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May 9, 1996

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

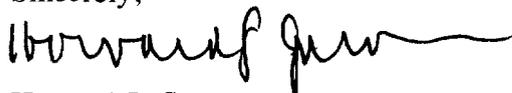
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Ex Parte Presentation - WT Docket No. 96-6

Dear Mr. Caton:

On behalf of AT&T Wireless Services, Inc., the attached written presentation in the above-captioned docket was provided this day to Rosalind Allen, David Furth, and David Nall of the Wireless Telecommunications Bureau, and to Jackie Chorney, Legal Advisor to Chairman Hundt.

Sincerely,



Howard J. Symons

Attachment

cc: Rosalind Allen
David Furth
David Nall
Jackie Chorney

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WIRELESS FLEXIBILITY

In WT Docket No. 96-6, the Commission proposes to clarify that commercial mobile radio service ("CMRS") providers may offer fixed services on their wireless spectrum on a "non-ancillary" basis. The Commission also has asked commenters to address how such wireless services should be regulated. In the interest of expediting action in this proceeding, AT&T Wireless Services, Inc. ("AT&T") suggests that the Commission bifurcate these questions and proceed as outlined below.

1. Scope of Permissible Services. The Commission should confirm at the earliest possible date that PCS spectrum may be used to provide fixed wireless services, regardless of whether such fixed services are "ancillary" to mobile operations. Such action would give more certainty to potential bidders in the D, E and F block auction, thus enhancing competition in the auction and encouraging licensees to make the most efficient use of the spectrum.

2A. Regulatory Classification - Provision of Fixed and Mobile Wireless Services in the Same Market. AT&T supports the Commission's tentative conclusion that fixed wireless services offered by a PCS licensee in its market should be treated as an integral part of the broadband mobile services offered by the licensee on CMRS spectrum in that market. See Notice at ¶ 20.^{*/} Such a policy would enhance competition by minimizing regulatory confusion for CMRS providers, States, and existing customers; it is clearly supported by the record; and it is consistent with the Commission's existing rules. See 47 C.F.R. § 24.3.

2B. Regulatory Classification - Provision of Fixed Wireless Services Only. The Commission could defer a decision on the appropriate regulatory classification (*i.e.*, CMRS or local exchange carrier) of fixed wireless services provided by a PCS licensee in markets where it does not provide any mobile services on CMRS spectrum, either directly or through an entity in which it holds an attributable interest. This question raises admittedly difficult issues of regulatory parity and Federal/State relations, which can be addressed in a further Notice of Proposed Rulemaking.

^{*/} This conclusion should apply in any market where the PCS licensee offering fixed wireless service is providing broadband mobile services, either directly or through an entity in which it holds an attributable interest under any applicable attribution rule.