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BEFORE THE  
Federal Communications Commission  
WASHINGTON, D.C.

MAY 13 1998

In the Matter of	)	
	)	
Calling Party Pays Service	)	WT Docket No. 97-207
Option in the Commercial Mobile	)	
Radio Service	)	
	)	
CTIA Petition for Expedited	)	
Consideration	)	

COMMENTS OF  
THE CELLULAR TELECOMMUNICATIONS INDUSTRY ASSOCIATION

CELLULAR TELECOMMUNICATIONS  
INDUSTRY ASSOCIATION

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THE CELLULAR TELECOMMUNICATIONS INDUSTRY ASSOCIATION**

The Cellular Telecommunications Industry Association ("CTIA")<sup>1</sup> submits these Comments in the above-captioned proceeding<sup>2</sup> and requests that the Commission issue a Notice of Proposed Rulemaking ("NPRM") to adopt uniform, nationwide rules for Calling Party Pays ("CPP") service.

**I. INTRODUCTION**

The Commission's and the industry's inquiry into CPP has persisted for over ten months. On October 23, 1997, the

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<sup>1</sup> 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.

<sup>2</sup> Calling Party Pays Service Option in the Commercial Mobile Radio Services, Notice of Inquiry, 12 FCC Rcd 17693 (Calling Party Pays NOI); CTIA Petition for Expedited Consideration (filed February 23, 1998) (CTIA Petition).

Commission formally sought comment on various topics related to this service offering. Four months later, CTIA submitted a Petition for Expedited Consideration in the CPP docket, the purpose of which was simple: to demonstrate to the Commission that the record before it supported rapidly issuing an NPRM for CPP. The Commission's CPP proceeding, which was initiated in response to CTIA's CPP proposals,<sup>3</sup> has sparked an informed debate within the telecommunications industry. Consistent with CTIA's proposals, there is general agreement that the FCC should promote the concept of CPP along with the adoption of uniform national consumer protection measures for CPP callers.

As stated in its Petition, the industry is generally in agreement about CPP, so long as it is an option for those carriers that wish to offer it. The purpose of an NPRM would merely be to address the few issues still under debate, including the billing and jurisdictional issues<sup>4</sup> surrounding CPP implementation. These Comments focus on the narrow areas requiring Commission action, including the adoption of a national notification policy to ensure that consumers are adequately informed that they will be billed for completing a CPP call.<sup>5</sup>

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<sup>3</sup> See CTIA Service Report, *The Who, What and Why of "Calling Party Pays,"* (July 4, 1997) ("CTIA CPP Report").

<sup>4</sup> In all of its filings to date in this proceeding, CTIA has consistently demonstrated that the Commission has exclusive jurisdiction over the implementation of CPP pursuant to Section 332 of the Communications Act of 1934, as amended. 47 U.S.C. § 332. See CTIA Petition; Comments of CTIA at 16-17 (filed December 16, 1997).

<sup>5</sup> CTIA has also urged the Commission to give CMRS providers that choose to offer CPP the ability to avail themselves of the traditional common carrier limited immunity from

**II. THE RECORD IN THIS PROCEEDING SUPPORTS MINIMAL COMMISSION DECISION-MAKING ON CERTAIN SPECIFIC, CRITICAL ISSUES.**

The comments filed by CTIA and others suggest that with only modest efforts on the part of the Commission, CPP could be successfully implemented on a nationwide-basis. For example, CTIA advocates a uniform, national system of customer notification to promote customer awareness that charges may be incurred for a call to a wireless customer. A national policy will, among other things, reduce caller confusion and ensure the uniform, nationwide development of sufficient consumer protections, in place of inconsistent State requirements. Inconsistent State requirements effectively prohibit the provision of CPP services by imposing excessive and unnecessary costs on the services.<sup>6</sup>

As CTIA has stated previously, such a policy might include a distinctive tone that will indicate to all callers that they have called a CMRS subscriber who has elected CPP.<sup>7</sup> CTIA has also recommended that the national policy include, for a limited time, an educational intercept message, accompanied by the distinctive tone, that would inform callers that they will be responsible for

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liability as well as the means to ensure the enforceability of CPP charges. See Comments of CTIA at 24-31; Reply Comments of CTIA at 2 (filed January 16, 1998).

<sup>6</sup> See Comments of CTIA at 21 ("[I]f each interstate carrier is required to adopt a separate and distinctive method for CPP notification, it is likely that the effort may outweigh any of the possible market benefits of the service."). The cost imposed on carriers for the notification message for CPP will be minimized through uniform, national requirements.

<sup>7</sup> See Comments of CTIA at 6-12 (citing Calling Party Pays NOI at n.28); Reply Comments of CTIA at 7-8.

charges and permit them to decide whether to continue the call and accept the charges or to terminate the call without incurring CPP charges.

CTIA's position also suggests that there is no need for the FCC to alter the existing CMRS/LEC relationship. For CPP to be viable, LECs need only make available relevant data to bill for CPP; CMRS providers should maintain the right to voluntarily negotiate with LECs for billing and collection services.<sup>8</sup>

**III. TO FURTHER LOCAL COMPETITION BY WIRELESS CARRIERS, THE COMMISSION SHOULD RESOLVE THE BILLING DISPARITIES BETWEEN WIRELESS AND WIRELINE SERVICES AND ADOPT THE CPP PROPOSALS SUGGESTED BY CTIA.**

The CMRS industry has achieved enormous growth in recent years primarily due to Congressional and Commission policies which promote competitive results. However, the absence of CPP is a handicap to the competitive status of the wireless industry. So long as wireless subscribers are compelled to pay for incoming calls, wireless services will not be an adequate substitute for wireline services.

The industry supports a market-based, voluntary approach to determine whether and when CPP will be implemented. However, the minimal Commission involvement in the issues described in CTIA's Petition, and herein, are essential to the success of this new service.

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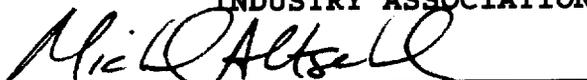
<sup>8</sup> See Reply Comments of CTIA at 5-6.

**IV. CONCLUSION**

CPP has the potential to increase local competition, achieve balanced traffic flows, and eliminate the disparate billing practices that currently exist between the wireless and wireline industries. For these reasons, and the other reasons set forth by CTIA in this docket, the Commission should issue, without delay, an NPRM to adopt CPP service rules consistent with the record in this proceeding.

Respectfully submitted,

**CELLULAR TELECOMMUNICATIONS  
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