

DOCKET FILE COPY ORIGINAL

BEFORE THE
Federal Communications Commission
WASHINGTON, D.C.

RECEIVED

AUG 18 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Federal-State Joint Board
on Universal Service

)
)
)
)

CC Docket No. 96-45

OPPOSITION TO PETITIONS FOR RECONSIDERATION OF
THE CELLULAR TELECOMMUNICATIONS INDUSTRY ASSOCIATION

CELLULAR TELECOMMUNICATIONS
INDUSTRY ASSOCIATION

Randall S. Coleman
Vice President for
Regulatory Policy and Law

Michael F. Altschul
Vice President, General Counsel

1250 Connecticut Avenue, N.W.
Suite 200
Washington, D.C. 20036
(202) 785-0081

August 18, 1997

No. of Copies rec'd
List AFCCP

0/11

TABLE OF CONTENTS

	Page
INTRODUCTION AND SUMMARY	2
I. THE COMMISSION CORRECTLY ESTABLISHED COMPETITIVE NEUTRALITY AS AN ADDITIONAL UNIVERSAL SERVICE PRINCIPLE. . .	3
II. THE DECISION BY THE EIGHTH CIRCUIT COURT OF APPEALS REAFFIRMS THE COMMISSION'S PLENARY JURISDICTION OVER CMRS UNIVERSAL SERVICE OBLIGATIONS.	7
III. THE STATES' ABILITY TO REQUIRE CMRS PROVIDER CONTRIBUTIONS TO THEIR UNIVERSAL SERVICE MECHANISMS IS STRICTLY LIMITED BY SECTION 332.	9
CONCLUSION	13

BEFORE THE
Federal Communications Commission
WASHINGTON, D.C.

In the Matter of)
Federal-State Joint Board) CC Docket No. 96-45
on Universal Service)

**OPPOSITION TO PETITIONS FOR RECONSIDERATION OF
THE CELLULAR TELECOMMUNICATIONS INDUSTRY ASSOCIATION**

The Cellular Telecommunications Industry Association ("CTIA")¹ submits its Opposition to Petitions for Reconsideration in the above-captioned proceeding.²

¹ CTIA is the international organization of the wireless communications industry for both wireless carriers and manufacturers. Membership in the association covers all Commercial Mobile Radio Service ("CMRS") providers, including 48 of the 50 largest cellular and broadband personal communications service ("PCS") providers. CTIA represents more broadband PCS carriers and more cellular carriers than any other trade association.

² Federal-State Joint Board on Universal Service, Report and Order in CC Docket No. 96-45, FCC 97-157 (released May 8, 1997) ("Universal Service Order").

CTIA filed its Petition for Reconsideration and Clarification of the Universal Service Order noting that while it was unclear whether State universal service mechanisms should apply to CMRS providers where they are not substitutes for the incumbent LEC, the Commission should at minimum uphold the principles of Section 332 by clarifying that State universal service obligations cannot be used as a basis for regulating the rates of CMRS providers. CTIA also sought assurances from the Commission that State universal service programs must be competitively and technologically neutral to be consistent with the Commission's rules. In addition, CTIA sought clarification as to how CMRS contributors should separate their revenues along jurisdictional lines.

INTRODUCTION AND SUMMARY

Several parties, covering a wide range of issues, have filed petitions for reconsideration of the Commission's Universal Service Order. CTIA addresses herein those petitioners seeking to restrain competition either by directly limiting CMRS participation in the various universal service programs, or by imposing unreasonable burdens upon CMRS providers, effectively excluding them from the universal service process.

CTIA believes that the Commission should not revert to outmoded regulatory structures that were explicitly rejected in the Telecommunications Act of 1996. Congress intended to improve telecommunications services throughout the nation through the operation of competition, not regulatory protectionism as some parties have requested. The interests of rural consumers, like those of all Americans, will be best served through competitive market forces. Moreover, effective competition in all markets requires that the Commission not permit excessive obligations be placed on any one class of carrier, including CMRS providers who operate in increasingly competitive markets. If States seek to establish discriminatory or excessive contribution requirements, the Commission should preempt such proposals under its authority in Sections 332 and 254. The Commission should make it clear that only fair competition, in all regions, will satisfy the intent of Congress and the requirements of the Communications Act.

