

EX PARTE OR LATE FILED

February 28, 1997

RECEIVED

FEB 28 1997

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

Federal Communications Commission
Office of Secretary

**Re: *Ex Parte* Presentation
Geographic Partitioning and Spectrum
Disaggregation by Commercial Mobile
Radio Services Licensees /
WT Docket No. 96-148**

**Implementation of Section 257 of the Communications
Act - Elimination of Market Entry Barriers
GN Docket No. 96-113**

Dear Mr. Caton:

On Friday, February 28, 1997, Ms. Wendy Chow, Staff Counsel, the Cellular Telecommunications Industry Association ("CTIA"), sent the attached document to Ms. Rosalind Allen, Mr. David Furth, and Mr. Tom Dombrowsky of the Wireless Telecommunications Bureau as informational background for a panel discussion in which they will participate. The information is intended for presentation purposes only.

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) 736-3223.

Sincerely,

Wendy Chow

Wendy C. Chow
Staff Counsel

Attachment

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021



TUESDAY, MARCH 4, 1997
MOSCONE CENTER
ROOM 236-238
4:00PM-5:00PM

A SPECIAL PRESENTATION ON PARTITIONING AND DISAGGREGATION FOR PCS AND OTHER NEW SPECTRUM USERS

On Tuesday, March 4, CTIA will host a roundtable discussion led by the FCC's Wireless Bureau experts about the FCC's recent Report and Order on geographic partitioning and spectrum disaggregation. The presentation will be held at the Moscone Center, Room 236-238, from 4:00 pm - 5:00 pm.

The FCC Wireless Telecommunications Bureau staff will discuss the new rules and answer questions regarding the opportunities that the new flexible rules provide to PCS licensees and others.

On December 13, 1996, the FCC voted unanimously to permit geographic partitioning and spectrum disaggregation for all broadband PCS licensees. The new rules eliminate the January 1, 2000 benchmark and five-year build-out requirements as prerequisites for disaggregation and the restriction permitting partitioning only to rural telcos. These provisions significantly affect how broadband PCS licensees may use their spectrum and structure their markets.

This presentation will provide a brief overview of the proceeding and highlight the relevant changes to the rules. The floor will then be opened for discussion with the FCC staff. Parties interested in these recent changes to the rules governing broadband PCS are encouraged to attend.

*Discuss opportunities that
the new flexible rules provide
to PCS licensees.*



CTIA

CTIA'S WIRELESS '97
PRESENTATION ON PARTITIONING & DISAGGREGATION

CTIA

**Partitioning & Disaggregation
Summary of the Proceeding**

- Broadband PCS Memorandum Opinion & Order (GEN Docket No. 90-314)
- Competitive Bidding Fifth Report & Order (PP Docket No. 93-253)
- Notice of Proposed Rulemaking (WT Docket No. 96-148)
- Report & Order/Further Notice of Proposed Rulemaking (WT Docket No. 96-148)

CTIA

Current Status

- New Rules are Effective on March 7, 1997
- Motion for Stay
- Appeal of the Order and Motion for Stay in the U.S. Court of Appeals

CTIA'S WIRELESS '97
PRESENTATION ON PARTITIONING & DISAGGREGATION

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The New Rules

- Partitioning
- Disaggregation

CTIA

Partitioning -- Old Rules

- Allowed partitioning only for rural telcos, as defined in the '96 Act.
- Partitioned areas must conform to established geopolitical boundaries (*e.g.*, county lines)
- Each area must include all portions of the rural telco's wireline service area and be reasonably related to rural telco's service area
- Each licensee is responsible for meeting build-out requirements in its area

CTIA'S WIRELESS '97
PRESENTATION ON PARTITIONING & DISAGGREGATION

CTIA

Partitioning -- New Rules

- Allows partitioning for all broadband PCS licensees, with certain limitations on the C and F block licensees
- Permits partitioning on any geographic area defined by the parties
- Allows partitioner and partitionee to choose from 2 construction options, allowing the parties to choose which party must be responsible for build-out obligations.

CTIA

Disaggregation

Old Rules

- May disaggregate spectrum after Jan. 1, 2000 if the 5 year build-out requirements are met

New Rules

- May disaggregate any amount of spectrum at any time following the issuance of licenses (limitations apply to C & F blocks)
- Parties must certify which party is responsible for fulfilling build-out requirements

CTIA'S WIRELESS '97
PRESENTATION ON PARTITIONING & DISAGGREGATION

CTIA

**What This Means for
PCS and Other Licensees**

- More flexibility in using spectrum and structuring markets
- Development of niche services and opportunities for new entrants



SAMPLE QUESTIONS
ON PARTITIONING & DISAGGREGATION

Tom:

What is the filing process for each party when a licensee wants to partition or disaggregate?

What type of information must be included when a licensee (a) partitions and (b) disaggregates? Does this information differ in any way from what was required under the old rules?

David:

What kinds of opportunities do the new rules provide for licensees?

What safeguards are in place to prevent circumvention of construction requirements now that the restrictions on meeting the 5 year build-out requirement has been eliminated?

Roz:

What kinds of opportunities do the new rules provide for licensees?

Does the Bureau have an idea of when it may act on the pending Motion for Stay or Petitions for Reconsideration?

Has the Bureau allowed similar partitioning and disaggregation rules for other wireless services and/or do you foresee the Bureau adopting such rules for more services in the future?

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