PCIA Personal Communications Industry Association

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

July 21, 1998

Magalie Roman Salas, Esq.
Secretary
Federal Communications Commission
1919 M Street, NW
Room 200
Washington, DC 20554

ORIGINAL

RE: *Clarification of the Commission's Rules on Interconnection Between LECs and Paging Carriers*, CCB/CPD No. 97-24 ("SWBT clarification request")

Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, First Report & Order, CC Docket Nos. 96-98/95-185 ("interconnection reconsideration order")

Formal Complaints of AirTouch Paging against GTE, File Nos. E-98-08, E-98-10

Formal Complaint of Metrocall against Various LECs, File Nos. E-98-14-18

Dear Ms. Salas:

On July 20, 1998, Angela E. Giancarlo, Robert L. Hoggarth and Paul Nagle of the Personal Communications Industry Association together with Carl W. Northrop of Paul, Hastings, Janofsky & Walker met with Kathryn Brown and Jane Jackson of the Common Carrier Bureau. In the course of the meeting, the participants' discussion included issues related to the above-referenced proceedings.

The participants discussed the Common Carrier Bureau's December 30, 1997 letter in response to the SWBT clarification request. Secondly, we reviewed the status of the pending interconnection reconsideration order. Positions discussed were entirely consistent with comments filed and/or *ex parte* presentations made by PCIA in these dockets, all of which are contained in the public record. In addition, one presentation piece was distributed. I have attached a copy of said presentation here.

Pursuant to §1.1206(b) of the Commission's rules, two copies of this notice and attachment for each referenced docket (a total of eight sets) are hereby filed with the Secretary's office. In addition, a

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• Tel: 703-739-0300 • Fax: 703-836-1608 • Web Address: http://www.pcia.com •

copy of this filing is being sent today to Ms. Brown and Ms. Jackson. Kindly refer questions in connection with this matter to me at 703-739-0300.

Respectfully submitted,

Angela E. Giancarlo, Esq.
Government Relations Manager

Attachment

cc: Kathryn Brown
Jane Jackson

PCIA Personal Communications Industry Association

PRESENTATION OF THE PERSONAL COMMUNICATIONS INDUSTRY ASSOCIATION TO THE COMMON CARRIER BUREAU REGARDING LEC-PAGING INTERCONNECTION JULY 20, 1998

LEGAL ISSUE: The Commission must affirm its decisions holding that: (a) LECs are not entitled to charge paging companies for costs associated with the portion of interconnection facilities used to deliver the LEC's own traffic to the paging companies for local termination; and, (b) paging companies are entitled to compensation for LEC traffic that is terminated to local destinations over the paging networks. Prior FCC rulings are consistent with a long line of cases that recognize paging companies as telecommunications co-carriers, with the Communications Act, as amended in 1996, and with the Commission's rules resulting from the 1996 Act. Furthermore, these Commission rules were affirmed by the Eighth Circuit and have not been appealed to the Supreme Court.

POLICY ISSUES: The FCC policy on LEC-CMRS interconnection has consistently supported the co-carrier interconnection rights of paging carriers since the late 1970's. Several state commissions have shown deference to the FCC's latest rulings concerning the entitlement of paging companies to relief from certain facilities charges and to receive terminating compensation.

BUSINESS ISSUES: Several LECs continue to assess facilities charges against paging companies. Some LECs have stopped provisioning new or modified facilities unless paging carriers pay these unlawful charges. Paging carriers are faced with a "Hobson's choice" of paying improper charges or being denied essential facilities.

CONSUMER ISSUES: Paging carriers are competing against two-way CMRS providers that provide paging service over their two-way networks and which are paid terminating compensation at a rate symmetrical to the LEC's own terminating compensation rate. If the Commission reverses course and denies paging companies comparable terminating compensation, an unlevel playing field will result thereby denying wireless consumers the benefits of a fully and freely competitive market.

RECOMMENDATION: The Commission should be sending consistent, unambiguous messages to LECs: (1) that the basic entitlement of paging companies to terminating compensation and relief from facility charges is not "in play," and (2) that LECs are expected to conform their policies and practices to the longstanding Commission policy enunciated in the latest FCC rulings.

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