I. THE COMMISSION CORRECTLY ESTABLISHED COMPETITIVE NEUTRALITY AS AN ADDITIONAL UNIVERSAL SERVICE PRINCIPLE.

The Western Alliance has asked the Commission to reconsider its decision to adopt the principle of competitive neutrality in addition to those already established by Congress in the Communications Act of 1934 ("Act").³ The Western Alliance argues that competitive neutrality is not consistent with the needs of rural telecommunications carriers or consumers, and that Congress did not intend for the Commission to view universal service in the same competitive light as other provisions of the 1996 Act.

The Commission's decision to adopt the principle of competitive neutrality is not only consistent with its statutory mandate in the 1996 Act, it is also in the best interest of all consumers, including those in rural areas. Under Section 254 of the Act the Commission can adopt "[s]uch other principles . . . necessary and appropriate for the protection of the public interest, convenience, and necessity . . . consistent with this Act."⁴ Thus, Congress determined explicitly that the Commission should not be limited by the principles enumerated in the Act.

The Commission exercised its authority and correctly determined that the principle of competitive neutrality is embodied throughout the 1996 Act as well as within Section 254.⁵

³ Western Alliance Petition for Reconsideration at 3-8 ("Petition").

⁴ 47 U.S.C. § 254(b)(7).

⁵ Universal Service Order at ¶¶ 46-55. The Commission also concluded that competitive neutrality should include the principle of technological neutrality.

Notably, the Act requires that all telecommunications providers, which the Commission construed to include CMRS providers, "make an equitable and nondiscriminatory contribution to the preservation and advancement of universal service."⁶ In exchange for this new contribution obligation, the Commission concluded that all carriers satisfying the requirements of the Act, including CMRS providers, should be eligible to receive funding for providing supported services.⁷

The notion espoused by the Western Alliance that principles of competitive neutrality serve to harm rural consumers is counterintuitive and contrary to the intent of the 1996 Act. The Commission considered and rejected the concerns of commenters who claimed that competition should be secondary to the advancement of universal service, concluding that "these commenters present a false choice between competition and universal service."⁸ These commenters fail to realize that competition serves the interests of all consumers, and promotes efficient service everywhere. Congress also weighed in on the value of competition for all citizens when it noted that the purpose of the 1996 Act was "to provide for a pro-competitive . . . framework designed to accelerate rapidly private sector deployment of advanced telecommunications and information technologies and services to

⁶ 47 U.S.C. § 254(b)(4).

⁷ See 47 U.S.C. § 214(e)(1) (establishing the criteria for eligible telecommunications carriers).

⁸ Universal Service Order at ¶ 50.

all Americans by opening all telecommunications markets to competition."⁹ The Commission would disserve rural consumers by preventing them from enjoying the benefits of competition.

Those parties seeking to impede competition in rural areas are simply requesting that the Commission adopt a position that has been resoundingly rejected over the last two decades: consumers will suffer if competition is allowed to develop in a particular market. First, incumbents sought to protect the entire national market from competition. Then it was argued that competition would hurt consumers in local markets and could not be sustained. Today, the Western Alliance seeks to persuade the Commission that competition will serve to the detriment of rural consumers. In actuality, the Western Alliance is seeking Commission consent to preserve the rural carriers' monopoly over rural telecommunications. The 1996 Act, however, rejects the theory that only a monopoly can provide adequate telecommunications service to a given area.

In an attempt to demonstrate the harm that consumers will suffer from competition, the Western Alliance offers as its only evidence the Commission's decision not to require equal access as a subsidized service.¹⁰ The Petition fails to recognize, however, that Section 332(c)(8) prohibits the Commission from imposing equal access obligations on CMRS providers.¹¹ Seeking

⁹ S. Conf. Rep. No. 104-230, 104th Cong., 2nd Sess. 1 (1996) (emphasis added).

