

# RURAL TELECOMMUNICATIONS GROUP

*advocate of rural wireless telecommunications providers*

*1000 Vermont Avenue, NW, 10<sup>th</sup> Floor  
Washington, DC 20005*

**To:** Magalie Roman Salas, Secretary  
Federal Communications Commission

**From:** Caressa D. Bennet, General Counsel  
Brent Weingardt, Senior Counsel  
Kenneth Johnson, Regulatory Director

**Date:** July 11, 2001

**Re:** *Ex Parte* Presentation – July 10, 2001

*In the Matter of Federal-State Joint Board on Universal Service  
CC Docket No. 96-45,  
1998 Biennial Regulatory Review – Streamlined Contributor Reporting  
Requirements Associated with Administration of Telecommunications Relay  
Service, North American Numbering Plan, Local Number Portability, and  
Universal Service Support Mechanisms  
CC Docket No. 98-171*

*In the Matter of Year 2000 Biennial Regulatory Review -- Amendment of Part  
22 of the Commission's Rules to Modify or Eliminate Outdated Rules Affecting  
the Cellular Radiotelephone Service and other Commercial Mobile Radio  
Services  
WT Docket No. 01-108*

*Petition of the State Independent Alliance and the Independent  
Telecommunications Group for a Declaratory Ruling that the Basic Universal  
Service Offering Provided by Western Wireless in Kansas is Subject to  
Regulation as Local Exchange Service  
WT Docket No. 00-239*

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On July 10, 2001, Caressa D. Bennet, Brent Weingardt, and Kenneth Johnson of Bennet & Bennet, PLLC, representing the Rural Telecommunications Group (RTG), participated in a telephone meeting with Jeffrey Steinberg of the Federal Communications Commission's (FCC) Wireless Telecommunications Bureau concerning the above-referenced proceedings. Also participating and representing RTG were Melvin Munn of Peoples Cellular, Art Prest of Alpine Communications, Charles Gowder of Valley Telephone, and Jim Wickham of Artic Slope

Telephone Association Cooperative.

In regards to the universal service biennial review proceeding, RTG supported the continued use of “safe harbors” for commercial mobile radio service (CMRS) providers to use to estimate their percentages of interstate revenue for the purposes of determining universal service contributions. However, RTG questioned the FCC’s apparent determination to raise the safe harbor percentage since CMRS interstate traffic *may* have risen since the original 15 percent safe harbor was calculated. RTG supports the position of the Cellular Telecommunications and Internet Association (CTIA) that the FCC should continue to use its dial equipment minutes (DEM)-based formula and lower the percentage to 13.25 percent.

Concerning the biennial review of CMRS rules, RTG noted that the overwhelming majority of commenters supported keeping cellular analog compatibility requirements for at least five more years. Analog is the *de facto* roaming standard for cellular and is used for a wealth of vehicle tracking services, as well as by disabled wireless equipment users. The Commission’s almost twenty year history of requiring analog has promoted massive investments in analog facilities and use by over 40 million subscribers and the FCC should not immediately eliminate the compatibility requirements.

RTG also noted that the FCC should not do away with its “incidental services” rule, although it could eliminate the requirements of the rule. By providing incidental services under section 22.323, a wireless carrier gains the protection of a regulatory safe harbor against certain types of state regulation. In addition, RTG suggested that the FCC should move the incidental service rule to Part 20 of its rules. Finally, RTG pointed out to Mr. Steinberg that the incidental services rule was also an integral part of the Western Wireless proceeding.

If you have any questions regarding this filing, please contact me at (202) 371-1500.

Sincerely,

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/s/

Brent Weingardt  
Senior Counsel, Rural Telecommunications Group

cc: Jeffrey Steinberg  
Katherine Schroeder  
Anita Cheng