

Before the
Federal Communications Commission
Washington, D.C. 20554

RECEIVED

JUN 22 1998

RM No. 9273

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
AirTouch Paging)
Petition for Rulemaking)
to Establish a Dedicated)
NXX Code for Toll-Free Calls)
Placed from Pay Telephones)

To: The Commission

REPLY OF AIRTOUCH PAGING

Mark A. Stachiw
Vice President & Senior Counsel
AirTouch Paging
12221 Merit Drive
Suite 800
Dallas, TX 75251
Tel: (972) 860-3200

Carl W. Northrop
E. Ashton Johnston
Paul, Hastings, Janofsky & Walker LLP
1299 Pennsylvania Avenue, N.W.
10th Floor
Washington, D.C. 20004-2400
Tel: (202) 508-9500

June 22, 1998

No. of Copies rec'd 0+4
List ABCDE

TABLE OF CONTENTS

SUMMARY ii

I. Background 1

 A. The AirTouch Petition 1

 B. The Court Remand and Related Proceedings 3

 C. The Comments and Oppositions 4

II. It Is Neither Too Early Nor Too Late to Consider a Reasonable Alternative that Serves Congressional Goals and Allows PSPs to Receive Payment for Dial-Around Calls Promptly 4

III. Substantial Evidence of Demand for an Alternative Payment Plan Exists 7

IV. There Is No Evidence that Consumers Will Be Confused by the Use of a Dedicated NXX 10

V. There Is No Evidence that Implementation Costs Would Be Prohibitive or Unjustified 12

VI. TOCSIA Is Not an Obstacle to Implementing AirTouch’s Proposal 14

VII. Conclusion 16

SUMMARY

To better serve the payphone needs of the general public, including the millions of toll-free number subscribers in the United States, AirTouch has proposed that the Commission establish and dedicate a unique 8XX code, or a range of numbers within such a code, for toll-free calls placed from payphones. Persons initiating calls from payphones to the designated numbers would be obligated to put a “coin in the box”, thereby relieving the IXC (and the called party) of the obligation to pay the payphone service provider (the “PSP”) for the 800 call. AirTouch’s proposal is designed to supplement the existing per-call compensation system established in the *Payphone Orders*, without disturbing the present compensation system, and serves Congressional and Commission goals by creating choices for consumers and carriers.

Only a few parties have opposed AirTouch’s proposal. As shown in this Reply, these parties rely on speculation rather than any factual information regarding the effects of the implementation of a dedicated NXX code as suggested by AirTouch, and ignore the extensive record in support of such a plan.

In light of the pending proceedings involving payphone compensation issues currently before the Commission, the AirTouch Petition is well timed to be incorporated into any action taken by the Commission as a result of the Court of Appeals’ recent remand of the Commission’s *Second Payphone Order*. The widespread demand for an alternative payment method, and the clear public interest benefits that will be achieved, compel granting AirTouch’s Petition for Rulemaking.

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)
)
AirTouch Paging) RM No. 9273
Petition for Rulemaking)
to Establish a Dedicated)
NXX Code for Toll-Free Calls)
Placed from Pay Telephones)

To: The Commission

REPLY OF AIRTOUCH PAGING

AirTouch Paging (“AirTouch”), by its attorneys and pursuant to the Commission’s Public Notice, Report No. 2274, released May 6, 1998, hereby replies to the Comments and Oppositions in response to AirTouch’s Petition for Rulemaking (the “Petition”) requesting the initiation of a rulemaking proceeding to consider a supplemental plan for compensating payphone service providers (“PSPs”) for toll-free calls placed from their payphones.

I. Background

A. The AirTouch Petition

The AirTouch Petition responds to the needs of both the payphone-using public and paging service end users who utilize toll-free numbers. Payphone users have three overriding expectations when they use a payphone: one, that the phone will have the basic functionalities needed to place calls, such as dial-tone and a numbered and lettered keypad; two,

that they will be connected to any number they call; and three, that when dialing a “toll-free” number that long distance toll charges will not be incurred. Paging customers who use toll-free number subscribers expect that they will be able to control the costs of the service they seek to provide and to reject any unwanted calls.

