

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

In the Matter of )  
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Sprint PCS and AT&T Petitions for Declaratory )  
Ruling on CMRS Access Charge Issues )  
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WT Docket No. 01-316

**REPLY COMMENTS OF AT&T WIRELESS SERVICES, INC.**

AT&T Wireless Services, Inc. (“AWS”) respectfully submits these reply comments on the Sprint PCS and AT&T petitions for declaratory ruling on commercial mobile radio service (“CMRS”) access charge issues.<sup>1</sup> For the following reasons, AWS urges the Commission to adopt a system of bill and keep for all CMRS traffic, local and long distance.

**I. INTRODUCTION AND SUMMARY**

The record establishes that the Commission has not definitively addressed the issue raised by Sprint’s and AT&T’s petitions for declaratory ruling -- whether CMRS carriers are entitled to access charge compensation when they provide exchange access service. The failure to address this issue has resulted in a confused and inequitable access charge system in which some carriers are compensated for providing exchange access service while others are not. The *Sprint Spectrum L.P. v. AT&T Corp.* District Court has remanded this issue to the Commission,<sup>2</sup> and AWS agrees with AT&T that it is exclusively within the Commission’s jurisdiction to

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<sup>1</sup> See Public Notice, “Sprint PCS and AT&T File Petitions for Declaratory Ruling on CMRS Access Charge Issues,” DA01-2618, WT Docket No.01-316 (rel. Nov. 8, 2001) (Reply comments due December 12, 2001).

<sup>2</sup> See *Sprint Spectrum L.P. v. AT&T Corp.*, Case No. 00-0973-CV-W-5, Order (W.D. Mo., July 24, 2001).

decide.<sup>3</sup> Not only should the Commission address this issue to respond to the District Court's order, it also should provide long-needed clarity and resolution on questions that have been needlessly unsettled for over five years.

The Commission has three choices in this proceeding: (1) maintain the status quo, as AT&T proposes, by ordering bill and keep for CMRS-interexchange carrier ("IXC") traffic while allowing other types of long distance traffic to be assessed access charges; (2) apply the existing access charge regime to CMRS carriers' origination and termination of long distance traffic; or (3) adopt a system of bill and keep for all CMRS intercarrier compensation (both local and long distance). AWS urges the Commission to proceed with the third alternative, because it is the most forward-looking, equitable, and efficient option. However, the Commission cannot and should not apply bill and keep only to CMRS exchange access services because that would maintain the inequitable, confused, and anticompetitive status quo. Finally, AWS briefly responds to some of the rural ILEC commenters about the appropriateness of access charges versus reciprocal compensation in scenarios involving transiting carriers. AWS urges the Commission to address expeditiously the issues regarding intra-major trading area ("MTA") transit traffic for small traffic volumes directed to rural carriers in another more appropriate proceeding in the near future.

## **II. ARGUMENT**

### **A. The Current Access Charge Regime Is Untenable**

As demonstrated by the comments in this proceeding and as AWS has previously noted in its comments filed on the Commission's pending Notice of Proposed Rulemaking ("NPRM")

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<sup>3</sup> AT&T comments at 3-8.

on intercarrier compensation (CC Docket No. 01-92)(“Intercarrier NPRM”),<sup>4</sup> the current access charge system as applied to CMRS carriers is confused, inequitable, and untenable.<sup>5</sup> A number of parties in this proceeding offer conflicting interpretations of whether the Commission has or has not previously determined that CMRS carriers are entitled to compensation for providing exchange access service: CMRS carriers for example, assert that the Commission has supported CMRS carriers’ entitlement to switched access payments, while interexchange carriers (“IXCs”) not surprisingly argue against this position.<sup>6</sup> Even AT&T admits, however, that CMRS carriers are entitled to compensation for providing exchange access – but asserts that the source of that compensation should be the end-user.<sup>7</sup> It is obvious from the level of debate surrounding this issue that, regardless of what the Commission has stated in the past, carriers have in practice interpreted the requirements differently. The current system cannot be sustained as CMRS becomes a more vital part of the public network and the Commission should reform it expeditiously.

