DOCKET FILE COPY ORIGINAL

BEFORE THE

Federal Communications Commission

WASHINGTON, D.C.

RECEIVED

FEB 12 2001

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of	)	
	)	
Promotion of Competitive Networks in Local Telecommunications Markets	)	WT Docket No. 99-217
	)	
Wireless Communications Association International, Inc. Petition for Rulemaking to Amend Section 1.4000 of the Commission's Rules to Preempt Restrictions on Subscriber Premises Reception or Transmission Antennas Designed To Provide Fixed Wireless Services	)	
	)	
Cellular Telecommunications Industry Association Petition for Rule Making and Amendment of the Commission's Rules to Preempt State and Local Imposition of Discriminatory And/Or Excessive Taxes and Assessments	)	
	)	
Implementation of the Local Competition Provisions in the Telecommunications Act of 1996	)	CC Docket No. 96-98

SMART BUILDINGS POLICY PROJECT
PETITION FOR LIMITED RECONSIDERATION

Philip L. Verveer
Gunnar D. Halley

WILLKIE FARR & GALLAGHER
Three Lafayette Centre
1155 21st Street, N.W.
Washington, D.C. 20036
(202) 328-8000

Its Attorneys

Dated: February 12, 2001

TABLE OF CONTENTS

Page

I. INTRODUCTION 2

II. THE STATUTE DOES NOT GRANT INDIVIDUAL SERVIENT ESTATE OWNERS THE POWER TO ERADICATE FEDERALLY-GRANTED RIGHT-OF-WAY ACCESS RIGHTS. 3

III. THE STATUTE AND THE CONGRESSIONAL GOALS THEREUNDER PROSCRIBE THE COMMISSION'S ABDICATION OF AUTHORITY TO STATE LAW DETERMINATIONS OF A UTILITY'S OWNERSHIP OR CONTROL OF RIGHTS-OF-WAY. 8

IV. CONCLUSION 12

BEFORE THE

Federal Communications Commission

WASHINGTON, D.C.

In the Matter of	)	
	)	
Promotion of Competitive Networks in Local Telecommunications Markets	)	WT Docket No. 99-217
	)	
Wireless Communications Association International, Inc. Petition for Rulemaking to Amend Section 1.4000 of the Commission's Rules to Preempt Restrictions on Subscriber Premises Reception or Transmission Antennas Designed To Provide Fixed Wireless Services	)	
	)	
Cellular Telecommunications Industry Association Petition for Rule Making and Amendment of the Commission's Rules to Preempt State and Local Imposition of Discriminatory And/Or Excessive Taxes and Assessments	)	
	)	
Implementation of the Local Competition Provisions in the Telecommunications Act of 1996	)	CC Docket No. 96-98

SMART BUILDINGS POLICY PROJECT
PETITION FOR LIMITED RECONSIDERATION

The Smart Buildings Policy Project ("SBPP")[1] hereby submits its Petition for Limited Reconsideration of the *Competitive Networks First Report and Order* in the above-captioned proceeding.[2]

---

[1] The Smart Buildings Policy Project is a coalition of telecommunications carriers, equipment manufacturers, and organizations that support nondiscriminatory telecommunications carrier access to tenants in multi-tenant environments. The SBPP presently includes Alcatel USA, American Electronics Association, Association for Local Telecommunications Services, AT&T, Comcast Business Communications, Commercial Internet eXchange Association, Competition Policy Institute, Competitive Telecommunications Association, DMC Stratex Networks, Focal Communications Corporation, The Harris

I. INTRODUCTION

The *Competitive Networks First Report and Order* established certain requirements to increase competitive facilities-based telecommunications options for tenants in multi-tenant environments ("MTEs"). However, two of the Commission's conclusions regarding Section 224 of the Act[3] bear reconsideration because the Commission appears to have failed to consider pertinent legal analyses that would justify -- indeed compel -- different outcomes. Moreover, limited reconsideration of these two conclusions will further promote the Commission's stated policy goals. Specifically, the Commission should not permit the owners of servient estates to prevent telecommunications carrier access to rights-of-way owned or controlled by utilities. The Commission also should avoid reliance on the varied State laws concerning easements and rights-of-way in implementing Section 224. Rather, the Commission itself should define, in a uniform manner, the utility's "ownership or control" of rights-of-way for purposes of interpreting, implementing, and enforcing Section 224 so as to provide a clear understanding of those circumstances in which a telecommunications carrier is entitled to access.