¹⁰ Petition at 6-7.

¹¹ 47 U.S.C. § 332(c)(8).

to establish rules that are "not biased toward any particular technologies," the Commission determined not to mandate equal access, consistent with Section 332.¹² This, the Western Alliance claims, "grossly violates Section 254(b)(3) by placing the interests of potential wireless competitors over the needs of rural residents."¹³ In fact, the decision permitting wireless carriers to configure services and incur costs as they think best promotes the interests of rural citizens. It does so by enabling producers to match their services to their best estimates of consumer demand. Should rural citizens believe that their interests have been "grossly violated" by this action, they are very likely to have the option of not choosing to subscribe to a carrier that fails to offer equal access.¹⁴

The 1996 Act dramatically changed the landscape under which telecommunications services are to be provided throughout the United States. Not wanting to leave anyone behind, Congress sought to preserve our society's tradition of universal service, albeit under a vastly changed system, in all areas of the country through Section 254.¹⁵ Further changes to the historic structures were realized when the Commission implemented the

¹² Universal Service Order at ¶ 49 (quoting the Joint Board Recommended Decision).

¹³ Petition at 7.

¹⁴ Natural market forces can also be expected to drive voluntary equal access offerings, subject to sufficient consumer demand.

¹⁵ See Petition at 4-5.

terms of the Act to achieve Congress' goals. In general, the Act and the Commission's regulations replace an internal subsidy system that relied upon monopoly carriers to perform the necessary transfers with a redistribution system that both reflects and accommodates a competitive environment. But today, the Western Alliance asks the Commission to ignore the new changes, turn back the hands of time, and forestall competition indefinitely -- all in the asserted interest of rural residents. Its request should be declined. All telecommunications carriers, including CMRS providers, should be permitted to participate in universal service programs and offer their services to every region of the nation. Ultimately, consumers benefit from increased choices, better service, and more competitive rates.

II. THE DECISION BY THE EIGHTH CIRCUIT COURT OF APPEALS REAFFIRMS THE COMMISSION'S PLENARY JURISDICTION OVER CMRS UNIVERSAL SERVICE OBLIGATIONS.

On the last day to file Petitions for Reconsideration of the Universal Service Order, the United States Court of Appeals for the Eighth Circuit released its decision vacating portions of the Commission's Interconnection Order.¹⁶ The Eighth Circuit recognized the broad, exclusive source of Commission authority to regulate the rates and entry of CMRS providers under Section 332.¹⁷ The decision's jurisdictional analysis should inform the

¹⁶ Iowa Utilities Board v. F.C.C., No. 96-3321 (8th Cir. July 18, 1997); Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, First Report and Order in CC Docket No. 96-98, 11 FCC Rcd 15499 (1996).

¹⁷ 47 U.S.C. § 332.

Commission's approach to addressing CMRS providers' universal service obligations.

The court determined that Congress expressly created an exemption for Section 332 in Section 2(b), giving the Commission plenary jurisdiction in the regulation of CMRS providers' rates and entry.¹⁸ Hence, the Commission's regulation of CMRS rates and entry is not subject to the outcome of a Section 2(b) analysis on the distribution of regulatory authority.¹⁹ The court thus concluded that Section 332's interconnection provisions, rather than Sections 251 and 252, establish the Commission's source of authority to regulate LEC-CMRS interconnection. The court reasoned that because Section 2(b)'s reservation of authority to the States does not apply to Section 332, the Commission, not the States, has the ultimate authority to establish interconnection pricing rules between LECs and CMRS providers.²⁰

The Eighth Circuit's application of Section 332(c)(3)(A) to carrier-to-carrier interconnection rates solidifies an appropriately expansive definition of preempted rate regulation.²¹ The court's expansive interpretation of rate

¹⁸ See Iowa Utilities at n.21.

