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April 6, 1998

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Magalie Roman Salas, Secretary  
Federal Communications Commission  
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Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Re: Oral Ex Parte Presentation  
WT Docket No. 96-6

Dear Madam Secretary:

In accordance with Section 1.1206 of the Commission's rules, 47 CFR Section 1.12106, we hereby provide you with notice of an oral *ex parte* presentation in connection with the above-captioned proceeding. On Friday, April 3, 1998, Doug Hutcheson and Kevin Kelley of Qualcomm, Inc. and I met with Daniel Phythyon, Steve Weingarten, Rosalind Allen, David Wye, and Jeanine Poltronieri of the Commission. The purpose of the meeting was to discuss the status of Docket No. 96-6 and provide Qualcomm's views.

In accordance with the Commission's rules, two copies of this letter and of the materials distributed to those persons attending the meeting are enclosed for inclusion in the Commission's docket file.

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Magalie Roman Salas, Secretary  
April 6, 1998  
Page 2

If you have any questions or require any additional information, please contact undersigned counsel directly.

Sincerely,



David A. LaFuria  
Counsel for Qualcomm, Inc.

Enclosures

cc: Daniel Phythyon  
Steve Weingarten  
Rosalind Allen  
David Wye  
Jeanine Poltronieri  
Doug Hutcheson  
Kevin Kelley

**Agenda For FCC Meeting April 3, 1998**  
**Doug Hutcheson, Vice President,**  
**North American Business Development, Qualcomm, Inc.**  
**Kevin Kelley, Senior Vice President, External Affairs, Qualcomm, Inc.**  
**David A. LaFuria, Esq., Lukas, Nace, Gutierrez & Sachs**

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**TOPIC: Flexible Service Proceeding**  
**Docket 96-6**

As a manufacturer of wireless switches, base stations and handsets, Qualcomm favors federal regulatory policy which will promote the rapid deployment of both fixed and mobile wireless networks. Accordingly, the Commission should adopt rules and policies which minimize the regulation of all wireless CMRS carriers.

Qualcomm has developed wireless products which can be used in both a fixed and mobile mode. Qualcomm's feature rich offerings are technically capable of operating as a replacement for a customer's wireline service. While the product can be marketed in a number of different ways, near term state and local regulation of fixed offerings will limit carriers' willingness to aggressively enter this marketplace and introduce innovative new services which Qualcomm's products are capable of providing.

- Section 332 of the Act requires all PCS spectrum to be regulated under the CMRS rules irrespective of whether the service offering is fixed or mobile.
- Permitting states to regulate fixed PCS will cause wireless carriers to configure their service offerings in artificial ways to avoid regulation. LECs can be expected to challenge such service offerings, resulting in substantial regulatory and litigation costs and delays.
- One of Congress' main goals in the 1993 Act was to foster the rapid introduction of competitive wireless networks and to impose minimal regulation on new wireless carriers. More so now than ever, Congress wishes to open up avenues for competition to local exchange carriers.
- Creating a presumption that PCS offerings are CMRS invites litigation and regulatory uncertainty. The Commission should instead permit LECs to file requests with the FCC for regulatory forbearance and requests to state PUCs for increased regulation of CMRS carriers only when there service offering and market penetration amounts to a substantially competitive alternative to the wireless local loop offerings.
- If states are now permitted to regulate based on how much of the connection is fixed, the regulatory morass will substantially delay competitive entry. LECs can be expected to offer these same wireless local loop services in the near future.
- Regulatory parity is a misnomer since LECs have market power and control over the network elements which competitors require in order to participate, e.g., OSS.