

some of them and their purported competitors that traditionally had been labelled as common carriers. AMTA already has noted that parity could have been accomplished, and, in the Association's opinion, should have been achieved, by recategorizing most, perhaps even all, mobile services as "non-common carrier". Thereafter, in response to the query in the Notice, AMTA would again emphasize that the heretofore private carrier wireless industry was highly competitive when it belatedly became subject to Title II obligations, remains competitive today³⁵, does not serve the general consumer, and does not have a history of unfair or unreasonable practices. Under these circumstances, Section 10 would appear to require the FCC to forbear from imposing any Title II obligations

31. Further, even if the Commission declines to revisit the CMRS and telecommunications carrier definitions or to forbear under Sections 10 or 332(c)(1), the FCC, as a practical, and in some cases equitable matter, must consider the technical and operational characteristics of various systems before imposing regulatory obligations. For example, the Association has urged the FCC to reconsider its "covered SMR" definition in respect to number portability requirements, although, to date, the Commission has not done so. The Association has explained that, with the exception of those systems that would be considered "covered SMRs" under AMTA's refined definition, customers on the interconnected systems operated by the Association's members do not have individual telephone numbers to port. Customers share

³⁵ See, Implementation of Section 6002(b) of the Omnibus Budget Reconciliation Act of 1993, Annual Report and Analysis of Competitive Market Conditions with Respect to Commercial Mobile Services, First Report, FCC 95-317, 10 FCC Rcd 8844 (1995); Second Report, FCC 97-75, 12 FCC Rcd 11266 (1997); and Third Report, FCC 98-91, 13 FCC Rcd ____ (rel. June 11, 1998).

telephone numbers for which the system operator is the subscriber. The obligation has no meaning in the context of these systems. Complying with it, if possible at all, would require a fundamental reconfiguration of a system for no purpose other than to conform to a regulatory requirement that provides absolutely no benefit to the system's customers; but failure to comply could subject the operator to substantial penalties. This Orwellian result is a nonsensical elevation of nomenclatorial categorization over common sense and practical realities.

32. Similarly irrational situations have resulted from the application of the telecommunications carrier definition to non-interconnected systems. Many two-way radio systems provide dispatch service only; they are not interconnected with the PSN in any fashion. The businesses use the telephone network just as any non-telecommunications business uses it - to make and receive phone calls at an office where the business is conducted. However, these companies now are required to help fund the North American Numbering Plan Administrator, the entity that administers the distribution of telephone numbers among communications entities that subscribe to them in order to make them available to the subscribers on their own systems: primarily local telephone, cellular, PCS, ESMR and paging operators. There is no greater reason for a non-interconnected communications system to fund the administration of telephone numbers than there would be for the local gas station to contribute. Both use the telephone system in conducting their businesses; neither use the telephone services to which they subscribe in servicing their own customers.

33. In AMTA's opinion, the analysis requested in the Notice should be reversed. The wireless mobile communications marketplace, by the FCC's own assessment, is competitive.³⁶

³⁶ Id.

The regulatory obligations as to which forbearance arguments are requested are inherently unnecessary in such an environment. They should be considered only upon a showing that the market is becoming less than satisfactorily competitive and that vital requirements of consumers cannot otherwise be protected. The burden should be on those arguing to apply regulations, not on those who believe a competitive marketplace is the optimal restraint on improper, unfair, or discriminatory practices. As noted by Commissioner Harold W. Furchtgott-Roth:

I believe the question regulators should ask about existing rules is not whether there is sufficient justification to de-regulate but, rather, whether there is continuing justification to regulate.³⁷

D. Broad-brush Application of Regulations Imposes Undue Costs on Specialized Wireless Providers Without Countervailing Benefit to the Public.