Rules adopted by the Commission in its *Payphone Orders*^{1/} that focus on ensuring compensation for PSPs do not adequately serve all these basic needs. Payphone users who seek to place calls to toll-free numbers now have no assurance that they will be able to complete the call. Toll-free number paging subscribers cannot control the costs of providing their service because of a lack of adequate targeted call blocking, as a result, curtail access to that service by blocking the ability of all payphone users to reach them. Meeting these needs would further the statutory goal of promoting the “widespread deployment of payphone services to the benefit of the general public.” 47 § U.S.C. 276(b)(1).

To better serve the payphone needs of the general public, including the millions of toll-free number subscribers in the United States, AirTouch has proposed a supplemental method of compensating PSPs that does not disturb the present compensation system. AirTouch’s proposal is designed to enhance the existing per-call compensation system established in the *Payphone Orders*. Specifically, AirTouch proposes that the Commission establish and dedicate

^{1/} *Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996*, CC Docket No. 96-128, *Report and Order*, 11 FCC Rcd 20541 (1996) (“*First Payphone Order*”); *Order on Reconsideration*, 11 FCC Rcd 21233 (1996) (“*First Reconsideration Order*”); *Second Report and Order*, 13 FCC Rcd 1778 (1997) (“*Second Payphone Order*”). The *First Payphone Order* and the *First Reconsideration Order* were remanded to the Commission in *Illinois Public Telecommunications Ass’n. v. FCC*, 117 F.3d 555, *clarified*, 123 F.3d 693 (D.C. Cir. 1997) (“*Payphone I*”).

a unique 8XX code, or a range of numbers within such a code, for toll-free calls. In tandem with the existing compensation rules, AirTouch's proposal results in three options for a toll-free subscriber: (1) subscribe to a traditional toll-free number and incur per-call payphone charges passed through by the carrier; (2) subscribe to a traditional toll-free number, but block calls from payphones and thereby avoid incurring pass-through per-call charges; or (3) subscribe to a dedicated 8XX number that would allow the subscriber to receive calls without a payphone surcharge, because the calling party would pay the PSP's local coin rate directly.

AirTouch's proposal serves Congressional and Commission goals by creating choices for consumers and carriers. The proposal also does no harm to the Commission's existing compensation plan. Because of the clear public interest benefits the AirTouch proposal offers, the Commission should propose to amend Section 64.1300 of its rules to incorporate the plan.

B. The Court Remand and Related Proceedings

On May 15, 1998, the U.S. Court of Appeals for the District of Columbia Circuit remanded the *Second Payphone Order* to the Commission for further proceedings consistent with the Court's decision. *MCI Telecomms. Corp. v. FCC*, No. 97-1675, slip op. at 8. The Court admonished the Commission that failure by the Commission to respond adequately to the remand would allow any adversely affected party to seek relief from the Court. *Id.* at 7. To date, the Commission has taken no action on remand. The Commission also has not yet acted on pending petitions for reconsideration and applications for review of the *Second Payphone Order* and subsequent, related orders. AirTouch believes that its petition for rulemaking should be consolidated with any proceeding instituted by the Commission in response to the remand.

C. The Comments and Oppositions

As set forth in detail in Section III, infra, the record of the Commission payphone proceedings, taken as a whole, evidences strong support for a market-based system of compensating PSPs that allows the payphone user to decide at the point of purchase whether to incur the cost of using a payphone and pay the charge imposed by the PSP. The record also reveals broad support for AirTouch's alternative to the Commission's existing compensation scheme.^{2/}

A small number of parties have opposed the AirTouch Petition. The oppositions of the RBOC/GTE/SNET Payphone Coalition (the "RBOCs"), American Public Communications Council ("APCC"), and Sprint Corporation ("Sprint")^{3/} are rife with unfounded speculation about the implications of implementing AirTouch's plan and completely lack any factual support. As shown herein, none of the arguments offered in opposition justify not establishing a complete record on the benefits of the AirTouch proposal.

II. It Is Neither Too Early Nor Too Late to Consider a Reasonable Alternative that Serves Congressional Goals and Allows PSPs to Receive Payment for Dial-Around Calls Promptly

The AirTouch Petition is attacked as being both premature and belated. It is neither.