Corporation, Highspeed.com, Information Technology Association of America, Lucent Technologies, NetVoice Technologies, Inc., Network Telephone Corporation, Nokia Inc., International Communications Association, P-Com, Inc., Siemens, Telecommunications Industry Association, Teligent, Time Warner Telecom, Winstar Communications, Inc., Wireless Communications Association International, WorldCom, and XO Communications, Inc. The SBPP website can be viewed at <www.buildingconnections.org>.

2 Promotion of Competitive Networks in Local Telecommunications Markets, WT Docket No. 99-217, *First Report and Order and Further Notice of Proposed Rulemaking in WT Docket No. 99-217, Fifth Report and Order and Memorandum Opinion and Order in CC Docket No. 96-98, and Fourth Report and Order and Memorandum Opinion and Order in CC Docket No. 88-57*, FCC 00-366 (rel. Oct. 25, 2000)("*Competitive Networks First Report and Order*").

3 47 U.S.C. § 224.

II. THE STATUTE DOES NOT GRANT INDIVIDUAL SERVIENT ESTATE OWNERS THE POWER TO ERADICATE FEDERALLY-GRANTED RIGHT-OF-WAY ACCESS RIGHTS.

In the *Competitive Networks First Report and Order*, the Commission confirmed that the rights of nondiscriminatory access granted to telecommunications carriers and cable operators by Section 224 of the Communications Act extend to those ducts, conduits, and rights-of-way owned or controlled by utilities in multi-tenant environments ("MTEs").[4] However, the *Competitive Networks First Report and Order* interpreted Section 224 to grant "a right of access only to the extent a utility owns or controls poles, ducts, conduits, or rights-of-way. It does not grant a legally enforceable right to remain on the premises against the wishes of the MDU owner."[5] The *Order* also stated that "the right of access granted under Section 224 lies only against utilities, and . . . Section 224 is not intended to override whatever authority or control MTE owners may otherwise retain under state law."[6] This interpretation permits owners of servient estates to override operation of a federal statute contravening the very purpose for which the statutory provision was enacted.[7] Servient estate "veto power" cannot be countenanced by the purposes underlying Section 224 and, indeed, the practical implications could be disastrous

---

4 *Competitive Networks First Report and Order* at ¶ 80.

5 Id. at ¶ 90.

6 Id. at ¶ 87; see also id. at ¶ 76.

7 See Connolly v. Pension Benefit Guaranty Corp., 475 U.S. 211, 223-224 (1986)("'Contracts, however express, cannot fetter the constitutional authority of Congress. Contracts may create rights of property, but when contracts deal with a subject matter which lies within the control of Congress, they have a congenital infirmity. Parties cannot remove their transactions from the reach of dominant constitutional power by making contracts about them.' If the regulatory statute is otherwise within the powers of Congress, therefore, its application may not be defeated by private contractual provisions.")(quoting Norman v. Baltimore & Ohio R. Co., 294 U.S. 240, 307-308 (1935)); see also Otis & Co. v. Securities and Exchange Comm'n, 323 U.S. 624, 638 (1945)("Where preexisting contract provisions exist which produce results at variance with a legislative policy which was not foreseeable at the time the contract was made, they cannot be permitted to operate.").

for the telecommunications and cable industries. The Commission must reconsider its conclusion in this regard.