¹⁹ 47 U.S.C. § 152(b).

²⁰ See Iowa Utilities at n.21.

²¹ See id. On one occasion, the Commission, in dicta, suggested that a State's regulation of the interconnection rates charged by LECs to CMRS carriers "appears to involve rate regulation only of the landline companies, not the CMRS providers, and thus does not appear to be circumscribed in any way by Section 332(c)(3)." See Petition on Behalf of

regulation is highly significant for the Commission's consideration of universal service payments. The Commission should integrate this interpretation of Section 332 into its determinations with respect to CMRS providers' payments to State universal service programs.

III. THE STATES' ABILITY TO REQUIRE CMRS PROVIDER CONTRIBUTIONS TO THEIR UNIVERSAL SERVICE MECHANISMS IS STRICTLY LIMITED BY SECTION 332.

In the Universal Service Order, the Commission concluded that it "agree[s] with the Joint Board and find[s] that section 332(c)(3) does not preclude states from requiring CMRS providers to contribute to state support mechanisms."²² Notwithstanding the Commission's conclusion, the States continue to lack jurisdiction to regulate CMRS providers' rates. Like interconnection rates, universal service payments made between carriers ultimately must be governed by the Commission's express authority to regulate CMRS providers' rates under Section 332. The Commission must use its exclusive Section 332 authority to

the Louisiana Public Service Commission for Authority to Retain Existing Jurisdiction over Commercial Mobile Radio Services Offered Within the State of Louisiana, PR Docket No. 94-107, Report and Order, 10 FCC Rcd 7898 at ¶ 47 (1995). The Iowa Utilities Board decision indicates that a circumscribed view of the scope of the Commission's authority under Section 332 is incorrect.

²² Federal-State Joint Board on Universal Service, Report and Order in CC Docket No. 96-45, FCC 97-157 at ¶ 791 (released May 8, 1997) ("Universal Service Order"). See also Federal-State Joint Board on Universal Service, Recommended Decision in CC Docket No. 96-45, 12 FCC Rcd 87 at ¶ 791 (1996) (Dismissing the relevance of Section 332 without any discussion or analysis regarding its application to CMRS providers.)

preclude intrastate universal service contribution requirements from operating as CMRS rate regulation.

In its Petition for Reconsideration and Clarification, CTIA expressed concern that States would regulate CMRS rates under the guise of their authority to assess CMRS universal service contributions. To avoid State rate regulation of CMRS providers, CTIA requested the Commission to carefully circumscribe the very limited State authority over CMRS providers' universal service obligations. The Iowa Utilities decision is consistent with CTIA's view that Section 332(c)(3) properly defines the limits on legitimate State assessment of CMRS providers' universal service obligations.

State contribution obligations, if not required by the Commission to be reasonable, could also impair CMRS entry, diminishing consumer choice in violation of Section 332(c)(3). Several parties agree with CTIA that Section 332 narrows the States' ability to regulate the intrastate universal service obligations of CMRS providers.²³ To this end, the Commission should require that State contribution obligations not violate the terms of Section 332 by rising to the level of an entry barrier.

While it is unclear whether States can require CMRS providers to contribute to intrastate universal service

²³ See Comcast Cellular Communications and Vanguard Cellular Systems Joint Petition for Reconsideration at 2-7; AirTouch Communications Petition for Clarification and Partial Reconsideration at 12-16.

programs,²⁴ the Commission should remove any doubt that it intends to fully enforce the terms of Section 332. If the Commission continues to permit States to require contributions to their universal service funds, it must also determine at what level those contribution requirements become entry barriers to the provision of CMRS. Excessive contribution obligations must be preempted by the Commission.