^{2/} See Comments in Support of Petition for Rulemaking filed by PageMart Wireless, Inc. ("PageMart"), June 5, 1998; Comments of Radiofone, Inc. ("Radiofone"), filed June 5, 1998; Comments of MobileMedia Corporation ("MobileMedia"), filed June 5, 1998; Comments of the Telecommunications Resellers Association ("TRA"), filed June 5, 1998.

^{3/} Sprint, however, supports caller-pays for all payphone calls.

Sprint argues that because of the possibility that the Commission, on remand, will adopt a calling party pays compensation system for all payphone calls, "it would be premature to commence a rulemaking at this time looking towards only the partial use of the calling party pays approach."^{4/} This approach is short-sighted. AirTouch, like Sprint, long has advocated a calling party pays approach to compensation and would be glad if the need for a dedicated 8XX was eliminated by the abandonment of the current "IXC pays" system. However, to date the Commission has twice rejected a caller pays option. It is therefore imperative that parties who are prejudiced by the Commission's decision not to adopt a true market-based plan be offered an alternative that does not harm the legitimate interests of PSPs in promptly receiving per-call compensation. Since time is of the essence, it is appropriate for the AirTouch proposal to move forward concurrently with the remand proceedings.

Both APCC and the RBOC Coalition assert that a caller pays system already has been rejected and for that reason should be rejected again.^{5/} The Commission is not bound by any earlier decision, however, for the simple reason that it has never considered the targeted caller pays alternative as proposed by AirTouch that works in conjunction with the existing

4/ Comments of Sprint at p. 2.

5/ APCC also states, however, that the Commission should defer consideration of the Petition "until there is a substantial body of payphone experience and optional blocking of calls from payphones becomes widely available." APCC Opposition at p. 8. There is no reason to wait. Call blocking should have been widely available long ago, pursuant to the express orders of the Commission. See *First Reconsideration Order*, para. 64 (mandating the provision of payphone specific coding digits that are necessary to implement call blocking as a prerequisite for the right of PSPs to receive per-call compensation). Moreover, there already is a substantial record demonstrating that even if call blocking is available, it does not serve the public interest and the goals set forth in Section 276 of the Act. See, e.g., Reply Comments of AirTouch Paging, filed September 9, 1997, in CC Docket No. 96-128.

payphone compensation rules. Even if the proposal had been considered and rejected before, changed circumstances (for example, the Court's remand). Indeed, the logical and historical implications for APCC's and the RBOC's argument need not be belabored. The Commission also once rejected the notion that PSPs should be compensated for calls placed to toll-free numbers.^{6/} Notwithstanding the objections of PSPs who seek to thwart competition, the Commission never should reject out-of-hand proposals that serve the public interest.

Moreover, APCC and the RBOCs misunderstand the *Payphone I* Court's rationale for affirming the Commission's decision to reject caller pays.^{7/} The Court held that the Commission's decision was not arbitrary or capricious because the carrier pays system which the Commission adopted instead allowed the party incurring the cost to avoid it, through the mechanism of call blocking, which would provide "a 'buyer' (the carrier or the 800 service subscriber) ... the option of rejecting a 'seller's' (the PSP) excessively priced service."^{8/} In view of the more complete record developed in the intervening twelve months on the inadequacies and, in many cases, the unavailability, of call blocking, there is ample reason to re-evaluate a proposal that has the benefit of rendering call blocking irrelevant.

The RBOCs also assert that the AirTouch Petition is premature because the proposed NXX has not been presented to the Industry Numbering Committee ("INC") for

^{6/} *Policies and Rules Concerning Operator Access and Pay Telephone Compensation*, 6 FCC Rcd. 4736, 4746 (1991).

^{7/} On two occasions, the Court has expressly rejected the Commission's attempts to justify, as market-based, a rate that does not rely on market forces. A compensation system that truly is market-based and allows the caller to make the buying decision thus would not be disfavored.

^{8/} 117 F.3d at 566-67.

consideration.^{9/} The INC, however, has no authority to modify the Commission's rules as AirTouch has proposed. Commission action is required to provide specifically for an alternative compensation method.^{10/} Deferring the issue for INC consideration would be inconsistent with the Commission's past practice of working closely with the INC on toll-free numbering issues.^{11/}

In sum, far from being untimely, the AirTouch proposal is well timed to be incorporated into any action taken by the Commission as a result of the Court of Appeals' remand.