Section 224(f)(1) extends nondiscriminatory access for all telecommunications carriers to, *inter alia*, utility rights-of-way.[8] In contrast to poles, ducts, and conduits, rights-of-way are not facilities.[9] Rather, they represent "the right to pass over the land of another."[10] The term presumes a third party -- a servient estate. The Commission's recognition that Section 224 access extends to MTEs ignores the presence of a servient estate, an integral component of any right-of-way arrangement. Without discussion, the Commission attempts to account for this "anomaly" of a servient estate by requiring the telecommunications carrier or cable operator to obtain independently the permission of the owner of the servient estate (in this case, the MTE owner) to use the right-of-way. But, through its use of the term "right-of-way," Congress presumed the existence of a third party -- the owner of the servient estate -- and did not require that third party's separate approval.

Indeed, the statute itself suggests that the absence of a servient estate owner's consent is not a sufficient basis for a utility to deny access to a right-of-way that it owns or controls. Section 224(f)(2) lists the appropriate bases for a utility's denial of telecommunications carrier access to its rights-of-way. Namely, a utility is permitted to deny access to its rights-of-way

---

8 47 U.S.C. § 224(f)(1).

9 See Implementation of the Local Competition Provisions in the Telecommunications Act of 1996; Interconnection between Local Exchange Carriers and Commercial Mobile Radio Service Providers, CC Docket Nos. 96-98 and 95-185, *First Report and Order*, 11 FCC Rcd 15499 at ¶ 1162 (1996)("[W]e note that section 224(f)(1) mandates access not only to physical utility facilities (*i.e.*, poles, ducts, and conduit), but also to the rights-of-way held by the utility. The lack of capacity on a particular facility does not necessarily mean there is no capacity in the underlying right-of-way that the utility controls.")("*Local Competition First Report and Order*").

10 *Competitive Networks First Report and Order* at ¶ 83.

where there is "insufficient capacity and for reasons of safety, reliability and generally applicable engineering purposes."[11] As the Commission has recognized, "[t]he denial of access, while proper in some cases, is an exception to the general mandate of Section 224(f)."[12] There is no legitimate reason for the Commission to read into Section 224 an additional and harmful limitation because such an interpretation would eviscerate the substantial pro-competitive benefits of this provision.

The Commission's interpretation renders the exercise of a telecommunications carrier's Section 224 rights of access to utility rights-of-way dependent upon the permission of the servient estate owner. Such an approach nullifies access to utility rights-of-way. By obtaining independent permission of the servient estate owner to pass over the property, the telecommunications carrier has secured its *own* right-of-way, making Section 224(f)(1)'s "right-of-way" language superfluous and meaningless. Section 224's access requirement is intended to eliminate the need to duplicate utility rights-of-way.

> The purpose of Section 224 of the Communications Act is to ensure that the deployment of communications networks and the development of competition are not impeded by private ownership and control of the scarce infrastructure and rights-of-way that many communications providers must use in order to reach customers.[13]

---

[11] 47 U.S.C. § 224(f)(2).

[12] *Local Competition First Report and Order* at ¶ 1222.

[13] Implementation of Section 703(3) of the Telecommunications Act of 1996; Amendment of the Commission's Rules and Policies Governing Pole Attachments, CS Docket No. 97-151, *Report and Order*, 13 FCC Rcd 6777 at ¶ 2 (1998)("*Pole Attachment Report and Order*"); see also *Local Competition First Report and Order* at ¶ 1185 (explaining that the intent of Congress in Section 224(f) was to permit cable operators and telecommunications carriers to piggyback along distribution networks owned or controlled by utilities).

The *Competitive Networks First Report and Order*'s interpretation renders meaningless that provision by requiring the very duplication that Congress sought to eliminate.[14] A more reasonable interpretation is that Section 224's access requirement recognizes that affording other carriers the ability to utilize a passageway or space that has already been granted to a utility in a manner that does not exceed that utility's rights does not impinge on the servient estate holder's property rights such as to require separate consent or compensation.

