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**PROHIBITING PERSONAL 800 NUMBER BY PAGING SUBSCRIBERS WILL BE VERY DIFFICULT TO ENFORCE AND MAY BE WASTEFUL OF NUMBERING RESOURCES**

After May 1, 1993, when 800 portability became mandatory, the use of "personal" 800 numbers by the public steadily increased. IXCs now regularly offer 800 numbers for subscribers to have toll-free access to their home or business. There are an undetermined number of people who have obtained 800 numbers directly from an IXC, then have that IXC "point" the 800 number to a local DID. That DID could be a home, business, cellular phone, fax, computer modem, etc. It could also be pointed at a DID assigned to a paging unit. The paging carrier has no way of monitoring this type of activity.

In order for a prohibition on personal 800 number use to be effective, it must be ensured that personal 800 subscribers don't simply change providers. If PageCo, for example, stopped selling personal 800 number service, customers who still wanted one could simply secure an 800 number directly from an IXC and point it to a regular geographic paging number. (The IXC would very likely be unaware of where the 800 number was point. Indeed, IXCs are, today, offering 800 numbers that can be redirected by the user instantaneously.) Worse, such a scenario consumes both an 800 number and a local geographic number - TWO numbers to provide the same service that today is provided by a single number.

Eliminating points to paging NXXs would be very challenging. The IXCs would have to maintain databases of valid, current, local paging numbers and prevent their entry into 800 routing databases. This would be additional overhead on service management systems and would also further complicate administration of the North American Number Plan. Further, a truly persistent subscriber might secure yet another local number from the LEC to be used strictly for forwarding to the local paging number. Now, THREE numbers are consumed to provide a single personal 800 number.

The net result of prohibiting personal 800 numbers could be revenue shifting from the paging companies to the IXC's, personal inconvenience to paging subscribers, and greatly increased consumption of numbering resources.

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NANP PLANNING AND NUMBER UTILIZATION

Toll free number resources are plentiful. INC has already allocated 64 million numbers for the 8XX series, which can be available within the same or similar time frames as 888, with proper planning. Further, 16 million additional toll free numbers can be made available through the use of 8XX-0XX and 8XX-1XX sequences. Lastly, with proper network planning any three digit number series can be toll free. The key in each instance is planning and actual implementation of any necessary changes. Clearly, now is the time to systematically lay out a mechanism for determining the sequence of toll free numbers that will be made after the 8XX numbers are utilized, and the methodology by which these numbers will be made available.

