

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
)
Calling Party Pays Service Offering) **WT Docket No. 97-207**
in the Commercial Mobile Radio Services)

**COMMENTS OF
THE RURAL TELECOMMUNICATIONS GROUP**

The Rural Telecommunications Group (RTG), by its attorneys, hereby respectfully submits these comments in response to the Commission's *Notice of Proposed Rulemaking (NPRM)* in the above-referenced proceeding. RTG continues to support adoption of uniform federal regulations where necessary to facilitate the implementation of Calling Party Pays (CPP) service by wireless telecommunications carriers who decide to offer the service to their subscribers. Minimal regulations that assist in the development and deployment of notification that a CPP call is being made and for which the caller will be responsible for airtime charges as well as in the development and deployment of billing and collection for such charges will allow the marketplace to foster the success of CPP as a viable service.

I. Statement of Interest

RTG is an organized group of rural telephone companies whose purpose is to advocate on behalf of providers and prospective providers of rural wireless telecommunications services. RTG's members provide wireless telecommunications services, such as cellular telephone service and Personal Communications Service (PCS), to their subscribers and are therefore interested in

ensuring that CPP is a service offering they can choose to provide free from unnecessary regulatory burden.

II. Discussion

Wireless services are still very much in their infancy, but services like CPP will allow wireless services to compete with wireline services. Without CPP, there will never be true competition between the wireless and wireline markets. CPP will promote use of wireless phones and thus growth in the wireless market. Commercial Mobile Radio Services (CMRS) subscribers who choose CPP service will be more likely to give out their wireless telephone numbers and thus willing to receive more calls on their wireless phones. The end result is more minutes of use on wireless phones and the growth of wireless service as a true alternative to and competitor with wireline service. The lack of CPP is a barrier to such alternatives and such competition.

1. Calling Party Pays Is A CMRS Service Which Is Subject To The FCC's Exclusive Jurisdiction

CPP is a CMRS service, not a billing function. CPP is a CMRS service just like the predominant service that is currently provided by CMRS providers when the calling party does not have to pay for any calls made to a CMRS subscriber. Although the telecommunications industry does not formally recognize this reverse service with a name, it can appropriately be called "Calling Party Doesn't Pay" or ACPDP. CPP and CPDP are flip sides of the same coin; they are both services addressing who will pay and how much that person will pay for a call to a CMRS subscriber. Both services are based on rates -- who pays them and what the rates are. Again, CPP and CPDP are simply different rate mechanisms for the same CMRS service offering. In other words, both services are based on regulation of rates which is a matter specifically

preempted from state regulation in Section 332(c)(3)(A) of the Communications Act of 1934, as amended (the Act).

B. The Proposed Notification Provisions Should Be Modified To Account For Caller Decision-Making Time

RTG supports the adoption of uniform, nationwide provisions that would require a carrier to notify a caller to a CMRS subscriber who has chosen a CPP option that the caller will be responsible for the airtime charges for the call. RTG generally supports all four elements of the CPP notification that the FCC has proposed: (1) notice to the calling party that the call is a CPP call, (2) identification of the CMRS provider, (3) rate and other charges associated with the call, and (4) notice to the calling party that he can terminate the call prior to incurring any charges.

While RTG supports the FCC's notification proposal, there are aspects of such notification that require consideration and clarification. First, RTG proposes that the period of time during which the calling party is determining whether or not to proceed with the CPP call should not be time that is calculated as chargeable airtime. This time lapse is the caller's decision-making time; it is set up time when the calling party can decide to terminate or complete the call. To count this decision-making time as chargeable airtime would counteract the very goals of the CPP notification process. Second, RTG proposes that callers be given the up-front option in the notification announcement to skip over the announcement and to immediately accept the placement of the call. RTG anticipates that after having CPP announcement provisions in place for a short period of time, callers who are familiar with their obligations in placing calls to CMRS subscribers who have chosen a CPP option may become frustrated with the delay in having their calls connected to the called party. Allowing callers to choose to bypass a CPP

announcement also promotes a more efficient use of the CMRS provider=s and local exchange carrier=s (LEC) networks by limiting the time that the networks are essentially on hold before the CPP call is actually connected.

C. The Commission Should Keep All Billing & Collection Options Open

It is important that CMRS providers have multiple options available for billing and collecting from a caller to a CMRS subscriber who has chosen a CPP option. Some CMRS carriers will not have the technical or systems capabilities to bill calling parties themselves and accordingly will require the services of the originating LEC or a third party to provide billing and collection for the CPP call. LECs and third party billing and collection companies must be required to negotiate with these CMRS carriers to provide for such services at reasonable rates and terms. Other CMRS carriers who may have such technical and systems capabilities generally lack the necessary data to complete such billing and collection for CPP calls. These carriers require data from LECs, and LECs must be required to provide such data at no cost. Such billing and collection options are critical to the viability of CPP. These types of billing and collection options help to level the playing field and thus promote competition in the telecommunications market.

III. CONCLUSION

RTG applauds the Commission=s efforts to obtain information about the working details of Calling Party Pays for full consideration. CPP can work and it will foster growth in the wireless communications market. Such growth will spur overall competition in the telecommunications market.

Respectfully submitted,

RURAL TELECOMMUNICATIONS GROUP

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