As an initial matter, it should be made clear that unreasonable intrastate contribution requirements restrict CMRS entry by imposing excessive burdens on CMRS providers, and, therefore, violate both Sections 332(c)(3) and 254(f).²⁵ Excessive contribution obligations can play a strong role in influencing a carrier's decision to enter the market. In 1993, Congress realized that States could hinder the growth and development of mobile services with excessive burdens, so it sought to limit the role that States could take in regulating CMRS.²⁶ States should not be permitted to circumvent the intent

²⁴ See 47 U.S.C. § 332((c)(3)(A) ("Nothing in this subparagraph shall exempt providers of commercial mobile services (where such services are a substitute for land line telephone exchange service for a substantial portion of the communications within such State) from requirements imposed by a State commission on all providers of telecommunications services necessary to ensure the universal availability of telecommunications service at affordable rates.") (emphasis added)

²⁵ 47 U.S.C. § 254(f) ("A State may adopt regulations not inconsistent with the Commission's rules to preserve and advance universal service.")

²⁶ See H.R. Rep. No. 111, 103rd Cong., 1st Sess. 260 (1993).

of Congress, or the terms of Section 332, by stifling the growth of the CMRS industry through universal service obligations.

The Commission should also recognize that CMRS providers operate in a competitive environment where demand is elastic. Thus, CMRS providers may be unable to pass through all of their universal service contribution obligations to subscribers, and are very unlikely to be able to do so without distorting consumption.²⁷ These realities must be considered in connection with States' demonstrations that a contribution does not rise to the level of an entry barrier. A State's claim that the contribution obligation is equal to other carriers' that have the ability, due to inelastic demand, to pass through a large percentage of the contribution should be considered an insufficient showing.²⁸ Each telecommunications service market has many entry barriers. Section 332, however, requires States to consider those unique to CMRS when mandating CMRS providers' contributions to intrastate universal service funds.

²⁷ See Comcast and Vanguard Petition at 13.

²⁸ The Commission has stated that carriers should not represent a separate universal service charge on their bills as a federally mandated surcharge. In fact, carriers must indicate on the subscriber's bill that they have chosen to pass through the contribution to their customers. Under these parameters, only carriers who operate in non-competitive markets will be able to actually recoup the full contribution obligations from subscribers. Universal Service Order at ¶ 855.

CONCLUSION

For these reasons, CTIA respectfully requests that the Commission deny the petition detailed herein.

Respectfully submitted,

**CELLULAR TELECOMMUNICATIONS
INDUSTRY ASSOCIATION**



Randall S. Coleman
Vice President for
Regulatory Policy and Law

Michael F. Altschul
Vice President, General Counsel
1250 Connecticut Avenue, N.W.
Suite 200
Washington, D.C. 20036
(202) 785-0081

August 18, 1997

CERTIFICATE OF SERVICE

I, David M. Don, hereby certify that, on 18 August 1997, copies of the foregoing "Opposition to Petitions for Reconsideration of The Cellular Telecommunications Industry Association" were served by First Class Mail, postage prepaid, unless otherwise indicated, upon the following:

Reed E. Hundt*
Chairman
Federal Communications Commission
1919 M Street, N.W.
Room 814
Washington, DC 20554

Commissioner Rachelle B. Chong*
Federal Communications Commission
1919 M Street, N.W.
Room 844
Washington, DC 20554

Commissioner Susan Ness*
Federal Communications Commission
1919 M Street, N.W., Room 832
Washington, D.C. 20554

Commissioner James H. Quello*
Federal Communications Commission
1919 M Street, N.W.
Room 802
Washington, D.C. 20554

Daniel Phythyon*
Acting Chief
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, N.W.
Room 5002
Washington, DC 20554

Dennis L. Bybee, Ph.D.
Vice President and Executive Director
GLOBAL VILLAGE SCHOOLS INSTITUTE
P.O. Box 4463
Alexandria, VA 22303

Bruce D. Jacobs, Esq.
Glenn S. Richards, Esq.
Stephen J. Berman, Esq.
Fisher Wayland Cooper Leader
& Zaragoza L.L.P.
2001 Pennsylvania Avenue, N.W.
Suite 400
Washington, D.C. 20006