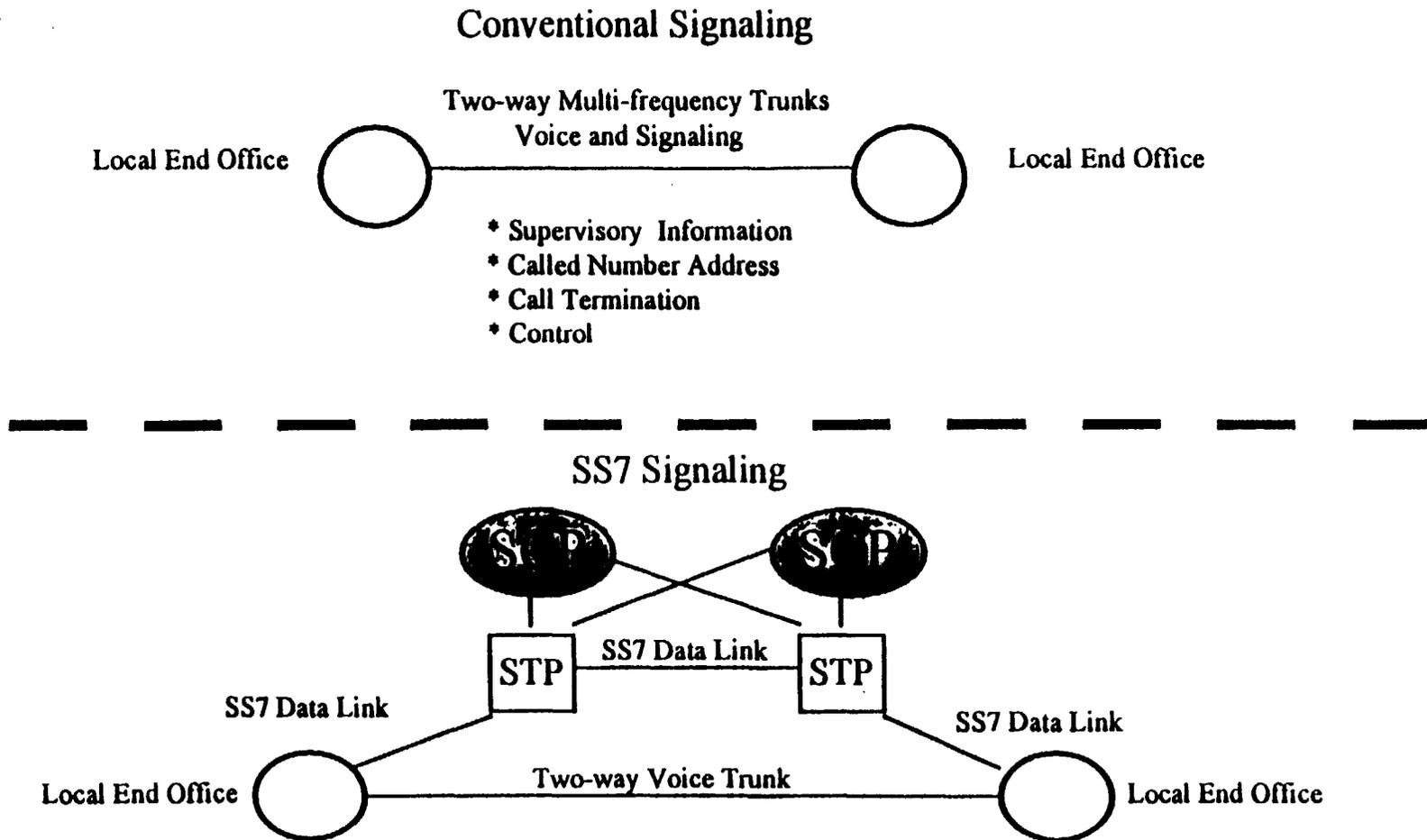
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CONCLUSION

The public's demand for toll-free based services, including paging, is clearly evident by the popularity of 800-type numbers. Toll-free numbers are perceived universally as the easiest means of accessing a multitude of features while costing the caller nothing. It is therefore a natural conclusion that business users of all sizes would want to be "easy to access" through the use of a toll-free service number. The public wants to be able to access all segments of telecommunications in the easiest possible fashion. The public and competitive pressures also demand that paging providers be able to offer all of the enhanced services that are technically possible. Toll-free services provide all of these features. It is fully expected that the public will resort to creative and wasteful methods to accomplish DID access if toll-free numbers are not made readily available.

PIN-based paging services are technically inferior, less efficient in the use of PSTN network resources, anticompetitive because of the additional dialing requirements and preclude the use of SS7 technology for future paging and PCS enhanced services. For these reasons PCIA is opposed to any restriction or requirement that toll-free number access for paging services be limited to a PIN arrangement for subscriber calling.