34. As described above, the mobile wireless industry includes a significant number of small carriers offering primarily two-way, local dispatch communications service on a commercial basis,³⁸ with exclusive use of frequencies in the 470-512 MHz, 220 MHz and 800 MHz and 900 MHz SMR bands, as well as shared spectrum in bands such as 450-470 MHz. To the extent these businesses offer ancillary, limited interconnection to the PSN, they fall under the definition and resulting regulations of CMRS status. Because they offer commercial service, they are included among "telecommunications carriers" under the current interpretation of the definition in the 1996 Act regardless of whether they provide any interconnected service.

35. The resulting laundry list of statutory and regulatory requirements with which they must comply increases in cost and complexity each year. These businesses, most of them with

³⁷ Notice, Dissenting Statement of Commissioner Harold W. Furchtgott-Roth, at 1.

³⁸ The exception to this characterization, as mentioned previously, is Nextel's digital ESMR system, now under development in various areas of the nation.

fewer than fifteen employees, do not have the resources to hire additional employees to deal with compliance requirements including form completion and fee calculations. Thus, some employee with other responsibilities, often the owner of the business, must learn enough about each requirement to determine whether the business must comply and how, then spend long hours filling out the necessary forms and/or calculating payments.³⁹ The alternative is increased legal fees to Washington-based communications attorneys, an equal or greater burden to a small entity. As an example, AMTA member Business Radio Products notes that FCC obligations are handled by a company vice president, one of only two employees. Business Radio Products estimates that it spends a minimum of four hours per month on regulatory filings alone, along with \$2,000.00 per year in increased legal fees, a large burden for a very small business.

36. For those providers offering interconnection, CMRS designation is often proving to cost more than offering the service can justify. Generally, ten percent (10%) or fewer of the mobiles in use on an analog SMR system are interconnected;⁴⁰ yet, if any interconnection at all is provided, CMRS regulatory fees attach to all mobiles, generating fees that can range more than twenty times higher than the PMRS fee.⁴¹ Since interconnection creates a presumption

³⁹ For a detailed and telling example of an entire day spent seeking to comply with a tower registration requirement, see faxed Letter addressed to "FCC, Gettysburg, PA" (sent to AMTA) from Don Holzheimer, July 29, 1998, attached in Appendix A. This requirement is not attributable to the licensee's regulatory status, but nonetheless is illustrative of the time and effort small business people are required to spend complying with regulatory obligations.

⁴⁰ See, faxed Letter to Jill Lyon, Vice President for Regulatory Relations, AMTA, from Chris McClellan, RCS Communications Group (July 31, 1998), attached in Appendix A. Mr. McClellan's company, RCS Communications Group of Winston-Salem, NC, has only three repeaters with telephone line connections, and an estimated ten customers using interconnect.

⁴¹See, Report and Order, MD Docket No. 98-36, FCC 98-115, 13 FCC Rcd ___ (rel. June 16, 1998)("1998 Regulatory Fee R&O"). For example, a five-channel SMR system with 1000 mobiles would pay a \$12 fee for the 1998 fiscal year as part of a full-term, advance PMRS

of interstate service,⁴² minimum payments of \$100.00 per year are generated for Telecommunications Relay Service ("TRS") and administration of the North American Numbering Plan ("NANPA"). The total of these payments is often higher than the revenue realized from ancillary interconnection.

37. The presumption of interstate service also triggers universal service funding obligations for all CMRS systems.⁴³ While many operators fall under the de minimis exemption for annual payments of less than \$10,000.00, they still must go through the process of completing semi-annual forms.

38. As the FCC is aware, most wireless carriers have no way of determining which calls routed through their systems are inter-, versus intrastate. To satisfy universal service requirements, an employee of one AMTA member examined the records for all calls on the system and came to the good faith estimate that less than one percent (1%) were interstate. A total of \$120.00 was generated from interstate calls out of \$700,000 in annual revenue, yet the company spent more than thirty hours compiling and reviewing data and completing the Form 457. The company has also been forced to modify its accounting system to generate the types of records needed to complete the filing. This story is not unusual. Universal service is

payment. By contrast, if the same system provided interconnect capability to fifty, ten or even a single customer unit, the annual CMRS regulatory fee would be \$290.00.