Lon C. Levin
Vice President
AMSC SUBSIDIARY CORPORATION
10802 Parkridge Boulevard
Reston, VA 22091

Kathleen Q. Abernathy, Esq.
AIRTOUCH COMMUNICATIONS, INC.
1818 N Street, N.W.
Washington, D.C. 20036

Charles D. Cosson, Esq.
AIRTOUCH COMMUNICATIONS, INC.
One California Street, 29th Floor
San Francisco, CA 94111

Leonard J. Kennedy, Esq.
Dow, Lohnes & Albertson, P.L.L.C.
1200 New Hampshire Avenue, N.W.
Suite 800
Washington, D.C. 20036

J.G. Harrington, Esq.
Dow, Lohnes & Albertson, PLLC
1200 New Hampshire Avenue, N.W.
Suite 800
Washington, D.C. 20036

Michael S. Wroblewski, Esq.
Latham & Watkins
1001 Pennsylvania Avenue, N.W.
Suite 1300
Washington, D.C. 20004

Robert B. McKenna, Esq.
John Traylor, Esq.
US WEST, INC.
1020 19th Street, N.W.
Suite 700
Washington, D.C. 20036

Cheryl A. Tritt, Esq.
Charles H. Kennedy, Esq.
Morrison & Foerster LLP
2000 Pennsylvania Avenue, N.W.
Suite 5500
Washington, D.C. 20006-1888

Jim Gay, President
NATIONAL ASSOCIATION OF STATE
TELECOMMUNICATIONS DIRECTORS
c/o The Council of State Governments
Iron Works Pike
P.O. Box 11910
Lexington, KY 40578-1910

Jerome K. Blask, Esq.
Daniel E. Smith, Esq.
Gurman, Blask & Freedman
1400 16th Street, N.W., Suite 500
Washington, D.C. 20036

James S. Blaszak, Esq.
Kevin S. DiLallo, Esq.
Janine F. Goodman, Esq.
Levine, Blaszak, Block & Boothby, LLP
1300 Connecticut Avenue, N.W.
Suite 500
Washington, D.C. 20036-1703

David A. Irwin, Esq.
Tara S. Becht, Esq.
Irwin, Campbell & Tannenwald, P.C.
1730 Rhode Island Avenue, N.W.
Suite 200
Washington, D.C. 20036

Peter A. Rohrback, Esq.
Hogan & Hartson, LLP
555 Thirteenth Street, N.W.
Washington, D.C. 20004

Joe D. Edge, Esq.
Tina M. Pidgeon, Esq.
Drinker Biddle & Reath LLP
901 15th Street, N.W.
Suite 900
Washington, D.C. 20005

Kathy L. Shobert
Director Federal Affairs
GENERAL COMMUNICATION, INC.
901 15th Street, N.W.
Suite 900
Washington, D.C. 20005

Richard A. Askoff, Esq.
NATIONAL EXCHANGE CARRIER
ASSOCIATION, INC.
100 South Jefferson Road
Whippany, NJ 07981

Mary J. Sisak, Esq.
MCI TELECOMMUNICATIONS
CORPORATION
1801 Pennsylvania Avenue, N.W.
Washington, D.C. 20006

Kevin Taglang
Communications Policy Analyst
BENTON FOUNDATION
1634 Eye Street, N.W., 12th Floor
Washington, D.C. 20006

Jeffrey A. Chester, Executive Director
CENTER FOR MEDIA EDUCATION
1511 K Street, N.W., Suite 518
Washington, D.C. 20005

Albert H. Kramer, Esq.
Robert F. Aldrich, Esq.
Dickstein Shapiro Morin
& Oshinsky LLP
2101 L Street, N.W.
Washington, D.C. 20037-1526

Elisabeth H. Ross, Esq.
Birch, Horton, Bittner and Cherot
1155 Connecticut Ave., N.W., Suite 1200
Washington, D.C. 20036-4308