# Conventional And SS7 Signaling Configurations



**Service Control Point (SCP) - Customer Service Description Database**

**Switching Transfer Point (STP) - Packet switch which transfer SS7 messages between network nodes.**

**Local End Office - Controls the switching function of the voice circuits. Has SS7 connection to STP.**

Figure 1

## Voice Mail Systems and DID 800 Numbers

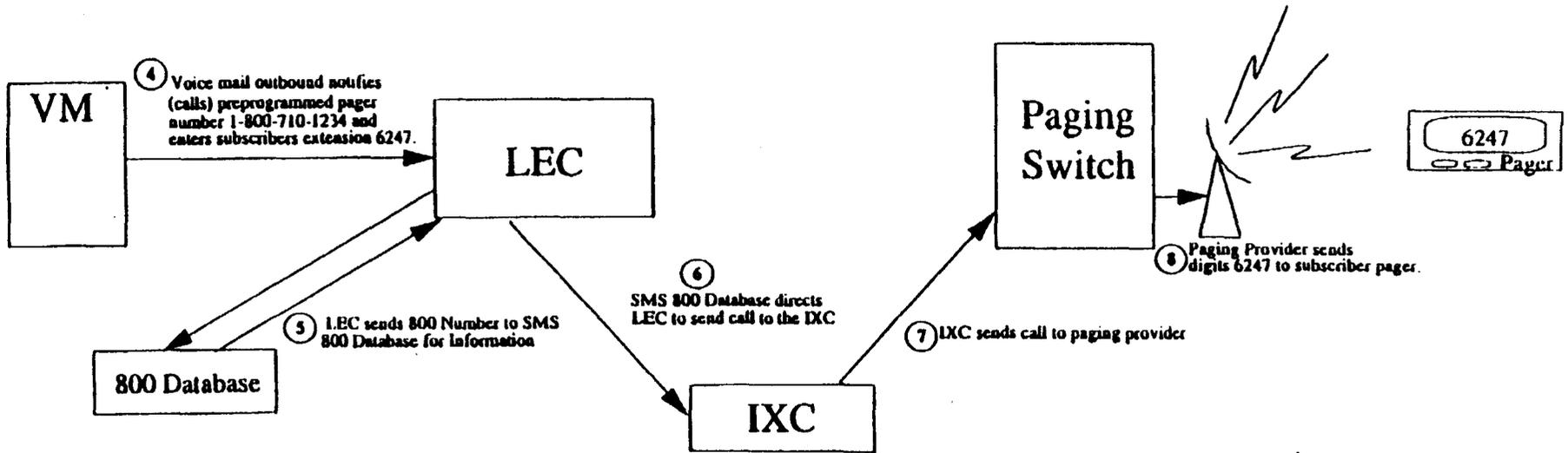
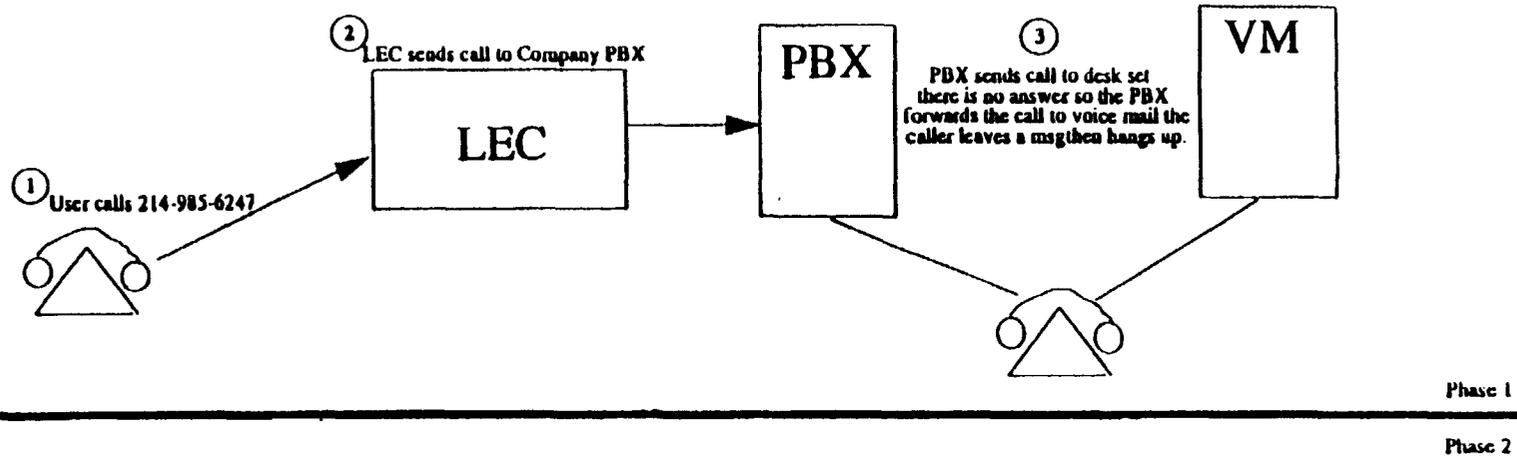


