DOCKET FILE COPY ORIGINAL

AIRTOUCH™
Communications

EX PARTE OR LATE FILED

RECEIVED

JUL 11 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Kathleen Q. Abernathy
Vice President
Federal Regulatory

AirTouch Communications
1818 N Street, N.W.
Suite 800
Washington, DC 20036

Telephone: 202 293-4960
Facsimile: 202 293-4970
Kathleen.Abernathy@ccmail.AirTouch.COM

July 11, 1997

EX PARTE

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

RE: Interconnection Between LECs and Paging Carriers: CCB/CPD 97-24, CC Docket 96-98, CC Docket 95-185

Dear Mr. Caton:

On Thursday, July 10, 1997, Mark Stachiw and I on behalf of AirTouch Paging met with Thomas Power and Edward Krachmer of the Competitive Pricing Division of the Common Carrier Bureau to discuss the above proceeding. Please associate the attached material with the above-referenced proceeding.

Two copies of this notice are being submitted to the Secretary in accordance with Section 1.1206(a)(1) of the Commission's Rules.

Please stamp and return the provided copy to confirm your receipt. Please contact me at 202-293-4960 should you have any questions or require additional information concerning this matter.

Sincerely,

Kathleen Q. Abernathy

cc: Edward Krachmer
Thomas Power

No. of Copies rec'd 0+3
List ABCDE

PRESENTATION OF AIRTOUCH PAGING

JULY 10, 1997

Time is of the Essence:

- The record amply demonstrates that the paging industry's position on who should bear the cost of transporting LEC-originated traffic is consistent with the Act and the Interconnection Orders

  - Even some of the ILECs agree with the paging carriers. See Comments of Bell/Atlantic/NYNEX; Sprint/United; Ameritech (as to Type 2 interconnection)

  - State PUCs (California/Minnesota) have endorsed the paging industry positions.

- There is compelling evidence in the record that certain ILEC's are insisting that paging carriers pay charges prohibited by the Commission's Rules

- ILEC's have intensified their resistance to their obligations under the Act by refusing new services and numbers to paging carriers unless prohibited charges are paid

- As a result of the ILEC's refusal, calling parties are experiencing call blocking in major markets when seeking to initiate pages

Accordingly, the Bureau must act quickly to avoid rewarding the ILECs for their intransigence

Paging Carriers Have Obligations Under the Act, and are Entitled to the Benefits Enjoyed by Other Telecommunications Carriers:

- Paging carriers have interconnection, universal service fund payment and CPNI protection obligations, among others, like other telecommunications carriers
- Historically, the ILEC's have refused to accord paging companies many "co-carrier" rights
- Paging carriers are entitled to the immediate benefits of the unstayed portions of the Interconnection Orders
- The ILECs position effectively denies paging carriers the benefits of the Act while leaving them with all the obligations

The Core Objective of the Act is to Curb ILEC Market Power:

- The Interconnection Orders properly recognized continuing abuses by the ILECs
- Prior rulings vindicating the paging industry position continue to be ignored by the ILECs
  - ILECs embrace all the benefits accorded them by the Act and the Commission, but eschew all corollary obligations
- ILECs are using their market power to force paging companies to sign interconnection agreements that are patently less favorable to the paging companies than they are entitled to by law
- The Commission must act swiftly and decisively to demonstrate that the ILEC's stonewalling tactics will not succeed

Conclusion

- The Bureau must immediately issue a public notice clarifying that the costs for the facilities used to transport LEC originated traffic are to be borne solely by the LECs
- The Bureau must deny Southwestern Bell's untimely request for reconsideration of the Interconnection Order
- Sanctions should be imposed for non-compliance