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Business  
Communications  
Industry  
Advocate**

AMTA OR LATE FILED

**PRESIDENT & CEO**

Alan R. Shark, CAE

October 22, 1998

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**GENERAL COUNSEL**

Elizabeth R. Sachs, Esq.  
Lukas, McGowan, Nace & Gutierrez

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**via Hand Delivery**

Magalie R. Salas, Secretary  
Federal Communications Commission  
1919 M Street, N.W., Room 222  
Washington, D.C. 20554

**Re: Notice of oral and written *ex parte* presentation  
Wireless Number Portability (CC Docket No. 95-116)  
CMRS Resale Requirements (CC Docket No. 94-54)  
Regulatory Treatment of Mobile Services  
(GN Docket No. 93-252) ✓  
Wireless Forbearance (WT Docket No. 98-100)**

Dear Ms. Salas:

On October 21, 1998, the American Mobile Telecommunications Association, Inc. (AMTA, the Association) met concerning the above-referenced proceedings with Ari Fitzgerald, Legal Advisor to Chairman William Kennard. The purpose of the meeting was to discuss differences between consumer-oriented commercial mobile service (CMRS) providers and most AMTA members, operators that provide primarily two-way dispatch services to business and industry only.

AMTA reiterated its positions, outlined fully in its Petition for Declaratory Ruling (filed December 16, 1996) concerning the "covered SMR" definition in the number portability and resale proceedings, that current requirements do not reflect the capacity and technological differences between large consumer-directed wireless networks and analog, primarily dispatch systems employing five to ten channel pairs. The Association noted its long-held position that the language "service to the public," used in both the definition of CMRS and that of "telecommunications carrier" in the Communications Act, was intended by Congress to mean the general, or consumer, public.

AMTA further referred to the forbearance proceeding as an excellent opportunity for the Wireless Telecommunications Bureau and the FCC to align more closely wireless regulations designed for consumer protection, or for more technically advanced networks, with those segments of the industry for which they were intended. Where appropriate, AMTA recommends the adoption of the revised "covered carrier" definition

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included in its Petition for Declaratory Ruling.

In preparation for the meeting, AMTA sent to Mr. Fitzgerald a list of discussion points. A copy of those points is attached to this Notice. Pursuant to Section 1.1206 of the Commission's Rules and Regulations, 47 C.F.R. § 1.1206, two copies of this Notice have been submitted for each proceeding referenced above.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jill M. Lyon", with a long horizontal flourish extending to the right.

Jill M. Lyon  
Vice President for Regulatory Relations

cc: Ari Fitzgerald, Legal Advisor



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## Discussion Points for October 21, 1998 Meeting

- AMTA hopes to work to support the Chairman's wireless policy agenda as much possible within its role as an industry association for non-consumer wireless services.
- AMTA fully supports the FCC's goal of enhancing competition both among wireless service providers, and between wireless and wireline services.
- An overwhelming majority of the Association's members do not, and cannot, provide consumer wireless services of the type offered by larger CMRS carriers.
- Members across the country seek answers to questions concerning the imposition of particular regulations, and the accompanying federal and state fees and taxes, on broad classes of wireless providers that include non-consumer providers. These regulations and fees generally are designed to broaden service to consumers (e.g., number portability), or to cover the costs of administering programs from which many member carriers do not benefit (e.g., NANPA).
- In some cases, business wireless systems are technically incapable of complying with existing or proposed requirements enacted or considered for the larger wireless industry (e.g., number portability; the proposed CALEA "J-standard")
- The Commission's forbearance proceeding offers an excellent opportunity to adjust regulatory and payment requirements to better align with benefits and technological capabilities of wireless systems.
- Where the Commission's policy goals would differentiate between consumer-oriented wireless providers and others, AMTA recommends the adoption of the "covered carrier" definition found in its E-911 *Memorandum Opinion and Order*, (CC Docket No. 94-102, FCC 97-402).