Figure 2

## *Efficiency Comparison of DID vs PIN 800 Arrangement*

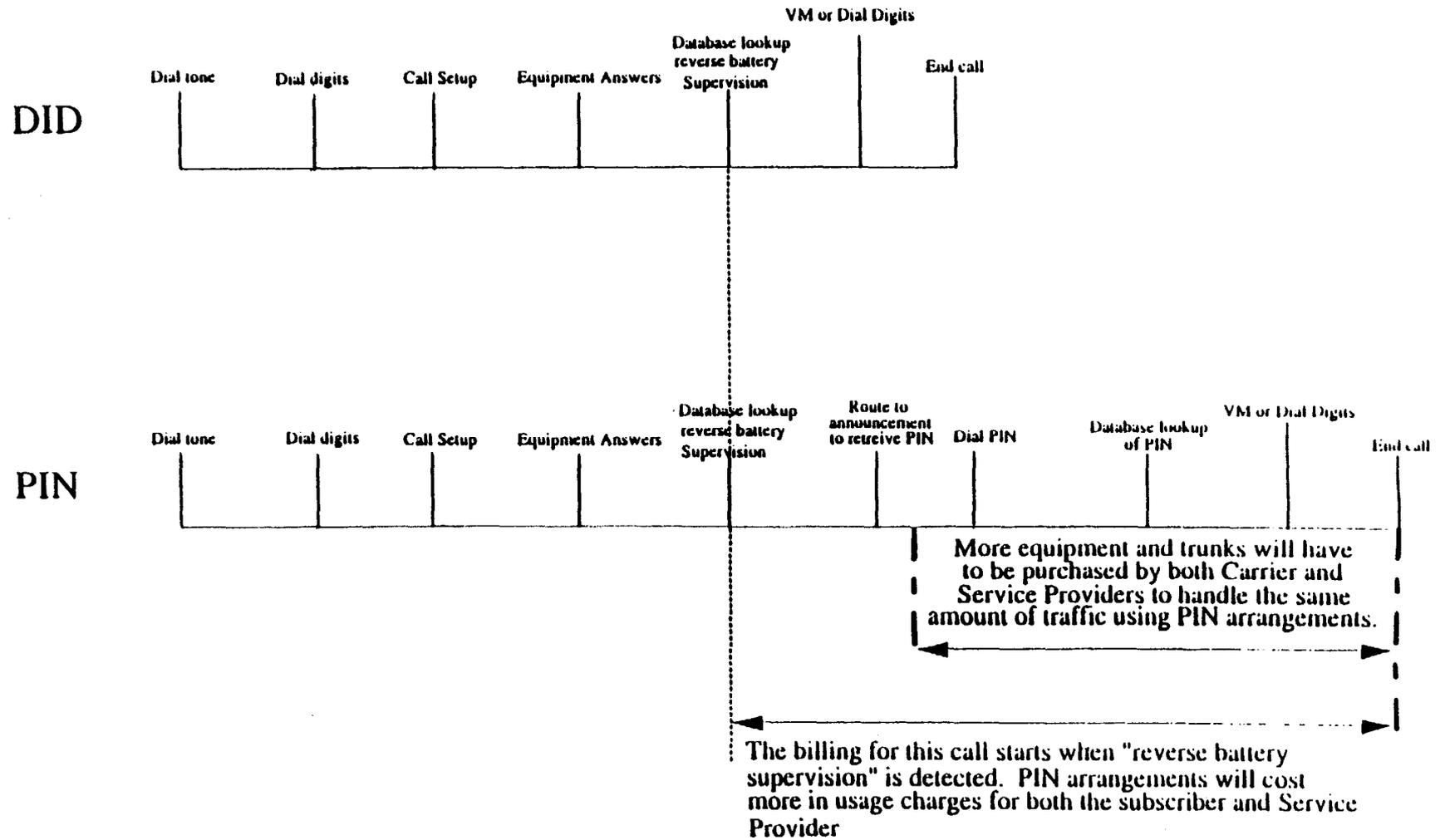


Figure 3



## NUMBERING ADMINISTRATION

### B. NPA relief activities

In the past year, numerous local exchange carriers have sought to resolve NPA or area code number exhaust situations through a "wireless overlay." In such plans, a special NPA code would be established for wireless service customers in the geographic area in which the NPA is near exhaust. To implement this plan, current wireless customers' would have to relinquish their existing numbers, and change to the new, wireless only code. Such proposals are patently discriminatory, singling out wireless carriers to bear the brunt of the costs and customer inconvenience while insulating the wireline carrier's own customer base from any negative impacts.