James Rowe
Executive Director
ALASKA TELEPHONE ASSOCIATION
4341 B Street, Suite 304
Anchorage, AK 99503

Barbara O'Connor, Chair
Donald Vial, Public Policy Chair
Allen S. Hammond, IV, Policy Counsel
ALLIANCE FOR PUBLIC TECHNOLOGY
901 15th Street, N.W., Suite 230
Washington, D.C. 20005

Ellis Jacobs, Esq.
The Legal Aid Society of Dayton
Counsel for EDGEMONT
NEIGHBORHOOD COALITION
333 West First Plaza, Suite 500
Dayton, OH 45402

Mark Lloyd, Director
CIVIL RIGHTS PROJECT, INC.
2040 S Street, N.W., 3rd Floor
Washington, D.C. 20009

Patrice McDermott
Information Policy Analyst
OMB WATCH
1742 Connecticut Avenue, N.W.
Washington, D.C. 20009-1171

Sandra-Ann Y.H. Wong, Esq.
SANDWICH ISLES COMMUNICATIONS,
INC.
1001 Bishop Street
Pauahi Tower, Suite 2750
Honolulu, HI 96813

David W. Danner
Senior Policy Advisor
WASHINGTON STATE DEPARTMENT OF
INFORMATION SERVICES
P.O. Box 42445
Olympia, WA 98504-2445

Arthur H. Stuenkel, Esq.
Staff Attorney
ARKANSAS PUBLIC SERVICE
COMMISSION
1000 Center Street
P.O. Box 400
Little Rock, AR 72203-0400

Cynthia Miller, Esq.
Senior Attorney
THE FLORIDA PUBLIC SERVICE
COMMISSION
Capital Circle Office Center
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Lawanda R. Gilbert, Esq.
Assistant Deputy Ratepayer Advocate
NEW JERSEY DIVISION OF THE
RATEPAYER ADVOCATE
31 Clinton Street
P.O. Box 46005
Newark, NJ 07101

Marianne Deagle, Esq.
Assistant General Counsel
KANSAS CORPORATION COMMISSION
1500 S.W. Arrowhead Road
Topeka, KS 66604-4027

Margot Smiley Humphrey, Esq.
Koteen & Naftalin, LLP
1150 Connecticut Avenue, N.W.
Suite 1000
Washington, D.C. 20036

L. Marie Guillory, Esq.
NTCA
2626 Pennsylvania Avenue, N.W.
Washington, D.C. 20037

Lisa M. Zaina, Esq.
OPASTCO
21 Dupont Circle, N.W.
Suite 700
Washington, D.C. 20036

Carolyn C. Hill, Esq.
ALLTEL TELEPHONE SERVICES
CORPORATION
655 15th Street, N.W., Suite 220
Washington, D.C. 20005

David R. Poe, Esq.
LeBoeuf, Lamb, Greene & MacRae LLP
1875 Connecticut Avenue, N.W.
Suite 1200
Washington, D.C. 20009

Benjamin H. Dickens, Jr., Esq.
Gerard J. Duffy, Esq.
Blooston, Mordkofsky, Jackson & Dickens
2120 L Street, N.W.
Washington, D.C. 20037

David Higginbotham
President
TELETOUCH LICENSES, INC.
P.O. Box 7370
Tyler, TX 75711

Raul R. Rodriguez, Esq.
David S. Keir, Esq.
Leventhal, Senter & Lerman PLLC
2000 K Street, N.W.
Suite 600
Washington, D.C. 20554

Leon M. Kestenbaum, Esq.
Jay C. Keithley, Esq.
Norina T. Moy, Esq.
SPRINT CORPORATION
1850 M Street, N.W., Suite 1110
Washington, D.C. 20036

Robert L. Hoggarth, Esq.
PERSONAL COMMUNICATIONS
INDUSTRY ASSOCIATION
500 Montgomery Street
Suite 700
Alexandria, VA 22314-1561

