interconnection should be that all common carriers that offer switched services should interconnect either

directly or indirectly so that a "network of networks" develops and universal call termination is readily available. (2) Protection against abuse of market power by certain bottleneck carriers is appropriate until that power is significantly diminished. (7-8)

- Industry fora and equipment suppliers should be encouraged rapidly to develop interconnection standards. (8-9)

Roaming:

- Cellular roaming rights are not directly conferred upon end-users but are negotiated between CMRS carriers. In effect, roaming is administered as a contractual resale relationship. (14, 15)

- There should be open access to roaming arrangements between carriers, enforced by the Commission as a common carrier obligation. (16)

- As in cellular resale, the obligation to provide mandatory roaming to competitors in the licensed area should terminate after the 10-year build-out requirement has expired. (iii, 17-18)

- Roaming carriers that gather end-user information for billing purposes should be prohibited from using that information to market services against the home carrier. (20)

CMRS Resale:

- **Applicability of requirement; excluded services**

  - There is no valid basis for differentiating between cellular and PCS resale; each should be available. (9)

- **Resale by facilities-based competitors**

  - There should be a limited obligation for facilities-based CMRS providers that resell to other facilities-based CMRS providers in the same area. However, instead of the term "facilities-based," it is proposed that the termination of resale rights only apply to "licensed spectrum-based" providers. (9)

  - There should be a 10-year build-out period during which resale should be available to "licensed spectrum-based" PCS carriers. (10)

- **Switch interconnection by resellers**

  - Because the majority of CMRS carriers will not possess market power, a forced unbundling of the non-dominant carrier's network is unjustified, unreasonable, and inappropriate. (11)

  - The new economics of spectrum use created by the auction process, coupled with the expected multiple carrier participation in the CMRS market, dramatically change the unbundling equation and make mandatory CMRS unbundling insupportable. (11-12)

  - Resellers want the rights of a spectrum licensee but without paying for that spectrum. In effect, they seek an unreasonable taking of property. (11)

  - The existing CMRS infrastructure does not support network unbundling, which would require wholesale changes to existing plant and the development of new technology. (12)

- **Number transferability**

  - The development of true and full number portability, which should apply to all segments of the telecommunications market, is enthusiastically supported. (21)

  - The lack of true number portability is one of the greatest market entry barriers that LECs raise in forestalling true local exchange competition. (21)

  - At the least there should be a number transferability plan where a reseller could order a 10,000 number block from the incumbent LEC, assign those numbers to its customers, and then move the entire block if the reseller became either spectrum license-based or moved to another underlying CMRS provider. (20-21)

TELECOMMUNICATIONS RESELLERS ASSOCIATION

Interest: Industry organization representing 300 resale carriers and their underlying service and product suppliers.

CMRS-to-CMRS Interconnection

- **Need for Regulatory Mandate**
  - Interconnection carries out the legislative intent of Section 332(c)(1)(B) of the Communications Act of 1934 to promote a seamless national network. (34)
  - Interconnection will enhance competition (see below under CMRS resale: switch inter-connection for resellers).

CMRS resale

- **Applicability of requirement; excluded services**
  - The Commission should order all CMRS providers, including paging, to permit unlimited and nondiscriminatory resale of their services. (5, 16)
  - At least in cellular and cellular-like context, market forces are not strong enough to discipline competitors. (5, 18)
  - Resellers act as a disciplining force on the marketplace, restraining facility-based providers from raising prices or failing to enhance service offerings. (16)
  - For the purposes of the Commission's market power analysis, the relevant market for cellular carriers should be all switched wireless voice communications services provided over networks fully interconnected with the public switched network (i.e. paging services are not in the same market as cellular phone services) (19)
  - Even if some degree of competition is present in cellular markets, competitive "headstart" helps incumbent carriers. (24)

- **Switch interconnection by resellers**

  - Switch interconnection should be mandated for all operating CMRS providers. Commission should declare a policy promoting direct interconnection opportunities for PCS providers. (28)

  - CMRS providers control "bottleneck" facilities just like LECs. (21)

  - Direct interconnection enhances commercial viability of the interconnecting reseller and benefits the facilities-based carrier by directing more business to the carrier. (30)

  - Parties seeking direct interconnection should be required to pay their fair share of direct costs incurred in establishing connection. (31)

  - The spirit of Section 332(c)(1)(B) of the Communications Act of 1934 compels the Commission to promulgate regulations, not just deal with interconnection on a case-by-case basis. (34)

  - CMRS facilities-based providers should provide information to resellers, and generally facilitate interconnection. (35)

  - CMRS facilities-based providers should file tariffs with the FCC on all interconnection agreements to ensure that the Commission's pro-competitive resale policies are being pursued. (35)