PCIA supported and applauds the Commission for its *Declaratory Report and Order* (FCC 95-19) finding that such proposals are inconsistent with the Communications Act and FCC numbering policy. We continue to work with the Common Carrier Bureau on establishing and implementing code exhaust relief plans which do possess such defects.



## NUMBERING ADMINISTRATION

### C. Future administration of the North American Numbering Plan

PCIA is a long standing advocate of transferring all numbering administration functions, including Central Office (CO) code administration, NPA relief planning, and the NPA assignment process, to a completely independent, third party administrator unaffiliated with any user of the numbering resource. Our comments on the 1991 NARUC petition and resulting *Notice of Proposed Rulemaking* (Docket 92-237) on this matter proposed such a transfer, and the establishment of a consensus-based, industry council to establish numbering assignment guidelines, select the administrator and oversee its operations.

PCIA is gratified by the Commission's recent decision adopting this "industry" model and we look forward to participating on the Numbering Council being convened by the Commission to implement this order.



ALL STATE LEGAL REPRODUCTION

## **SPEEDING AUCTIONS OF REMAINING PCS LICENSE**

PCIA has long championed the rapid licensing and roll out of PCS offerings, and has a nearly five year history of concrete actions to identify and eliminate obstacles to the speedy deployment of PCS.

Accordingly, we have been distressed by the uncertainty and delay which has been introduced into the PCS auction process by judicial challenges of the C block auction policies. We have, and will continue to support the Commission in its efforts to get the licensing process back on track and permit American consumers to realize the benefits of these new services.

# MEDIA ADVISORY



Washington, D.C.  
July 27, 1995

FOR YOUR INFORMATION:

## **Statement by PCIA President Jay Kitchen**

The following statement was issued today by PCIA President Jay Kitchen in reaction to the delay of the entrepreneur's block auction:

"PCIA is extremely disappointed that uncertainty and delay have once again been introduced into the PCS licensing process. We fully appreciate the FCC's extraordinary efforts to move forward, and we pledge to continue working diligently with them and the industry to resolve the issues that stand in the way of delivering the next generation of wireless communications to the American consumer."

If you have any questions, please contact Jonathan Osmundsen at (202) 467-4770.

# MEDIA ADVISORY



Washington, D.C.  
February 23, 1995

## FOR YOUR INFORMATION:

Enclosed please find a letter to Federal Communications Commission Chairman Reed Hundt opposing an emergency motion that Telephone Electronics Corp. filed with the U. S. Court of Appeals for the District of Columbia Circuit that could delay the application and auction process for the upcoming entrepreneurs' block PCS licenses.

In the letter, PCIA stresses the potential adverse effects that a delay could have on the ability of potential applicants to prepare for the upcoming bidding, and points out the uncertainty this filing has caused among the financial institutions that are being asked to fund this nascent industry.

The Commission is expected to request an expedited hearing schedule before the District Court this week. If you have any questions, please contact Jonathan Osmundsen at (202) 467-4770.

Sincerely,



Sue Mathis Richard  
Vice President, Communications



February 22, 1995

Chairman Reed E. Hundt  
Federal Communications Commission  
1919 M Street, N.W.; Room 814  
Washington, D.C. 20554  
MAIL STOP CODE: 0101

Re: Personal Communications Service/Designated Entity Regulations  
GEN Docket No. 90-314; C.A. No. 95-1015

Dear Chairman Hundt:

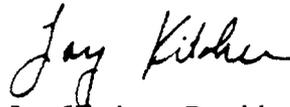
On February 10, 1995, Telephone Electronics Corporation ("TEC") filed an emergency motion with the United States Court of Appeals for the District of Columbia Circuit seeking to stay parts of the Commission's Personal Communications Service ("PCS") *Fifth Report and Order* and *Fifth Memorandum Opinion and Order*, or, in the alternative, to stay the application and auction process for the upcoming entrepreneurs' block PCS licenses. This filing, unfortunately, has generated significant uncertainty among potential applicants and investors at a critical time when business plans are being developed and finalized and financial institutions and investors are being asked to commit billions of dollars to a nascent industry. As you undoubtedly are aware, any uncertainty about the Commission's PCS regulations at this time will damage the prospects for a successful auction and have severe ramifications on the ability of entrepreneurs to participate meaningfully in developing the mobile radio infrastructure for the next decade.