⁴² Report and Order, CC Docket No. 96-45, 12 FCC Rcd 8776 (1997)("Universal Service Order").

⁴³ In fact, even non-interconnected PMRS licensees are subject to universal service requirements if the mobile units of their dispatch-only customers are believed to cross state lines.

particularly frustrating for these providers, since none of them offers the list of services required to provide eligibility for support from the high-cost Universal Service Fund.

39. To avoid higher regulatory fees, EEO filings, universal service filings and/or payments, TRS payments, and, for "covered SMR" eligibles, roaming, resale, and number portability requirements, an increasing number of providers are turning off what little interconnect they offer and "reconverting" to PMRS status. An example of a business still considering this step is AMTA member Mitchell Communications.⁴⁴ The company's total of twelve SMR frequencies offer a small amount of half-duplex interconnect service, notably to a local public school transportation system required by Ohio law to provide communications capabilities on each school bus. Although the feature, fortunately, has not been needed to date, in case of emergency, bus drivers are able to make telephone calls for assistance. Mitchell Communications has been pleased to satisfy this vital, safety-related need by providing the interconnect feature. However, the requirements of its resulting CMRS status have forced the company to consider curtailing the service:

In the past 6 months, I have been considering discontinuing the telephone interconnect service due to the additional costs, time spent to complete forms and keep and update detailed records brought on by this regulatory burden under current CMRS rules. Elimination of this service would force some customers to either go to another carrier completely or to supplement their radio system with cellular or PCS phones at a much higher cost to them.⁴⁵

40. In light of the focus of the FCC on enhancing competition, it is ironic that the net result of its regulatory requirements is to reduce the number of providers in local communities

⁴⁴ See, faxed Letter to Jill M. Lyon, Vice President for Regulatory Relations, AMTA, from Jeff Mitchell, Mitchell Communications, July 29, 1998, attached in Appendix A.

⁴⁵ Id.

offering some sort of mobile telephony service. Customers are provided with fewer choices. Those that have been satisfied with a low-cost dispatch-oriented communications system⁴⁶ must subscribe to an additional, often more expensive, service designed for the consumer public if they should require even occasional telephone capability. The lack of interconnect capability, or the alternative of higher communications costs, affects the productivity and bottom line of the tens of thousands of businesses across the country using these more specialized wireless services.

41. Most critically, however, the regulatory requirements triggered by CMRS or telecommunications carrier status, when imposed on these carriers, offer no benefits to their customers or to the general public. As described in detail above, these systems do not market their services to the public, and the general consumer is not their customer. Forbearance from the regulatory and statutory requirements outlined supra, based on re-examination of the CMRS and telecommunications carrier definitions, is needed to reduce the unnecessary burden of filing and payments on an industry not intended by Congress to be included within them, and an industry not competing with consumer-oriented providers.

E. The Forbearance Requested Herein will not Adversely Affect Regulatory Parity.

42. Finally, the Notice queries whether extending forbearance from particular obligations only to some classes of CMRS or other wireless telecommunications carriers would undermine the regulatory symmetry goal of the 1993 Act and the Commission's implementation

⁴⁶ The average monthly charge for unlimited SMR dispatch airtime in 1997 was approximately \$16 per unit; interconnected units on analog systems generated approximately \$37 per month. AMTA and Strategis Group, The State of SMR and Digital Mobile Radio, 1998.

thereof.⁴⁷ AMTA believes that the regulatory parity and forbearance objectives are complementary. Both can be accomplished without jeopardizing competitive initiatives or the public interest.

43. Many aspects of regulatory symmetry have been accomplished already in the years since enactment of the 1993 Act. The Commission gradually has replaced its frequency- and site-specific licensing systems in most commercial services with geographic licensing schemes utilizing competitive bidding procedures.⁴⁸ The auctions by which licenses are awarded have been essentially identical and operations of successful bidders are subsequently governed by similar, albeit band and service specific, construction, operation, partitioning and disaggregation provisions. Incumbents in services traditionally licensed on a site-specific basis who are not successful in securing a geographic authorization, when not subject to mandatory relocation,⁴⁹ operate under comparably restrictive provisions proscribing their ability to modify or expand their businesses. These licensees may not favor the rule changes adopted, but, in general, they would concede that these changes have been imposed uniformly across services to the extent practically achievable. There is no reason to believe the FCC could not proceed as methodically in implementing a symmetrical forbearance effort.