In addition, the record demonstrates that the current system under which CMRS carriers receive no compensation for switched access service is anticompetitive and discriminatory.<sup>8</sup> The Commission cannot continue to maintain a system in which CMRS carriers are singled out and effectively required to provide free use of their networks. In the Commission’s Intercarrier NPRM proceeding, AWS expressed concern that the current access charge regime has resulted in market distortions and inequities because CMRS carriers collect no access payments for

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<sup>4</sup> See Matter of Developing a Unified Intercarrier Compensation Regime, Notice of Proposed Rulemaking, CC Docket No.01-92 (rel. Apr. 27, 2001) (“Intercarrier NPRM”).

<sup>5</sup> AWS Intercarrier NPRM comments at 44-48.

<sup>6</sup> See e.g., Cingular comments at 2; WorldCom at 6; Salmon PCS at 3-7; Verizon Wireless comments at 3-4.

<sup>7</sup> AT&T comments at 10-11.

originating or terminating exchange access service, while other telecommunications carriers, including competitive LECs (“CLECs”) and incumbent LECs (“ILECs”), receive access charge payments for that same service (often for the same call).<sup>9</sup> Thus Salmon PCS and Verizon Wireless echo AWS’ concerns, observing that the current system is unreasonable and discriminatory because it places CMRS carriers at a distinct disadvantage compared to other telecommunications carriers while depriving CMRS carriers of compensation for their service.<sup>10</sup>

This lack of parity is becoming more problematic as market conditions and customer usage patterns change. For example, the volume of CMRS long distance calls is increasing at a fast pace and the percentage of CMRS long distance minutes to overall CMRS minutes is increasing.<sup>11</sup> The level of CMRS to wireline competition is also growing.<sup>12</sup> As Salmon PCS noted, CMRS carriers must “be assured of receiving similar access payments if they are to compete effectively with wireline services.”<sup>13</sup> A regime in which CMRS carriers are treated unequally with CLECs or ILECs will hinder the development of CMRS services and telecommunications competition.

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<sup>8</sup> Verizon Wireless comments at 4 and Cingular Wireless comments at 5.

<sup>9</sup> AWS Intercarrier NPRM comments at 44-46.

<sup>10</sup> Verizon Wireless comments at 5; Salmon PCS comments at 11-12.

<sup>11</sup> 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, FCC 01-192, Sixth Report (2001) at 36-37 (“Sixth Competition Report”) (“Twenty million mobile telephone customers have service plans that do not charge extra for long distance, and at least one analyst believes such plans are reducing wireline long distance minutes and revenues. Another analyst estimates 20 percent of all outbound wireless voice minutes are used for long distance.”)

<sup>12</sup> Sixth Competition Report at 37 (“In one survey conducted in January 2000, 12 percent of respondents said they purchased a wireless phone instead of installing an additional wireline phone. A few wireless carriers have begun offering service plans designed to compete directly with wireline local telephone service.”); Salmon PCS comments at 11 (noting that CMRS carriers are becoming increasingly competitive with wireline carriers).

<sup>13</sup> Salmon PCS comments at 12.

**B. Adopting A Unified Bill And Keep Regime Would Offer The Best Solution For The Problems Raised In This Dispute**

Although the inequity of the current regime is clear, AWS does not believe the solution is more broadly applying the non-economic access charge regime. Instead, AWS agrees with Qwest and CTIA that the best way to rectify the inequities and inefficiencies with the current CMRS-IXC compensation system is for the Commission to adopt a unified bill and keep regime for *all* intercarrier traffic.<sup>14</sup> Under a bill and keep regime, the Commission could both avoid a number of the administrative complications associated with implementing access charges for CMRS carriers and maintain its public policy commitment to rationalizing and unifying its intercarrier compensation scheme.<sup>15</sup> If the Commission does not adopt a unified bill and keep system for all intercarrier traffic before June 2002, then it should adopt at a minimum, a bill and keep system for all CMRS traffic – both local and long distance.

The Commission's adoption of a bill and keep system for all intercarrier traffic is the best solution because it not only addresses the current discriminatory impact of the access charge system but also provides the correct incentives for an efficient market. First, under bill and keep, CMRS carriers will not be deprived of access charges while other telecommunications carriers collect compensation for providing exchange access services. Further, a bill and keep system is technology-neutral because it would not, as Qwest notes, favor a carrier using one technology over another carrier using a different technology by charging different intercarrier compensation

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<sup>14</sup> Qwest comments at 4; CTIA comments at 2-3.