III. Substantial Evidence of Demand for an Alternative Payment Plan Exists

The RBOCs and APCC assert that there is little demand for caller-pays toll-free numbers.^{12/} In fact, the opposite is true. The RBOCs and APCC obviously are not familiar with (or willfully ignore) an extensive record that reveals broad support for caller-pays compensation systems.

Paging companies are not, as the RBOCs claim, the only proponents of caller-pays, nor would they be the sole beneficiaries.^{13/} In its comments on the Petition, Sprint

^{9/} RBOC Opposition at pp. 5-6.

^{10/} Indeed, it was the Commission, not the INC, that adopted the current compensation system. Supplementing that system is the Commission's responsibility, not INC's.

^{11/} See, e.g., *In the Matter of Toll Free Service Access Codes*, 12 FCC Rcd 11162 (1997).

^{12/} RBOC Opposition at p. 8; APCC Opposition at p. 9.

^{13/} RBOC Opposition at p. 8.

continues to advocate a caller-pays system for all payphone calls, including toll-free calls.^{14/} Other long distance carriers also have long supported caller-pays. In fact, counsel for long-distance carriers MCI, Sprint, AT&T Corp., Cable & Wireless, Excel Telecommunications, Inc., Frontier Corporation, IXC Long Distance, Inc., LCI International Telecommunications Corp., and WorldCom, Inc., as well as for PCIA, the Ad Hoc Telecommunications Users Committee, America's Carriers Telecommunications Association, the American Trucking Associations, Inc., Inc., the Competitive Telecommunications Association, the International Telecard Association, the Telecommunications Resellers Association, Metrocall, Inc., and Paging Network, Inc. (all of whom were petitioners or intervenors before the Court of Appeals), specifically advocated a caller pays system before the Court of Appeals.^{15/} The TRA, representing more than 650 entities engaged in, or providing products and services in support of, telecommunications resale, supports the AirTouch Petition.^{16/} Numerous other service providers also have supported a modified caller pays plan.^{17/}

Even assuming that paging companies would be the only beneficiaries of AirTouch's proposal (which plainly would not be the case), adoption of the plan would be justified. Messaging service providers (including paging companies) and their customers are heavy users of toll-free numbers. MobileMedia alone has more than half a million customers

^{14/} Sprint Comments at p. 1.

^{15/} *MCI Telecomms. Corp. v. FCC*, No. 97-1675, Trans. of Oral Argument at p. 56.

^{16/} TRA Comments at p. 1.

^{17/} *See, e.g.*, Petition for Reconsideration in CC Docket No. 96-128 filed December 1, 1997 by American Alpha Dispatch Services, Inc. et al., at p. 5.

with toll-free numbers.^{18/} MobileMedia supports the AirTouch Petition and agrees that adoption of AirTouch's proposal will benefit carriers and their customers — the general public.^{19/} PageMart, like MobileMedia, offers its services nationwide to hundreds of thousands of customers, and agrees that its toll-free subscriber customers would welcome an alternative compensation system such as the one proposed by AirTouch.^{20/} Other paging carriers, representing hundreds of thousands of additional toll-free subscribers, have previously supported a caller-pays alternative.^{21/}

Additional evidence of the likely demand for a dedicated NXX is clear when one considers the widespread demand for call blocking as a means to avoid PSP-imposed compensation obligations.^{22/} Notably, the RBOCs themselves have acknowledged this demand.^{23/} Misrepresenting the record, they now claim this demand does not exist.^{24/} Clearly, there is an extensive record supporting the need and demand for the compensation plan proposed by AirTouch.

^{18/} Comments of MobileMedia at p. 3.

^{19/} *Id.*

^{20/} Comments of PageMart at p. 5.

^{21/} See, e.g., *Second Payphone Order* at paras. 123-124; Petition for Reconsideration of *Second Payphone Order* filed by Source One Wireless.

^{22/} See, e.g., Petition for Rulemaking of AirTouch at n.15; Comments of Radiofone at p. 2.

^{23/} See Opposition to Request for Stay, filed by the RBOC/GTE/SNET Coalition, December 9, 1997, at pp. 5-6.