Moreover, the Commission's interpretation may produce devastating effects for the telecommunications and cable industries. Quite often, local exchange carriers and electric utilities maintain rights-of-way across backyards or through parking lots in order to place utility poles and string wires between them. Section 224 grants telecommunications carriers the right to string their wires through the same backyards and parking lots and many carriers have done so. One could very well imagine utility or real estate interests insisting that the Commission's interpretation of Section 224 would require renegotiation of all of these arrangements. That is, these parties would contend that, pursuant to the *Competitive Networks* decision, the exercise of Section 224 rights are subject to the permission of the owner of a right-of-way's servient estate. Hence, the argument goes, every carrier -- whether it is an ILEC using an electric utility right-of-way pursuant to a joint use agreement or a CLEC using an ILEC right-of-way pursuant to Section 224 -- must now approach every individual property owner over whose property its wires extend in order to secure each individual property owner's permission to use that aerial right-of-way. This result could place telecommunications carriers and cable operators in the precarious

---

[14] See, e.g., Connecticut Nat'l Bank v. Germain, 503 U.S. 249, 253 (1992)("[C]ourts should disfavor interpretations of statutes that render language superfluous . . . ."); see also Walters v. Metropolitan Educational Enterprises, 519 U.S. 202, 209 (1997)("Statutes must be interpreted, if possible, to give each word some operative effect")(citing United States v. Menasche, 348 U.S. 528, 538-39 (1955)).

position of having to remove facilities where the servient estate owner refuses consent to maintain the wires already strung. Requiring telecommunications carriers to obtain the consent of the servient estate owner prior to exercising their rights under Section 224 would have far-reaching effects that would negate the purpose of Section 224. The Commission cannot possibly intend such a severe consequence.

Yet, the consequences are even more severe in the context of MTEs. In the case of a single family home, if a homeowner refuses to grant a CLEC access to the utility right-of-way in the homeowner's backyard, the telecommunications carrier could possibly route its facilities in such a manner as to avoid that homeowner's property in order to provide service to a neighbor. By contrast, in an MTE, there is no alternate path in which a carrier may construct facilities to the customer other than passing through the MTE itself.[15] Short of regulation of the CLEC/building owner relationship itself, the Commission's restrictive and counterintuitive interpretation of Section 224 eliminates the possibility of ensuring facilities-based telecommunications carrier access to the tenant even if the only access "spaces" the carrier needs are those precise spaces already used by another utility.

Section 224 was specifically designed to eliminate the need for telecommunications carriers to obtain separate rights-of-way from underlying fee owners.[16] Requiring

---

[15] In this regard, the telecommunications carrier's Section 224 need to access utility rights-of-way in order to serve a customer in an MTE produces a right roughly equivalent to an easement by necessity. See, e.g., Restatement (Third) of Property, Servitudes, § 2.15, Comment d (1998 Main Vol.)("[T]he increasing dependence in recent years on electricity and telephone service, delivered through overland cables, justify the conclusion that implied servitudes by necessity will be recognized for those purposes. Whether access for other utilities and services has also become necessary to reasonable enjoyment of property depends on the nature and location of the property and normal land uses in the community.").

[16] See *Pole Attachments Report and Order* at ¶ 2.

telecommunications carriers to independently and redundantly obtain this authorization would eviscerate the intent and effective operation of Section 224.

III. THE STATUTE AND THE CONGRESSIONAL GOALS THEREUNDER PROSCRIBE THE COMMISSION'S ABDICATION OF AUTHORITY TO STATE LAW DETERMINATIONS OF A UTILITY'S OWNERSHIP OR CONTROL OF RIGHTS-OF-WAY.

The *Competitive Networks First Report and Order* concludes that "state law determines whether, and the extent to which, utility ownership or control of a right-of-way exists in any factual situation within the meaning of Section 224"[17] and explains that "the extent of a utility's ownership or control of a duct, conduit, or right-of-way under state law must be resolved prior to a complaint being filed with the Commission regarding whether the rates, terms, or conditions of access are reasonable."[18] However, the Commission's statutory obligations, as well as the furtherance of Commission policies, compel the Commission to determine whether the utility "owns or controls" the pole, duct, conduit, or right-of-way for purposes of Section 224.