⁴⁷ Notice at ¶ 117.

⁴⁸ Third Report and Order, Fifth Notice of Proposed Rulemaking, PR Docket No. 89-552, 12 FCC Rcd 10943 (1997)(220 MHz); First Report and Order, Eighth Report and Order and Second Further Notice of Proposed Rulemaking, 11 FCC Rcd 1463 (1995)(collectively "800 MHz SMR 8th R&O"); Memorandum Opinion and Order, PR Docket No. 93-144, 12 FCC Rcd 9971 (1997)(800 MHz SMR); First Report and Order, PR Docket No. 89-553, 8 FCC Rcd 1469 (1993)(900 MHz SMR); Second Report and Order and Further Notice of Proposed Rulemaking, WT Docket No. 96-18, FCC 97-89, 12 FCC Rcd 2732 (1997)(Paging).

⁴⁹ See, e.g., 800 MHz 8th R&O ¶¶ 269-286.

44. Moreover, while the Association would not assume Congress now is unconcerned about maintaining an appropriate level of regulatory parity, its Section 10 analysis does not include that symmetry as a factor to be considered in determining whether forbearance is appropriate for all or only a particular class of CMRS or telecommunications carrier. The Section 10 analysis, as described supra, is straightforward: regulations must be eliminated unless the FCC determines they are necessary to ensure just, reasonable and non-discriminatory actions on the part of carriers, to protect consumers or to protect the public interest. Thus, unless the FCC makes a specific finding that forbearance in a particular instance will lead to one of those impermissible results, not simply that it could result in some reduced level of regulatory equipose, regulatory parity cannot, in and of itself, be the basis for an FCC determination not to forbear.

45. In fact, however, the two concepts should work in tandem. To the extent that a particular carrier, or class of carrier, has sufficient market power to impose unfair or unreasonable terms on its subscribers, or otherwise can take actions adverse to the public interest with marketplace impunity, forbearance would not be appropriate. By contrast, members of the increasingly competitive wireless industry typically never had, or have since lost, the ability to act contrary to the interests of their customers without suffering adverse economic consequences since their customers are free to secure service from alternative providers. This equity is due, in part, to successful FCC efforts to promote regulatory parity. Under those circumstances, forbearance is required under the Act.

IV. CONCLUSION

46. For the reasons set forth above, AMTA urges the FCC to adopt rules consistent with the positions described herein.

AMERICAN MOBILE TELECOMMUNICATIONS ASSOCIATION, INC.

COMMENTS

APPENDIX A

INDUSTRIAL
COMMUNICATIONS
& ELECTRONICS LLP
"Your clear choice for wireless communications"



July 29, 1998

Federal Communications Commission
Gettysburg, PA

Hello.....Hello.....Can anybody hear me? I can't tell if anybody is out there....I have been kept in the dark with my hands tied behind my back for so long that it is hard to tell.

Just in case someone might be, I want you to know there are other life forms out here besides cellular, PCS and ESMR, aka: Nextel.

I just thought you should know, you crippled my small SMR business with your freeze on 800 trunking frequencies. All I wanted to do was expand my small system from 5 channels to 10. Yes. 10. It's hard to believe that a communications company can exist with only 10 channels. However, when your coverage area has a population of 75,000 with over 4500 square miles, I think it makes good sense. During this dark time, my customers had to endure busy channels and future customers had to buy cellular phones or go without.

To keep from going under, I had to buy my much needed channels from speculators throughout the U.S. Two came from a dairy farm, one from a retired widow, one from a machine shop, and one from a son who inherited the channel from his mother, etc.

