

ORIGINAL

EX PARTE PRESENTATION FILED

WILEY, REIN & FIELDING

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1776 K STREET, N. W.  
WASHINGTON, D. C. 20006  
(202) 429-7000

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MAR 16 1998

R. MICHAEL SENKOWSKI  
(202) 429-7249

March 16, 1998

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE IN THE FIELD (202) 429-7049

Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Room 222  
Washington D.C. 20554

Via Hand Delivery

Re: **Oral Ex Parte Presentation, WT Docket No. 96-6 and DA 97-1155**

Dear Ms. Salas:

In accordance with Section 1.1206 of the Commission's Rules, 47 C.F.R. § 1.1206, notice is hereby given of an *ex parte* presentation regarding the above-captioned proceedings. On Friday, March 13, 1998, Mark Golden of the Personal Communications Industry Association ("PCIA") and I met with Paul Misener of Commissioner Harold Furchtgott-Roth's office. The purpose of the meeting was to discuss PCIA's position on the Commission's Further Notice of Rule Making in WT Docket No. 96-6, *Amendment of the Commission's Rules To Permit Flexible Service Offerings in the Commercial Mobile Radio Services*, and to discuss the Petition for Forbearance filed by PCIA last May on behalf of its Broadband Personal Communications Services Alliance.

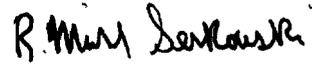
The issues addressed at the meeting in connection with WT Docket No. 96-6 are the same as the viewpoints reflected in PCIA's written comments filed previously in that proceeding; no new arguments or data were presented. With regard to DA 97-1155, PCIA's Petition for Forbearance, the topics discussed included (1) the written *ex parte* letter filed by PCIA on March 11, 1998, responding to the February 10, 1998, *ex parte* letter and survey submitted by the Telecommunications Resellers Association, and (2) the points listed in the attached summary, a copy of which was left with Mr. Misener.

In accordance with the Commission's rules, four copies of this letter and of the written materials left behind in connection with DA 97-1155 are being provided for inclusion in the

NO. 100-100000 043  
LITIGATION

Commission's docket files. If you have any questions or need any additional information, please feel free to call me at the number listed above.

Respectfully submitted,



R. Michael Senkowski  
Wiley, Rein & Fielding  
Counsel for the Personal Communications  
Industry Association

Enclosures  
cc Paul Misener

**PCIA**  
**PETITION FOR FORBEARANCE FOR BROADBAND PCS**

- **On May 22, 1997, PCIA Filed A Petition For Forbearance Asking The FCC, Pursuant To Its Section 10 Authority, To Forbear From Imposing The Following Obligations On Broadband PCS Carriers:**

1. Sections 201 and 202
  2. Mandatory Resale
  3. Section 226 (TOCSIA)
  4. International Section 214 (Facilities Authorization and Tariffing)
  5. Section 310(d): On Feb. 4, 1998, the FCC granted the FCBA and PCIA requests to eliminate the Section 310(d) prior application and approval requirements for non-substantial transactions.
- **The Pleading Cycle Closed on June 17, 1997.**
  - **The FCC Is Under Statutory Obligation To Act On PCIA's Petition Within One Year Of Receipt Of The Petition (i.e., May 22, 1998).**
  - **The Time Is Ripe For Forbearance For Broadband PCS.**
    1. The mobile services market is robustly competitive
    2. PCS entry is causing downward pressure on prices
    3. The entry of PCS has led to more innovative and attractive marketing strategies and offerings
    4. The introduction of new technologies, new spectrum, and new services will continue to increase competition

**THE TIME HAS COME FOR THE ELIMINATION OF UNNECESSARY REGULATORY BURDENS. THE EXISTING AND GROWING COMPETITIVE FORCES IN THE CMRS INDUSTRY WILL ENSURE THAT THE PUBLIC INTEREST IS SERVED WITHOUT HARMING CONSUMERS**