Determining which utility facilities and rights are subject to the federal statutory scheme is a fundamental element of interpreting, implementing, and enforcing the requirements of Section 224. The Commission's abdication to the variety of State property laws operates as a reverse preemption in that it relinquishes to the States the responsibility for implementing an integral component of section 224. This approach is inconsistent with the structure and directive of Section 224. Section 224, unlike any other provision in the Communications Act, expressly provides for State preemption of federal authority.[19] Specific prerequisites must be met before

---

[17] *Competitive Networks First Report and Order* at ¶ 87.

[18] Id. at ¶ 89.

[19] 47 U.S.C. § 224(c).

this reverse preemption may take effect.[20] To date, only nineteen States have fulfilled these prerequisites.[21] In the remaining States, the Commission is charged with the statutory obligation of ensuring that telecommunications carriers receive nondiscriminatory access to rights-of-way owned or controlled by utilities. The Commission's referral of Section 224 authority to States that have not met the requirements of Section 224(c) contravenes the statutory directive.

It is routine for federal government agencies to adopt federal definitions to govern federal administrative practices even where States may have adopted their own divergent definitions for State matters.[22] Indeed, the Commission is accustomed to such practices. For example, the federal Communications Act defines "telecommunications service"[23] and the Commission interprets that term according to the federal Act despite the existence of varied State definitions of the terms.[24] Similarly, where the federal Communications Act employs a term but fails to

---

20 See 47 U.S.C. § 224(c)(2)(requiring that a State certify to the Commission that it regulates the rates, terms, and conditions of access to poles, ducts, conduits, and rights-of-way and that, in so regulating, it has the authority to consider and does consider the interests of the subscribers of the services offered via such attachments, as well as the interests of the consumers of the utility services); see also 47 U.S.C. § 224(c)(3)(imposing a presumption that a State does *not* regulate pole attachments unless it has issued and made effective rules and regulations implementing the State's regulatory authority over pole attachments).

21 See *Competitive Networks First Report and Order* at ¶ 92.

22 See Moon Ho Kim v. INS, 514 F.2d 179, 181 (D.C. Cir. 1975)(rejecting federal agency's resort to state law definitions of adultery for purposes of administering a federal statute and, instead, requiring the application of a uniform federal standard as to the meaning of adultery under the federal statute). More generally, federal and state antitrust laws diverge to some extent without necessitating federal government adoption of state antitrust laws (even where the State antitrust laws preceded their federal counterparts). See, e.g., California v. ARC America Corp., 490 U.S. 93 (1989).

23 47 U.S.C. § 153(46).

24 See, e.g., Il St. Ch. 220 § 5/13-203 (Illinois) ("'Telecommunications service" means the provision or offering for rent, sale or lease, or in exchange for other value received, of the transmittal of information, by means of electromagnetic, including light, transmission with or without benefit of any closed transmission medium, including all instrumentalities, facilities, apparatus, and services (including the collection, storage, forwarding, switching, and delivery of such information) used to provide such transmission and also includes access and interconnection arrangements and services; Or St. § 759.005(2)(g) (Oregon) ("'Telecommunications service' means two-way switched access and transport of voice communications but does not include: (a) services provided by radio common carrier; (b) one-way transmission of television

define it, the Commission has comfortably interpreted the term notwithstanding potentially differing State definitions.[25] A similar approach should govern the Commission's interpretation of "own or control."

As a practical matter, an attempt to give effect to the fifty different State property law regimes is unwieldy and time consuming. The Commission envisions a regime in which parties must resolve disputes concerning state law interpretations of a utility's ownership or control of a right-of-way before submitting complaints to the Commission.[26] In practice, the State very likely will lack an interpretation of utility "ownership or control" of rights-of-way. Access complaint proceedings in State court remain unavailable because the States in which the FCC maintains jurisdiction do not regulate telecommunications carrier access to utility rights-of-way. Consequently, parties will be forced to seek the equivalent of declaratory rulings from State courts on the "ownership or control" issue in every circumstance and in every State. Some State courts may be unwilling to render declaratory rulings. In those States in which the courts are willing to issue declaratory rulings, the process of seeking such a ruling will be needlessly expensive and unbearably slow.