With the entrepreneurs' block auctions just around the corner, potential applicants must have the regulatory certainty necessary to finalize their business plans. Although PCIA does not wish at this time to address the relative merits of TEC's appeal, PCIA believes that the mere pendency of TEC's stay request adversely affects the ability of potential applicants to prepare for the upcoming bidding and to make the entrepreneurs' block auctions a success. Under the

Chairman Reed E. Hundt  
February 22, 1995  
Page 2

circumstances, the Commission should act expeditiously to do what it can to resolve definitively all controversies surrounding the designated entity regulations.

Respectfully submitted,



Jay Kitchen, President  
Personal Communications Industry Association

cc: Commissioner James H. Quello  
Commissioner Andrew C. Barrett  
Commissioner Rachelle B. Chong  
Commissioner Susan Ness  
Robert M. Pepper, Chief, Office of Plans and Policy  
William E. Kennard, General Counsel  
James U. Troup, Counsel to Telephone Electronics Corporation



## **BROADCASTER FLEXIBILITY**

The Commission, in 1992, tentatively proposed to assign an additional 6 Mhz of spectrum to each television broadcaster to facilitate the implementation of Advanced Television (ATV) or High Definition Television (HDTV) service. The second channel was intended to permit a period of dual operation to avoid disruption to customers or the instant "obsoleting" of current television receivers. In July, the Commission took action to begin a comprehensive review of this plan.

The National Association of Broadcasters has for many years been pursuing rule changes to allow them flexibility in how they use their spectrum, including the latitude to use broadcast spectrum to provide services which could be considered Commercial Mobile Radio Services. Moreover, they have strongly lobbied to be permitted to retain control of the spectrum they are currently using even after they have completed the transition to digital TV transmissions in their new spectrum.

PCIA is strongly opposed to any grant that would give an existing group of licensees in one service exclusive access to spectrum which could be used to provide services in competition with CMRS licensees. If the spectrum is not needed for broadcast functions, the Commission, not current licensees should make that determination. If the spectrum would better be used in provision of CMRS, all interested potential licensees should be given an opportunity to compete for the assignment.

PCIA also strongly believes that if current broadcast licensees are granted new spectrum for the purpose of providing HDTV, that once the transition from analog to digital has been achieved, the unused spectrum should be returned to the Commission for re-allocation.

# MEDIA ADVISORY



*Personal  
Communications  
Industry  
Association*

Washington, D.C.  
July 28, 1995

FOR YOUR INFORMATION:

## **Statement by PCIA President Jay Kitchen**

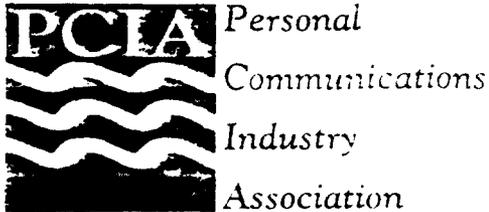
The following statement was issued today by PCIA President Jay Kitchen in reaction to the Commission's action today initiating a rulemaking proceeding on HDTV and broadcaster flexibility. PCIA will vigorously oppose any attempt by television broadcasters to obtain free spectrum on which they intend to or have the ability to provide commercial mobile radio services.

"It is absolutely ludicrous in the present political environment for broadcasters to suggest that they be granted free and exclusive radio spectrum that gives them the opportunity to provide commercial radio service in competition with entities that have paid literally billions of dollars for their spectrum," said Jay Kitchen, President of PCIA.

"For all the benefits that broadcasters provide in terms of information and entertainment, they are first and foremost for-profit entities that exist to maximize profits for their shareholders," said Kitchen. "If they want to compete directly with the wireless telecommunications industry for the provision of commercial mobile radio services they have every right to do so. But the FCC proceeding initiated today has the potential to grant broadcasters exclusive access to free radio spectrum to which they have no entitlement."