^{24/} See RBOC Opposition at p. 8 (asserting that toll-free subscribers do not want caller-pays numbers). See also APCC Opposition at p. 10 (asserting there has been no “showing of any demand”).

IV. There Is No Evidence that Consumers Will Be Confused by the Use of a Dedicated NXX

APCC speculates that a dedicated NXX code would confuse consumers.^{25/} This concern is contrived. In recent years consumers have adjusted to numerous changes in their traditional telephone number calling patterns. These changes have included new area codes in virtually every metropolitan area of the United States, the explosion of new numbers for facsimile and wireless communications, 10-digit local dialing, and toll-free alternatives to the traditional "800" number. There is no reason to believe that consumers will have any greater trouble adjusting to the simple fact that calls to certain 8XX numbers will require a coin deposit. APCC has offered no data to support its theories about the reaction of consumers to a new 8XX code.

Tellingly, the concern for consumers expressed by APCC does not extend to present circumstances.^{26/} Call blocking is a major source of potential confusion for consumers and carriers alike. Under the existing compensation plan, a consumer may not be able to reach a certain toll-free number from a payphone at all. Because call blocking may over time discourage payphone use and harm both consumers and toll-free subscribers, an alternative system that does not rely on call blocking is desirable. As has been shown by AirTouch, implementation of its

^{25/} See APCC Opposition at pp. 13-16.

^{26/} The Commission has received compelling evidence that consumers already are confused, and also extremely unhappy with the present compensation system which relies on call blocking. See, e.g., Petition for Reconsideration of the *Second Payphone Order* filed by the Consumer-Business Coalition for Fair Payphone 800 Fees. The Commission also has received a large number of communications directly from individuals harmed by the present compensation plan; these communications are contained in the payphone docket.

proposal would actually increase payphone use, and thus revenues for PSPs, by allowing a payphone user to complete a call that might otherwise be blocked. APCC's speculation that "confusion" about a new 8XX code would discourage payphone use^{27/} thus is incorrect.

APCC also speculates that a payphone user would be "confused and frustrated" upon hearing that a coin deposit is required to complete a call. But APCC fails to inform the Commission what happens under the present system when a caller attempts to reach a blocked toll-free number.^{28/} Some carriers are using their standard intercept message ("the number you have reached is not working") — a message that does nothing to inform the consumer about his or her options for completing the call (for example, not using a payphone). Other carriers provide no message at all, again leaving the customer uninformed. It is obvious (except to APCC and the RBOCs) that much less confusion would result if a consumer knows that certain dedicated 8XX numbers are reachable from a payphone with a coin deposit. Most likely, it will become commonplace for subscribers of the dedicated numbers to educate those who are calling them about the need for a coin deposit when calling from a payphone. Thus, the role of educating consumers will fall at least in part to the toll-free subscribers, and not to PSPs. PSPs simply offer a mechanism for completing a call to a toll-free number, and their objections to an alternative means of doing so are, to the extent they raise speculative concerns, irrelevant.

^{27/} APCC Opposition at p. 13.

^{28/} APCC also fails to acknowledge that prior to the Payphone Orders, PSPs in some states, including Illinois, could charge calling parties a local coin rate for all calls dialed to compensate the PSP for the use of the payphone.

V. There Is No Evidence that Implementation Costs Would Be Prohibitive or Unjustified

The RBOCs assert that the costs of implementing a dedicated NXX would be prohibitive. Again, they speculate but offer no facts.

Without ever specifying what the actual costs of implementing AirTouch's proposal would be, the RBOCs speculate that those costs would be "wasted", based solely on their incorrect assertion that there would be no demand for a dedicated NXX. As AirTouch and numerous others already have shown, there is tremendous need and demand for an alternative compensation plan. Consequently, whatever costs are involved would be justified, and would serve the PSPs' own interests by allowing them to be compensated more quickly and efficiently than under the present plan.