---

signals; (c) surveying; (d) private telecommunications networks; (e) communications of the customer which take place on the customer side of on-premises equipment."); Wy St. § 37-15-103(a)(xii) (Wyoming) ("'Telecommunications service' means the offering or transmitting for hire of telecommunications by means of telecommunications facilities using wire, radio, lightwave or other means."); see also I.C. § 62.603(13) (Idaho); M.C.L.A. § 484.2102(dd)(Michigan); and NMSA 1978 § 63-9A-3(L)(New Mexico).

25 See, e.g., Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, CC Docket No. 96-98, *Third Report and Order and Fourth Further Notice of Proposed Rulemaking*, 15 FCC Rcd 3696 at ¶¶ 44-47 (1999)(interpreting the meaning of the term "necessary" as used in Section 251(d)(2)(A) of the federal Communications Act).

26 *Competitive Networks First Report and Order* at ¶ 89.

The Commission has recognized that "time is of the essence" with respect to disputes arising under Section 224.[27] Separately, the Commission rejected a 180-day delay for filing a Section 224 complaint with the Commission because such a delay -- one which almost certainly would be shorter than the time required to obtain a declaratory ruling in State court -- would not be conducive to a pro-competitive environment.[28] The policy of resorting to State determinations of utility ownership or control would increase carrier expenses dramatically and lead to unreasonable delay in dispute resolution., ultimately impairing the pro-competitive goals of Section 224. Moreover, the Commission has failed to advance a basis for reversing its well-settled policy that favored expeditious dispute resolution. Indeed, in its consideration of utility ownership or control of rights-of-way, the *Competitive Networks First Report and Order* appears to ignore entirely the Commission's policy of ensuring expeditious dispute resolution. This policy is central to the accomplishment of the objectives underlying Section 224 and should be considered. Upon further consideration, the Commission should acknowledge the undue burdens and expenses associated with reliance on State law for determining the scope of utility ownership and control over rights-of-way and should reserve for itself the authority to make such determinations. Such an approach will lead to a uniform body of law, will promote negotiated agreements as the law is clarified, will allow the Commission to implement the terms and policies of Section 224 consistent with its statutory obligations, and will promote the development of competitive telecommunications networks.

---

27 *Local Competition First Report and Order* at ¶ 1224.

28 *Pole Attachment Report and Order* at ¶ 17 ("[T]ime is critical in establishing the rate, terms, and conditions for attaching. Prolonged negotiations can deter competition because they can force a new entrant to choose between unfavorable and inefficient terms on the one hand or delayed entry and, thus, a weaker position in the market on the other.")(citing to Ameritech Reply Comments at 3-4 (recommending expeditious dispute resolution to avoid delay in market entry)).

IV. CONCLUSION

For the foregoing reasons, the Smart Buildings Policy Project respectfully urges the Commission to reconsider the power it grants to servient estate owners to override federal access policies, and to apply a federal standard of right-of-way ownership or control for purposes of implementing Section 224 of the Communications Act.

Respectfully submitted,

SMART BUILDINGS POLICY PROJECT

By: _____

Philip L. Verveer
Gunnar D. Halley

WILLKIE FARR & GALLAGHER
Three Lafayette Centre
1155 21st Street, N.W.
Washington, D.C. 20036
(202) 328-8000

Attorneys for the
SMART BUILDINGS POLICY PROJECT

Dated: February 12, 2001

CERTIFICATE OF SERVICE

I, Rosalyn Bethke, do hereby certify that on this 12th day of February, 2001, copies of the foregoing Petition for Limited Reconsideration of The Smart Buildings Policy Project, were delivered by hand delivery on the following parties:

Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, S.W.
12th Street Lobby, TW-A325
Washington, DC 20554

Commissioner Susan Ness
Federal Communications Commission
The Portals
445 12th Street, S.W.
Suite 8B115
Washington, DC 20554

Commissioner Harold Furchtgott-Roth
Federal Communications Commission
The Portals
445 12th Street, S.W.
Suite 8A302
Washington, DC 20554

Mark Schneider
Senior Legal Advisor
To Commissioner Ness
Federal Communications Commission
The Portals
445 12th Street, S.W.
Suite 8B115
Washington, DC 20554

Chairman Michael Powell
Federal Communications Commission
The Portals
445 12th Street, S.W.
Suite 8B201
Washington, DC 20554

Commissioner Gloria Tristani
Federal Communications Commission
The Portals
445 12th Street, S.W.
Suite 8C302
Washington, DC 20554

Peter Tenhula
Senior Legal Advisor
To Commissioner Powell
Federal Communications Commission
The Portals
445 12th Street, S.W., Suite 8B201
Washington, DC 20554

Adam Krinsky
Legal Advisor To
Commissioner Tristani
Federal Communications Commission
The Portals
445 12th Street, S.W.
Suite 8C302
Washington, DC 20554

Helgi Walker
Senior Legal Advisor And
Chief Of Staff To Commissioner
Harold Furchtgott-Roth
Federal Communications Commission
The Portals
445 12th Street, S.W.
Suite 8A302
Washington, DC 20554

Christopher Wright
Office Of The General Counsel
Federal Communications Commission
445 12th Street, S.W.
12th Street Lobby
Washington, DC 20554

Jonathan Nuechterlein
Deputy General Counsel
Office Of The General Counsel
Federal Communications Commission
445 12th Street, S.W.
8th Floor (OGC)
Washington, DC 20554

Joel D. Taubenblatt, Esq.
Commercial Wireless Division
Federal Communications Commission
445 12th Street, S.W., Room 4-A260
Washington, DC 20554

Eloise Gore
Cable Services Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Paul Noone
Commercial Wireless Division
Wireless Telecommunications
Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Richard Arsenault
Wireless Telecommunications
Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Joel Kaufman
Deputy Chief
Administrative Law Division
Office Of The General Counsel
Federal Communications Commission
445 12th Street, S.W., Room 8-A668
Washington, DC 20554

Jim Schlichting
Wireless Telecommunications Bureau
Federal Communications Commission
The Portals
445 12th Street, S.W.
Suite 3C-252
Washington, DC 20554

Lauren Van Wazer
Senior Attorney
Policy & Rules Branch
Commercial Wireless Division
Wireless Telecommunications
Bureau
Federal Communications Commission
445 12th Street, S.W., Room 4-A223
Washington, DC 20554

Cheryl King
Cable Services Bureau
Federal Communications
Commission
445 12th Street, S.W.
Washington, DC 20554

Thomas Sugrue
Chief
Wireless Telecommunications Bureau
Federal Communications Commission
The Portals
445 12th Street, S.W., Suite 3C-252
Washington, DC 20554

Jeffrey S. Steinberg
Deputy Chief
Commercial Wireless Division
Federal Communications Commission
445 12th Street, S.W., Room 4-C236
Washington, DC 20554

Wilbert Nixon
Commercial Wireless Division
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

International Transcription Services, Inc.
1231 20th Street, N.W.
Washington, DC 20037

Mark Rubin
Commercial Wireless Division
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

David Horowitz
Attorney - Advisor
Office Of The General Counsel
Federal Communications
Commission
445 12th Street, S.W., Room 8-A636
Washington, DC 20554

Leon Jackler
Attorney
Commercial Wireless Division
Wireless Telecommunications
Bureau
Federal Communications Commission
445 12th Street, S.W., 4-A207
Washington, DC 20554

David Furth
Commercial Wireless Division
Federal Communications
Commission
445 12th Street, S.W.
Washington, DC 20554

Rosalyn Bethke

Rosalyn Bethke