<sup>15</sup> Moreover, bill and keep is consistent with the Commission's ongoing efforts to eliminate the implicit subsidies in access charges. *See* In the Matter of Access Charge Reform, Price Cap Performance Review for Local Exchange Carriers, Low-Volume Long Distance Users, and Federal-State Joint Board On Universal Service, CC Docket Nos. 96-262, 94-1, 99-249, and 96-45, Sixth Report and Order in CC Docket Nos. 96-262 and 94-1, Report and Order in CC Docket No. 99-249, and Eleventh Report and Order in CC Docket No. 96-45, FCC 00-193 (rel. May 31, 2000) and Multi-Association Group (MAG) Plan for Regulation of Interstate Services for Non-Price Cap (Footnote continued on next page)

rates to each carrier.<sup>16</sup> In addition, as AWS explained in detail in its comments in the Inter-carrier NPRM proceeding, bill and keep correctly recognizes that both parties to a call benefit from the call. AWS agrees with CTIA that “[b]ill and keep provides a greater incentive for all carriers to operate in a cost efficient manner because each carrier must recover its own call termination costs from end users. As a result, a bill and keep regime will more readily send efficient market signals than the present system, thereby enhancing consumer welfare.”<sup>17</sup> Similarly, Qwest notes that bill and keep eliminates incentives for regulatory arbitrage, because the same compensation applies for the exchange of *all* traffic, regardless of the carrier or technology involved.<sup>18</sup>

Bill and keep for all inter-carrier traffic will also reduce the administrative costs associated with the adoption of another set of special rules for inter-carrier compensation.<sup>19</sup> As an initial matter, Qwest correctly points out (and no commenters truly dispute) that if the Commission ruled that CMRS carriers were entitled to access charges, the Commission would need to set the access charge rate to avoid problems with the alleged terminating access charge monopoly.<sup>20</sup> Although the Commission might adopt the CLEC access rates as a cap on CMRS access rates as suggested by various carriers,<sup>21</sup> some CMRS carriers have already asserted that

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Incumbent Local Exchange Carriers and Interexchange Carriers, CC Docket No. 00-256, Second Report and Order and Further Notice of Proposed Rulemaking, FCC 01-304 (rel. Nov. 8, 2001).

<sup>16</sup> Qwest comments at 4.

<sup>17</sup> CTIA comments at 3

<sup>18</sup> Qwest comments at 4.

<sup>19</sup> Qwest comments at 3.

<sup>20</sup> The terminating access charge monopoly issue arises when a terminating carrier charges excessive termination rates for terminating calls to its end users because the originating carrier and its customer allegedly have no choice but to send traffic to the terminating carrier. See Qwest comments at 5.

<sup>21</sup> See, e.g. Verizon Wireless comments at 13 (apply factors used to analyze CLEC access charges to analysis of CMRS access charges); Salmon PCS comments at 16-18.

they should be able to submit cost studies to support a higher access rate.<sup>22</sup> Moreover, it is quite possible that the IXC's would want similar flexibility to demonstrate that the CMRS access charges should be lower either because there is not the same historical reason for a higher rate or because of the potential economies of scale that CMRS carriers enjoy as opposed to CLECs.<sup>23</sup> Thus it is likely that the Commission would need to expend significant administrative resources resolving disputes about the rate issue.

Even if CMRS access rate issues were resolved, the implementation of the rate is likely to be controversial. At a minimum, the Commission will have to decide exactly *when* and *in what manner* CMRS carriers may assess such a charge. For example, although the Commission has clearly established that reciprocal compensation is appropriate for intra-MTA calls,<sup>24</sup> not all carriers have agreed with this interpretation.<sup>25</sup> Absent a ruling adopting bill and keep for all traffic, the Commission would have to resolve this issue. Further, with regard to the manner in which CMRS carriers may assess access charges, parties have variously proposed that CMRS

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<sup>22</sup> See CTIA comments at 8. Given that wireless carriers are beginning to avail themselves of this procedure with regard to intercarrier compensation for local calls (See Letter from Jonathan Chambers, Vice President, Regulatory Affairs, Sprint PCS, to Magalie Roman Salas, Secretary, FCC, and attached legal memorandum, CC Docket Nos. 95-185, 96-98, WT Docket NO. 97-207 (Feb. 2, 2000); Transport and Termination Costs in PCS Networks: An Economic Analysis, Prepared by Bridger M. Mitchell and Padmanabhan Srinagesh, CC Docket Nos. 95-185, 96-98, WT Docket No. 97-207 (April 4, 2000)), it is highly probable that carriers would make similar filings for intercarrier charges for long distance calls.