The RBOCs never specify what the costs would be. AirTouch does not offer payphone services, and therefore is not in the best position to quantify the costs. Nevertheless, conceptually the AirTouch proposal would not seem to be inordinately expensive. Every time a new NXX code is turned up in a payphone, some programming is required. The fact that a dedicated 8XX (or range of numbers) is programmed to require a coin in the box rather than no coin does not seem very complicated.^{29/} If the RBOCs and PSPs disagree it is incumbent on them to provide concrete information, rather than unsubstantiated and meaningless ("tens of

^{29/} AirTouch does not dispute that its proposal would require technical modifications to LEC networks. But much more information about the scope and extent of those modifications, and their costs, is necessary. Notably, the RBOCs do not claim that these are difficult modifications, while APCC speculates about the technical difficulties but not about costs. The Commission ultimately may conclude that the modifications are neither as challenging nor as costly as claimed.

millions of dollars”^{30/}) statements. Relevant information ought to be readily available from the RBOCs in light of the constant need to reprogram switches in recent years to accommodate new SAC codes and other numbers. In any event, the RBOCs ignore the fact that they may establish whatever rate they desire when they charge the customer directly.

APCC asserts that AirTouch’s proposal would impose unexpected costs on consumers. According to APCC, this is unnecessary because “the caller [already] ... bears the economic consequences of using a payphone, even in the case of subscriber 800 calls ... [because] [t]he IXC’s can and do pass the payphone compensation charges on to their subscribers. In turn, 800 subscribers can and do pass on the charges to their customers through a direct surcharge for using a payphone. The payment stream flows ultimately from the PSP — as payee — back to the originator of the call — as payor.”^{31/} In truth, there is no effective mechanism for a paging subscriber to pass payphone compensation charges on to the person who calls. Moreover, if APCC believes that the caller should bear the economic consequences of using a payphone, then it ought to agree that the carrier pays compensation scheme embodied in the present rules is wholly unnecessary, and should support a simple coin-in-the-box transaction — especially in light of PSPs’ complaints that they are not being compensated.

Ultimately, the question for the Commission is whether the arguments of PSPs opposing a coin deposit payment alternative have any credibility. The opposition of the PSPs is baffling, because adoption of AirTouch’s plan will ensure that they receive compensation for an

^{30/} RBOC Opposition at p. 6.

^{31/} APCC Opposition at pp. 11-12.

otherwise uncompleted (and thus non-compensable) call (that is, for a call that would have been blocked), and that they will receive that compensation without delay. AirTouch is concerned that the PSPs' opposition is premised upon a hidden agenda that by shifting the cost to the called party they will make money on calls the called party might not want. Such cost shifting does not serve the public interest.

VI. TOCSIA Is Not an Obstacle to Implementing AirTouch's Proposal

APCC asserts that the Telephone Operator Consumer Services Improvement Act ("TOCSIA") precludes implementation of a dedicated NXX code as an alternative PSP compensation method. APCC's argument appears to be based on the misconception that AirTouch's proposal encompasses toll-free access numbers used to reach pre-subscribed carriers.^{32/} In fact, AirTouch specifically explained in its Petition how this situation could be avoided. *See* Petition at p. 5.

In its Comments on the AirTouch Petition, Radiofone provides substantial additional explanation for why TOCSIA is not undermined. Section 228(c)(7)(A) of the Communications Act provides that "[a] common carrier shall prohibit by tariff or contract the use of any 800 telephone number, or other telephone number advertised or widely understood to be toll free, in a manner that would result in ... the calling party being assessed, by virtue of completing the call, a charge for the call." 47 U.S.C. 228(c)(7)(A). As Radiofone correctly explains, a dedicated 8XX number as proposed by AirTouch would not be "advertised or widely

^{32/} *See* APCC Opposition at p. 6.

understood to be toll free.”^{33/}

Furthermore, the Commission could exercise its forbearance authority, pursuant to Section 160 of the Communications Act, to the extent necessary to implement the dedicated 8XX plan.^{34/} Forbearance is particularly appropriate here because Congress explicitly instructed the Commission when it adopted Section 276 that forbearance was appropriate: “In crafting implementing rules” for Section 276, “the Commission is not bound to adhere to existing mechanisms or procedures established for general regulatory purposes in other provisions of the Communications Act,” including the provisions of TOCSIA in Section 226.^{35/} Forbearance clearly would serve the public interest by promoting the use of new and existing payphone and long distance services, and ensuring compensation for PSPs, thus fulfilling the goals of Section 276 of the Act.

^{33/} See Comments of Radiofone at pp. 4-5.

^{34/} See *id.* at p. 6.