"The Commission should closely scrutinize the claims of broadcasters in this proceeding," Kitchen stated. "The only apparent reason that this spectrum may be available is that representations were made that it could be used for advanced digital television technology. If the spectrum now cannot be used for that purpose, the Commission should allocate it for other purposes. Moreover, once any transition from analog to digital television is achieved, the unused spectrum should be returned to the Commission for re-allocation. If the Commission determines that it is in the public interest to allocate that spectrum for a commercial mobile radio service, it should assign the spectrum in a fair and open manner," Kitchen said.

PCIA intends to be an active and vocal participant in this Commission proceeding. If you have any questions, please contact Jonathan Osmundsen at (202) 467-4770.



February 28, 1994

The Honorable Edward J. Markey  
U.S. House of Representatives  
Washington, D.C. 20515

RE: Proposed "Broadcaster Spectrum Flexibility Amendment" to HR 3636

Dear Congressman Markey:

I am writing on behalf of the Personal Communications Industry Association (formerly Telocator) to express our grave reservations with the amendment proposed by the National Association of Broadcasters which would permit broadcast licensees to use broadcast spectrum for services unrelated to their current authorization to provide programming service.

The language proposed is too broad, mandates an abrogation of the Federal Communications Commission's authority and obligation to allocate spectrum to services in a manner consistent with the public interest, and is unnecessary to ensure broadcasters have fair and equal rights to participate in new and competitive services, such as Personal Communications Services (PCS).

Under the proposed language, a broadcaster would be free to convert spectrum authorized for programming services to other, unrelated services, such as PCS. Such authority for licensees to perform unilateral reallocation of spectrum is unprecedented and poor public policy. It is particularly troubling given that the Federal Communications Commission has determined that television broadcast licensees should be assigned twice the spectrum necessary to fulfill their broadcast obligations in order to facilitate dual operations and a smooth transition from current technologies to High Definition Television (HDTV). The proposed legislative language would allow individual broadcast licensees to convert the spectrum freed by this transition to whatever use would be most profitable and in their own business interest, rather than returning the spectrum to the Commission for allocation and assignment consistent with the public interest. No group of individuals should be granted such a broad and unwarranted set aside of spectrum.

It should be stressed that if broadcast licensees wish to enter the PCS market, they are fully eligible to compete for the spectrum which has been specifically assigned to these services, on exactly the same terms as cable television operators, cellular carriers, inter-exchange carriers or any other PCS-aspirant.

Some degree of spectrum flexibility for broadcast licensees, consistent the public interest, may be warranted. The current legislative proposal, however, goes too far and is overly vague. I urge you to reject it.

Sincerely yours,

Mark J. Golden, CAE  
Vice President-Government Relations



STATEMENT OF THOMAS A. STROUP, PRESIDENT  
PERSONAL COMMUNICATIONS INDUSTRY ASSOCIATION  
SENATE COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION  
MARCH 17, 1994

Mr. Chairman and Members of the Senate Commerce Committee:

My name is Thomas A. Stroup, and I am President of Personal Communications Industry Association (PCIA), formerly known as Telocator. PCIA represents over 450 companies providing a wide range of wireless telecommunications services. In addition to representing existing forms of wireless, personal communications services, such as paging and cellular, PCIA also is the premier organization representing the full range of participants pursuing spectrum opportunities to provide new, emerging forms of Personal Communications Services, or PCS.

PCIA very much appreciates the opportunity to testify before you today regarding the proposal contained in Section 704 of S. 1822 to allow broadcasters, who share the radio spectrum with many of the rest of us, to use a portion of their allocated spectrum for services other than the traditional advertiser-based programming. PCIA is not an expert in either the market structure or technology of broadcasting. Accordingly, we cannot express any informed opinion on the merits of allowing broadcasters to provide services "related to the programming services they are authorized to provide" with their allocated spectrum, as S. 1822 provides. We would not oppose Section 704 or similar provisions that would allow broadcasters the flexibility to provide additional services directly related to their programming authorization, as long as such use did not detract from their ability to meet their primary obligations associated with their specific licenses to provide current, or advanced HDTV services. The association would, however, vigorously oppose any intrusion into areas in deviation of that standard. In that regard, I suggest that the Committee clarify the specific meaning and intent of the language of Section 704 describing permissible services to exclude Commercial Mobile Services

(CMS), and other services it may not want provided by broadcasters.