I also thought you should know that your universal terms and fees, CMRS, covered SMR, NANPA universal service, TRS funding & EEO reports are killing me. I have to hire a lawyer who specializes in the FCC to help me understand, and his fee is more costly than my regulatory payments.

To supplement my SMR business, I rent antenna space on my towers to other businesses. Several years ago, the FCC came up with the idea of requiring registration numbers on towers or antenna mounting structures over 200' in height. Heights under 200' and not near an airport are exempt from registration per the regulation. I have several potential customers who want to locate their equipment on my tower but can't get a frequency or relocation assignment from the FCC because there are no registration numbers on my exempt 100' tower. What's going on here? With the customer and myself battling this latest snag for 90 days with no results, I decided to register all 7 of my exempt towers to prevent any further delays. By the way, my towers range from 20' to 150', smaller than a lot of our power lines or trees. I started the process at 7:00 AM on 7/28/98. Not knowing how or what form to fill out, this is what it took:

7:00 AM

1. I looked through my FCC Rule book--(NO LUCK).
2. I ponder whether to call my expensive FCC lawyers or look elsewhere. I decide to do it alone, as my checking account is low and payroll is coming up.
3. My most experienced license person suggests I call the closest FAA office.
4. I call 175 miles away to Helena, MT, and the most knowledgeable person their said: " yea, I think I know what your talking about, but the two individuals who know for sure are on vacation and won't be back until the second week in August...call back then"
5. I think some more, and decide to call PCIA, a firm which we hire for licensing issues. I wait on hold for 10 minutes, then try again several times. I finally get a real human on the line, and he doesn't know which form to use and suggests I call the FCC. He gives me the number he uses and informs me to get a fresh cup of coffee, as I will be on hold with an operator in a box for 15 - 30 minutes.
6. I call and wait on hold for 15 minutes, no luck.
7. I decide to hang up and call back to explore other menu options. I find a menu that gives me a number to order FCC forms. I hang up.
8. I call the form number. I find out that I can have the form faxed to me if I know the document number, I am told this by a recording.
9. I hang up and call the number again searching for an index. I find an index that can be faxed to me.
10. After 30 minutes, I have received all 18 pages.
11. I locate a document number for structure registration (000854), the index suggests that I might also want (PR5000 fact sheet # 15)?
12. I call the form line again, and request that document 000854 be faxed to me.
13. 20 minutes later, I have the " Application for Antenna Structure Registration Form 854 and General Instructions".
14. I look over the fax, and think I better retrieve the suggested PR5000 fact sheet # 15 as recommended in the index.
15. I phone the form line again, and find out that 5000 in PR5000 is not the document number. I search the index and find the document number for fact sheet # 15.
16. I call the form line and have the PR5000 faxed to me...20 minutes fax time.
17. I start filling out form 854 names, addresses, latitudes, longitudes, etc. I get to line 23 which asks for a copy of the FAA Determination letter and FAA study number.
18. I think, there must be a form for Request of FAA study number. I look in the FCC Document list and find none. I look in detail at the Form 854 instruction sheet. I find that I will have to contact a regional FAA office. I select one of 8 locations given and decide to call the Renton, Washington number.
19. I call the Renton number. I talk to a real person and I am transferred to a likely candidate....I get voice mail. I leave a message and hang up.

20. Thinking this was a dead end, I start to select another FAA office.

21. Before I can dial my next number, I have a return call from the Renton FAA office. This was very impressive, and this person now exactly what I wanted. It seems this office has been overwhelmed with requests for FAA study numbers on exempt antenna structures. I am told I am not the only one that has had applications to the FCC held up for study numbers on exempt structures. I am told that this idea of registration numbers was absurd, and not to blame the FAA as it was not their idea, nor could they see any value in it. However, they would help me obtain a FAA study number if I would fill out their Form 7460-1 for each and every tower location. I asked to have the form faxed to me.

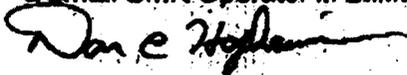
22. I find that I have to obtain and enclose a USGS 7.5' map for each and every location along with a sketch of the structure, with its position marked on the map.

