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July 29, 1996

CTIA
Cellular Telecommunications Industry Association
1250 Connecticut Avenue, N.W.
Suite 200
Washington, D.C. 20036
202-785-0081 Telephone
202-785-0721 Fax

RECEIVED

JUL 29 1996

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

Re: ***Ex Parte* Presentation**
Implementation of the Local Competition Provisions in the Telecommunications Act of 1996
CC Docket No. 96-98

Dear Mr. Caton:

On Sunday, July 28, 1996, Mr. Brian Fontes, Senior Vice President of Policy and Administration, the Cellular Telecommunications Industry Association ("CTIA") sent the attached document to Ms. Suzanne Toller, Legal Advisor to Commissioner Rachelle Chong, as requested by Ms. Toller. Because the Commission was closed on Sunday, this letter is being filed with the Commission today.

Pursuant to Section 1.1206 of the Commission's Rules, an original and one copy of this letter and the attachments are being filed with your office. If there are any questions concerning this filing, please contact me at (202) 736-3215.

Sincerely,

Andrea D. Williams

Andrea D. Williams
Assistant General Counsel

Attachment

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251/332 Jurisdiction

The issue of whether Section 332 or Section 251 et seq. controls CMRS-LEC interconnection is difficult. The statute is ambiguous on this point. Our initial analysis indicates that jurisdiction resides concurrently in the two statutory provisions.

As a practical matter we have concluded that for now CMRS-LEC interconnection matters should be dealt with pursuant to Section 251. This conclusion recommends itself for three reasons. First, expedition. It permits immediate progress on critical interconnection matters, with the benefit of our determinations with respect to many of the important issues. Second, consistency. It permits consistent resolution of interconnection issues for both CMRS companies and other, wireline CLECs. While "regulatory parity" is not our most significant telecommunications goal we hope eventually to arrive at a situation where all competitive firms confront identical opportunities and obligations This is a step in that direction. Third, administrative efficiency. It avoids at least for the time being the necessity of creating a regulatory program for CMRS interconnection parallel to the Section 251 process. That may become necessary, but we are reluctant to establish a separate federal dispute resolution and appellate regime for CMRS against the contingency that the Section 251 process will prove unsatisfactory.

In coming to this essentially practical conclusion, however, we are not finding that Section 332 has been repealed by implication nor abandoning the well-established obligation to reconcile apparently conflicting statutory provisions. We are instead deferring the reconciliation to a time, if ever, when it becomes necessary and to specific circumstances. We believe that the presence of specifics is likely to lead to a more refined analysis of what is, after all, a very difficult issue of statutory construction. It is important that our present determination not be misunderstood there may well be LEC-CMRS interconnection issues that are subject uniquely to Section 332.