The reality of the situation is, however and unfortunately, that broadcasters have been working to achieve the broadest possible interpretation of this and somewhat similar language being considered in the House so that broadcasters are potentially allowed to provide Commercial Mobile Services such as paging, PCS and other wireless services, using spectrum allocated for HDTV. Although experts in that field have expressed concern about the impact on development and implementation of HDTV, PCIA's real concern lies in the impact of such a change on the wireless telecommunications industry, where negative results are quite obvious.

First, through implementation of much of the work done by this Committee and its House counterpart last year, the FCC has promoted competition in the wireless industry through its regulatory parity doctrine. A key factor of this new regulatory environment is the mandated auctioning of spectrum licenses for the provision of Commercial Mobile Services, such as PCS. This foundation is dangerously undermined if broadcasters are guaranteed winners by having spectrum given to them for another purpose, available for their exclusive use to provide PCS services. The Communications Act of 1934 gives the FCC the authority to allocate spectrum for specific purposes and to establish market structures, such as the number of licenses to be assigned to particular services and the amount of spectrum that will make those markets function. Permitting broadcast licensees to unilaterally convert spectrum from broadcasting to commercial mobile radio purposes would undermine that process. In any allocation proceeding, it is essential that there be consideration of the public interest value of one use of spectrum over another. Too broad a grant of flexibility would allow one group of licensees--broadcasters--to substitute their judgement for the FCC's. Under this new competitive environment, the rules say that licenses for Commercial Mobile Services are to be assigned through a competitive bidding process, now being implemented by the FCC. This competitive bidding process involves not only payment of a fee for licenses, but also an opportunity for all persons qualified to provide a Commercial Mobile Service to compete, at

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auction, for the available licenses. Even if broadcasters are required to pay some sort of "acquisition fee" for broadcast spectrum converted to use providing Commercial Mobile Services, other entities, capable and prepared to offer the same service would have no opportunity to compete for the "newly minted" Commercial Mobile Service spectrum. That is the antithesis of competition. There is no legitimate public policy rationale to confer a guaranteed grant of spectrum to broadcasters for non-broadcast purposes.

Moreover, broadcaster CMS spectrum would replace the auction environment in which a finite and precisely defined number of spectrum opportunities are available with an environment in which the number, scope and spectrum capacity of competitors is unknown and fluid. This increased uncertainty increases the risk of starting and operating new PCS businesses, which will make obtaining financing for small businesses even more difficult. And, as you will recall, one of the goals established by the Committee in granting the FCC auction authority was that small businesses be afforded an opportunity to participate in the PCS auction process.

Secondly, the revenue derived by the federal government from spectrum auctions for Commercial Mobile Services will be significantly diminished if broadcast licensees are permitted to convert broadcast spectrum to CMS, even if such conversion requires payment of a fee. To the degree that there is more spectrum and additional competitors in each market, the value of licenses is reduced below what licensees would have been willing to pay for a more limited commodity, in a market with fewer competitors. Thus the entire spectrum auction market value is eroded and there is a very real likelihood that the PCS spectrum auctions will not generate the revenue being projected for the U.S. Treasury.

Thirdly is the question of what, if anything, broadcasters would be charged for their guaranteed CMS license and service. Because of the substantial number of variables, including different license areas and frequencies licensed, the process of creating an appropriate fee will entail years of rulemaking and litigation.

Some degree of flexibility for broadcast licensees, consistent with the public interest, may be warranted. Shortly after debate on the issue in the House Telecommunications and Finance Subcommittee, PCIA contacted the National Association of Broadcasters to invite them to participate in discussions on whether their needs and our own concerns could be mutually accommodated. Although the response was polite, it was also an unequivocal refusal.

Consequently, PCIA remains open to resolving this issue. As your Committee moves ahead on this issue and the other provisions of S. 1822, PCIA urges that you bear in mind the destabilizing impact of broad delegation of authority to allow broadcaster use of spectrum to provide wireless telecommunication services. It has become apparent additional clarification of Section 704 is needed, such as prohibiting conversion to use providing Commercial Mobile Services (as defined by Section 332(c) of the Communications Act). The broadcasters' association has made its intentions clear. Consequently it would be wise if the Senate Commerce Committee made its intended uses of Section 704 specific and unambiguous.