Lori Anne Dolqueist
INSTITUTE FOR PUBLIC
REPRESENTATION
GEORGETOWN UNIVERSITY LAW
CENTER
600 New Jersey Avenue, N.W.
Washington, D.C. 20001

Katherine Grincewich
Office of the General Counsel
UNITED STATES CATHOLIC
CONFERENCE
3211 4th Street, N.W.
Washington, D.C. 20017-1194

Linda Kent, Esq.
UNITED STATES TELEPHONE
ASSOCIATION
1401 H Street, N.W., Suite 600
Washington, D.C. 20005

Frederick M. Joyce, Esq.
Joyce & Jacobs, Attorneys at Law, L.L.P.
1019 19th Street, N.W., PH-2
Washington, D.C. 20036

Paul J. Berman, Esq.
Alane C. Weixel, Esq.
Covington & Burling
1201 Pennsylvania Avenue, N.W.
P.O. Box 7566
Washington, D.C. 20044-7566

Alyce H. Hanley, Acting Chairman
ALASKA PUBLIC UTILITIES
COMMISSION
1016 West Sixth Avenue, Suite 300
Anchorage, Alaska 99501

Carrol S. Verosky, Esq.
Assistant Attorney General
WYOMING PUBLIC SERVICE
COMMISSION
Capitol Building
Cheyenne, WY 82002

Margaret O'Sullivan Parker, Esq.
Assistant General Counsel
FLORIDA DEPARTMENT OF
EDUCATION
325 W. Gaines Street
The Capitol, Suite 1701
Tallahassee, FL 32399-0400

Susan Lehman Keitel
Executive Director
NEW YORK LIBRARY ASSOCIATION
252 Hudson Avenue
Albany, NY 12210-1802

W. Paul Mason
Director
DEPARTMENT OF ADMINISTRATIVE
SERVICES
Information Technology
Suite 1402, West Tower
200 Piedmont Avenue
Atlanta, GA 30334-5540

Jonathan Jacob Nadler, Esq.
Squire, Sanders & Dempsey, L.L.P.
1201 Pennsylvania Avenue, N.W.
Box 407
Washington, D.C. 20044

Wayne V. Black, Esq.
C. Douglas Jarrett, Esq.
Susan M. Hafeli, Esq.
Keller and Heckman LLP
1001 G Street, N.W.
Suite 500 West
Washington, D.C. 20001

Steve Hamlen
President
UNITED UTILITIES, INC.
5450 A Street
Anchorage, AK 99518-1291

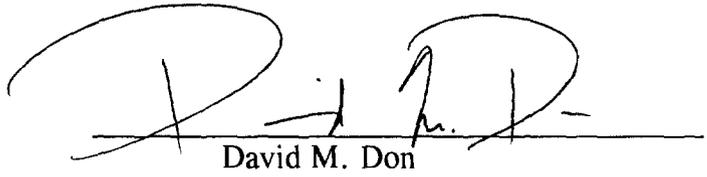
Steve Davis, Director
Office of Policy Development
PUBLIC UTILITY COMMISSION OF
TEXAS
1701 N. Congress Avenue
P.O. Box 13326
Austin, TX 78711-3326

Kenneth T. Burchett
Vice President
GVNW INC./MANAGEMENT
7125 SW Hampton Street
Suite 100
Tigard, OR 97223

Linda Nelson, Assistant Director
Technology Program
Building 4030, Suite 180L
FLORIDA DEPARTMENT OF
MANAGEMENT SERVICE
4050 Esplanade Way
Tallahassee, FL 32399-0950

James U. Troup, Esq.
Arter & Hadden
1801 K Street, N.W., Suite 400K
Washington, D.C. 20006-1301

Mark C. Rosenblum, Esq.
Peter H. Jacoby, Esq.
Judy Sello, Esq.
AT&T CORPORATION
295 North Maple Avenue
Room 324511
Basking Ridge, NJ 07920



David M. Don

* By Hand Delivery