<sup>23</sup> See, e.g., Worldcom comments at 12 (Suggesting that CMRS access rates should be capped at reciprocal compensation rates because there is no historical reason for having higher access rates for CMRS carriers. However, there is also no historical reason to allow CLECs to charge more for access than reciprocal compensation, yet CLECs are permitted to assess higher access charges under existing regulations.)

<sup>24</sup> See e.g. In the Matter of Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, First Report and Order, 11 FCC Rcd. 15499 at ¶ 1036 (1996) ("Local Competition Order").

<sup>25</sup> See, e.g., MITG comments at 12-18. These independent ILECs have often sought to impose access charges and other non cost-based charges on mobile-to-land traffic under the theory that the Commission's intra-MTA reciprocal compensation rule does not apply if another ILEC or carrier transits calls between the independent carrier and the CMRS carrier. At the same time, these independent ILECs claim they owe no reciprocal compensation payments to CMRS carriers for land-to-mobile traffic if the calls they direct to CMRS carriers pass through another transiting carrier. See, e.g., Matter of Mark Twain Rural Telephone Company's Proposed Tariff to Introduce its Wireless Termination Service, Missouri Public Service Commission, Report and Order, Case No. TT-2001-139 (Feb. 28, 2001).

carriers be allowed to file tariffs, charge access through interconnection agreements, or simply bill customers.<sup>26</sup> Qwest demonstrates that each of these alternatives has the potential to impose significant administrative burdens.<sup>27</sup> Moreover, bill and keep eliminates the costs arising from disputes concerning whether carriers are owed intercarrier payments and if so, the amounts of such payments.<sup>28</sup>

AWS recognizes along with Qwest, however, that it may be difficult for the Commission to adopt a unified intercarrier compensation regime for the entire industry prior to June 24, 2002.<sup>29</sup> If that is the case, AWS respectfully requests that the Commission adopt at a minimum, a bill and keep regime for *all intra- and inter-MTA* CMRS traffic.<sup>30</sup> Adopting a bill and keep system for only CMRS traffic does not pose the same difficulties and issues as adopting bill and keep for *all* types of traffic. For example, a bill and keep system for CMRS traffic would have minimal impact on the existing access charge and universal service system, given that CMRS carriers provide a relatively small percentage of overall traffic levels and that CMRS local calling areas are substantially larger than wireline calling areas.<sup>31</sup>

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<sup>26</sup> See, e.g., Verizon Wireless comments at 15-16; Salmon PCS comments at 17.

<sup>27</sup> See Qwest comments at 7-9 (A benchmark or rate cap would be burdensome to implement because it would be harder to monitor for CMRS carriers than for CLECs because CMRS carriers have been detariffed and an IXC would have to file a complaint if it thought it was being charged a rate higher than the benchmark. If instead CMRS carriers were again allowed to file tariffs, a new set of administrative burdens would be introduced. Also setting the benchmark might be difficult because IXCs would likely contend that the benchmark should be no higher than reciprocal compensation.) Other administrative costs would include the cost of monitoring of intercarrier traffic levels and the type of traffic, and generation of bills to interconnecting carriers. Carriers would also incur resources in pursuing legal or administrative actions to ensure that they receive proper compensation from interconnecting carriers.

<sup>28</sup> CTIA comments at 3.

<sup>29</sup> Qwest comments at 2.

<sup>30</sup> CMRS traffic includes traffic from a CMRS carrier to or from any other type of carrier, including LECs, IXCs, and rural independent companies.

<sup>31</sup> See, e.g., AWS Intercarrier NPRM reply comments at 26.

AWS disagrees with Qwest's suggestion that, on an interim basis, the Commission apply bill and keep only for *CMRS-IXC traffic* – while maintaining the *status quo* for ILECs by allowing ILECs to recover access compensation.<sup>32</sup> Qwest's proposal would perpetuate the current highly inequitable and discriminatory system, as discussed in Section II.A. above and would promote regulatory arbitrage.