^{35/} U.S. Code Cong. & Admin. News, 104th Cong., 2d Sess. 124 (1996).

VII. Conclusion

WHEREFORE, the foregoing premises duly considered, AirTouch Paging respectfully request that the Commission initiate a proceeding proposing to adopt the rule changes requested by AirTouch Paging in its Petition for Rulemaking.

Respectfully submitted,

AIRTOUCH PAGING

By:



Carl W. Northrop

E. Ashton Johnston

Paul, Hastings, Janofsky & Walker LLP

1299 Pennsylvania Avenue, N.W.

10th Floor

Washington, D.C. 20004-2400

Tel: (202) 508-9500

Its Attorneys

Mark A. Stachiw
Vice President & Senior Counsel
AirTouch Paging
12221 Merit Drive
Suite 800
Dallas, TX 75251
Tel: (972) 860-3200

June 22, 1998

WDC-89366v1

CERTIFICATE OF SERVICE

I, Michelle A. Harris, a secretary with the law firm of Paul, Hastings, Janofsky & Walker LLP, hereby certify that I have on this 22nd day of June, 1998, caused a true and correct copy of the foregoing Reply of AirTouch Paging to be delivered by first-class United States mail, postage prepaid, to the following:

* Chairman William E. Kennard
Federal Communications Commission
1919 M Street, N.W.
Room 814
Washington, D.C. 20554

* Thomas C. Power
Legal Advisor to
Chairman William E. Kennard
Federal Communications Commission
1919 M Street N.W.
Room 832
Washington, D.C. 20554

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

* James L. Casserly
Legal Advisor to Commissioner Ness
Federal Communications Commission
1919 M Street, N.W.
Room 832
Washington, D.C. 20554

* Commissioner Harold Furchtgott-Roth
Federal Communications Commission
1919 M Street, N.W.
Room 802
Washington, D.C. 20554

* Kevin Martin
Legal Advisor to
Commissioner Furchtgott-Roth
Federal Communications Commission
1919 M Street, N.W.
Room 802
Washington, D.C. 20554

* Commissioner Michael K. Powell
Federal Communications Commission
1919 M Street N.W.
Room 844
Washington, D.C. 20554

* Kathleen Franco
Legal Advisor to Commissioner Powell
Federal Communications Commission
1919 M Street, N.W.
Room 844
Washington, D.C. 20554

* Commissioner Gloria Tristani
Federal Communications Commission
1919 M Street, N.W.
Room 826
Washington, D.C. 20554

* Kathryn C. Brown
Chief, Common Carrier Bureau
Federal Communications Commission
1919 M Street, N.W.
Room 500
Washington, D.C. 20554

* Robert Spangler
Acting Chief, Enforcement Division
Common Carrier Bureau
Federal Communications Commission
2025 M Street, N.W.
Room 6008
Washington, D.C. 20554

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

Michael K. Kellogg
Aaron M. Panner
Kellogg, Huber, Hansen, Todd & Evans,
P.L.L.C.
1301 K Street, N.W.
Suite 1000 West
Washington, D.C. 20005

* Paul Gallant
Legal Advisor to Commissioner Tristani
Federal Communications Commission
1919 M Street, N.W.
Room 844
Washington, D.C. 20554

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

John Prendergast
Susan J. Bahr
Blooston, Mordkofsky, Jackson &
Dickens
2120 L Street, N.W.
Suite 300
Washington, D.C. 20037

Charles C. Hunter
Catherine M. Hannan
Hunter Communications Law Group
1620 I Street, N.W.
Suite 701
Washington, D.C. 20006

Patricia A. Gray
Vice President and Acting General
Counsel
MobileMedia Corporation
Fort Lee Executive Park
One Executive Drive
Suite 500
Fort Lee, NJ 07024

Phillip L. Spector
Patrick S. Campbell
Paul, Weiss, Rifkind, Wharton &
Garrison
1615 L Street, N.W.
Suite 1300
Washington, D.C. 20036

Peter D. Shields
Stephen J. Rosen
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006

Leon M. Kastenbaum
Jay C. Keithley
H. Richard Juhnke
Sprint Communications Company, L.P.
1850 M Street, N.W.
Suite 1110
Washington, D.C. 20036

*** By hand**



Michelle A. Harris

WDC89366.1