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July 19, 1996

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

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Re: Ex Parte Presentation
CC Docket No. 96-98

Dear Mr. Caton:

On July 18, 1996, on behalf of AT&T Wireless Services, Inc. ("ATTWS"), the undersigned made an oral presentation to Larry Atlas of the Common Carrier Bureau regarding LEC-CMRS interconnection. The attached material provides a brief outline of the presentation.

Any questions regarding the foregoing may be directed to the undersigned.

Sincerely,


Howard J. Symons

Enclosure

cc: Larry Atlas
Secretary, FCC (2)

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LEC-CMRS INTERCONNECTION PRIORITIES RECEIVED
AT&T WIRELESS SERVICES INC -- CC DOCKET NO. 96-98

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- FEDERAL COMMUNICATIONS COMMISSION
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1. **Section 252(i).** On the effective date of the Order in CC Docket No. 96-98, providers should have the right under section 252(i) to interconnection, transport, and termination ("interconnection") on the same terms and conditions as provided in existing interconnection agreements between ILECs and wireline CLECs, at rates that do not discriminate between wireless and wireline carriers. Section 252(i) does not distinguish between wireline CLECs and CMRS providers.
 2. **Section 332(c)(3).** As a condition of obtaining LEC-CMRS interconnection at nondiscriminatory rates, States may not require CMRS providers to agree to policies that contravene section 332(c)(3)'s preemption of rate and entry regulation. Such policies would include certification and tariff filing requirements, prior notification of rate changes, approval before discontinuing service, and requirements that carriers provide specific services, such as residential, Lifeline, and business services, or comply with specified service boundaries.
 3. **Distinctions Among Carriers.** While factors directly related to the costs of providing interconnection, such as significant variations in the volume of service or duration of contract, might constitute a reasonable basis for charging different carriers different interconnection rates, the Commission should scrutinize carefully any attempts by ILECs to distinguish between CLECs and CMRS providers. For example, under section 252(i) it would not be permissible for ILECs to insist upon a particular balance of traffic with the requesting carrier's network as a precondition to providing the same rates, terms and conditions -- including bill and keep -- as set forth in the other agreement. Even if traffic is not balanced, bill and keep is economically justified for LEC-to-CMRS interconnection because the traffic imbalance is offset by the differences in costs to each network of terminating traffic that originates on the other.
 4. **"Interim" Rates.** If "interim" interconnection rates prescribed by the Commission in CC Docket No. 96-98 are made available to wireline CLECs on the effective date of the Order in that docket, they should also be made available to CMRS providers. The Commission must treat all telecommunications carriers -- including CMRS providers -- equally.
 5. **Enforcement.** CMRS providers may seek enforcement of their rights to nondiscriminatory rates for interconnection at the FCC under sections 252(e)(5) (if the State "fails to carry out its responsibility" to ensure that the terms and conditions of interconnection agreements are made available to CMRS providers); 253(d) (if a State rule or policy prohibits or has the effect of prohibiting the offering of service by a CMRS provider); 332(c)(3) (if a State rule or policy establishes rate or entry regulation); or 208 (if a carrier fails to provide interconnection consistent with the requirements of sections 251, 252, and 332).