23. 9:00 PM I have all my FAA forms, maps and sketches ready to mail.

24. Before I go home, I check my messages and find that 4 of my best customers are looking for me. I hope that they are still my customers tomorrow.

25. I take my FAA package to the Post Office.

26. On the way home, I wonder how long it will take the FAA to assign my study numbers so I can complete my FCC Forms. I wonder if I should have paid my FCC Lawyer \$ 1,750.00 to fill out the forms. I wonder how long it will take me to recapture my time spent on the FAA Forms and the upcoming FCC Forms. I wonder if I am in HELL? No, I am not in HELL, because I don't smell sulphur...I just might be a small SMR Operator in Billings, MT



Don Holzheimer - Partner
INDUSTRIAL COMMUNICATIONS & ELECTRONICS, LLP
Billings, MT

P.S. I am sure glad these structures were exempt. I would hate to think what would happen if they were not, and thank goodness for this reminder on Form 854 instruction guide.

NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT OF 1974 AND THE PAPERWORK REDUCTION ACT OF 1995

The solicitation of personal information requested in this form is authorized by the Communications Act of 1934, as amended. The Commission will use the information provided in this form to determine whether grant of this application is in the public interest. In reaching that determination, or for law enforcement purposes, it may become necessary to refer personal information contained in this form to another government agency. In addition, all information provided in this form, as well as the form itself, will be available for public inspection. If information requested on the form is not provided, processing of the application may be delayed or the application may be returned without action pursuant to Commission Rules. The foregoing notice is required by the Privacy Act of 1974, Public Law 93-579, December 31, 1974, 5 U.S.C. Section 552(a)(3).

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate, or any other aspect of this collection of information, including suggestions for reducing the burden to Federal Communications Commission, Records Management Branch, AND-RA, Washington, DC 20584, Paperwork Reduction Project (3060-0138) or via the Internet to donway@fcc.gov. DO NOT SEND COMPLETED FORMS TO THIS ADDRESS. Individuals are not required to respond to a collection of information unless it displays a currently valid OMB control number.

RCS Communications Group
800 Megahertz Drive
Winston-Salem, NC 27107

FAX

Number of Pages

2

Attention: Jill M. Lyon

Fax # 202-331-9062

Cellular
Phone

FROM: Chris McClellan

Date: 7/31/98

Phone: (910) 788-9191

FAX (910) 650-1124

REF: Action Request...Forbearance NPR-Regulatory Impact

Several years ago we were informed that Private Carrier (FB6C) Repeaters "Worked Smarter Not Harder". The idea seemed sound and we went to a great deal of trouble and expense to convert all of our old (FB4) UHF Community Repeaters to FB6C status. Now they are all classed CMRS. What a pleasant surprise to be lumped in with Nextel and PCS. What kind of sense does it make, especially when only three of the repeaters have phone lines connected to them and have approximately ten customers that use interconnect. I suppose you could argue that we are poised for the future of UHF.

NANPA...we have more phone lines (numbers) coming into our office than we have at all of our radio sites...in fact most businesses have more. Are we missing something here... we do not understand why we must pay a minimum of \$100 to NANPA just because we have been labelled CMRS. It works out that we are paying a tax of \$20.00 per number for our interconnected transmitters. We think we are being violated.

Universal Service Fund...Five hours of research to fill out the form. For what? It outrageous that someone can force us to spend time and money for nothing.

TRS...Am I an interstate service provider if one of my customers drives up a mountain on the other side of a state line and talks back to his base station. Try to get the same answer from a dozen people at the FCC. No one knows anything or they know that it is an insane rule to make a simple dispatch system liable for such restrictions and funding. Next, they'll probably require us to furnish all of our customers with headsets whether they are hearing impaired or not.

Chris McClellan
Vice President
1-800-441-9191
Fax 910-650-1124

900 Megahertz Drive
Winston-Salem, NC 27107

FAX

Number of Pages

2 of 2

We also have several small SMR Systems in operation. 99% of the units are dispatch... we have no way to expand the systems without frequencies... they are nearly at full capacity now...we do not have the technology to offer "Roaming" and "Resale" on our systems. What are we to do? We are "Covered SMR" and so we are breaking the law. Please talk the FCC into making a common sense determination as to who and what kind of SMR is a "Covered SMR".

Chris McClellan
Vice President
1-800-441-9191
Fax 910-650-1124

Mitchell Communications, Inc.

Wireless Communications Specialists

3470 Manchester Rd, Akron, OH 44319

(330) 644-0122 Fax (330) 644-5170

Wednesday, July 29, 1998

Jill M. Lyon
AMTA

Dear Jill:

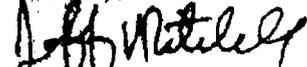
I am writing in response to your fax regarding the FCC Forbearance NPR.

I am a small analog SMR operator who is regulated as CMRS. I have 2 SMR systems. One system with 7 Channels and another with 5 channels. I have very few customers who require telephone interconnect service and all of my telephone interconnect customers are half duplex. My systems are primarily operated as dispatch two-way. However, I have customers who have an occasional need for telephone interconnect for emergency purposes. I am actually have an operating loss from the telephone interconnect service that I do provide but I continue to offer it to satisfy my customers demands. I have one customer who is a local Public School transportation system. They use my SMR system on a daily basis for dispatch purposes. All of their radios are programmed so that the bus driver can instantly make a telephone call to an emergency dispatcher for assistance. They have not had to use the emergency telephone as yet but someday a life could be saved due to the availability of this service.

In the past 6 months, I have been considering discontinuing the telephone interconnect service due to the additional costs, time spent to complete forms and keep and update detailed records brought on by this regulatory burden under current CMRS rules. Elimination of this service would force some customers to either go to another carrier completely or to supplement their radio system with cellular or PCS phones at a much higher cost to them.

I truly believe that analog SMR systems with very limited telephone interconnect capacity should be exempted from the burdensome record keeping and Fee/Filing requirements of the current regulations. Without a change very soon, I can assure you that I will be ending my telephone interconnect offering and change my FCC Authorization to PMRS status for relief.

Sincerely,


Jeff Mitchell

CERTIFICATE OF SERVICE

I, Linda J. Evans, a secretary in the law office of Lukas, Nace, Gutierrez & Sachs, hereby certify that I have, on this August 3, 1998, caused to be hand delivered a copy of the foregoing to the following:

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

Commissioner Susan 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

Commissioner Michael 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

Christopher J. Wright, General Counsel
Federal Communications Commission
1919 M Street, N.W., Room 614
Washington, D.C. 20554

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

Gerald Vaughan, Deputy Chief
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, N.W., Room 5002
Washington, D.C. 20554

Rosalind K. Allen, Deputy Chief
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, N.W., Room 5002
Washington, D.C. 20554

Jeanine Polticonieri, Associate Bureau Chief
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, N.W., Room 5002
Washington, D.C. 20554

Kathleen O'Brien Ham, Chief
Auctions and Industry Analysis Division
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, N.W., Room 5322
Washington, D.C. 20554

Steve Weingarten, Chief
Commercial Wireless Division
Wireless Telecommunications Bureau
Federal Communications Commission
2100 M Street, N.W., 7th Floor, Room 24
Washington, D.C. 20554

D'wana R. Terry, Chief
Public Safety & Private Wireless Division
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, N.W., Room 8010
Washington, D.C. 20554

Ramona Melson, Chief
Policy and Rules Branch
Commercial Wireless Division
Wireless Telecommunications Bureau
Federal Communications Commission
2100 M Street, N.W., 7th Floor, Rm. 101A
Washington, D.C. 20554

*Sheldon Moss
PCIA
500 Montgomery Street, Suite 700
Alexandria, VA 22314

International Transcription Services, Inc.
1919 M Street, N.W., Room 246
Washington, D.C. 20554


Linda J. Evans