**C. The Commission Should Dismiss Rural Carriers' Claim That Intra-MTA Traffic Is Subject To Access Charges.**

Several rural carriers filed comments in this proceeding in support of Sprint PCS's petition.<sup>33</sup> The rural carriers' support seems motivated not by an altruistic desire to ensure that Sprint PCS is adequately compensated for the use of its network, but rather by their desire avoid their reciprocal compensation obligations. At least one rural carrier commenter, the Missouri Independent Telephone Group ("MITG") asserts that the Sprint-AT&T dispute is similar to the dispute between CMRS carriers and rural carriers concerning compensation for intra-MTA traffic.<sup>34</sup> They appear to believe that a Commission decision affirming the CMRS carriers' right to access charges would resolve the dispute they have with the wireless industry. This is not the case. Even if the Commission were to decide that CMRS carriers are entitled to access charges from IXCs, this decision would not alter the Commission's longstanding rule that all intra-MTA calls are local calls subject to reciprocal compensation and not access charges. AWS does not respond in depth here to MITG's arguments because the issues raised in its comments do not

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<sup>32</sup> Qwest comments at 2.

<sup>33</sup> MITG comments; Chouteau Telephone Co. and et al comments; Missouri Small Telephone Group comments.

<sup>34</sup> See MITG comments at 9-10 (Arguing that the Sprint PCS/AT&T access charge dispute is similar to the dispute between CMRS carriers and the MITG companies over whether MITG can assess terminating access charges on intra-MTA wireless traffic and whether MITG can escape paying reciprocal compensation for its intra-MTA calls that terminate on CMRS carriers' networks).

appropriately appear to be the subject of this proceeding.<sup>35</sup> AWS, however, offer a brief response to a few of MITG's patently ungrounded assertions.

MITG contends that reciprocal compensation "applies only when used between two directly interconnected carriers who have negotiated and had approved an interconnection agreement. Any time the traffic is carried by an IXC between the originating and terminating LEC, the IXC owes terminating access to the terminating LEC."<sup>36</sup> As an initial matter, MITG's proposal to assess access charges based on the number of carriers involved in completing the call ignores the Commission's definition of local CMRS traffic. The Commission has repeatedly determined that traffic "that originates and terminates within the same MTA is subject to transport and termination rates under section 251(b)(5), rather than interstate and intrastate access charges."<sup>37</sup> MITG's proposal also conflicts with carriers' established right under the Act and Commission orders to indirectly interconnect. The Commission specifically recognized

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<sup>35</sup> Neither the Sprint nor the AT&T petition address the issues raised in the MITG comments about the appropriateness of access versus reciprocal compensation charges for intra-MTA traffic or how the use of a transiting carrier effects compensation obligations. The issues raised in MITG's comments are the subject of Sprint's PCS recent petition for declaratory ruling against Brandenburg Telephone and have been the subject of comments in the *Intercarrier Compensation* proceeding. See In the Matter of Sprint Spectrum L.P.; Request for an Order Directing Brandenburg Telephone Company to Provide Interconnection On Reasonable and Nondiscriminatory Terms (September 18, 2001) and Missouri Small Telephone Company Group Intercarrier NPRM reply comments at 12-17; Nextel Intercarrier NPRM reply comments at 8-10; MITG Intercarrier NPRM reply comments at 5-16; CTIA Intercarrier NPRM reply comments at 11-15.

<sup>36</sup> MITG comments at 11.

<sup>37</sup> Local Competition Order at ¶ 1036. See also Matter of Policy and Rules Concerning the Interstate Interexchange Marketplace; Implementation of Section 254(g) of the Communications Act of 1934, as Amended; Petitions for Forbearance, CC Docket No.96-61, Memorandum Opinion and Order, Commission 98-347, 14 Commission Rcd. 391 at ¶¶ 2, 23 (1998) ("CMRS traffic within a major trading area . . . is not 'interexchange' traffic," and even CMRS calls "within an MTA that would be interstate will not be treated as interexchange.") and Intercarrier Compensation NPRM at ¶ 91 ("LEC-CMRS interconnection for calls that originate and terminate in the same MTA (as of the start of the call) are governed by section 251, and are subject to reciprocal compensation.").

indirect interconnection as an acceptable means for carriers to interconnect where traffic volumes do not justify direct interconnection, including in a rural context.<sup>38</sup>

MITG also claims that reciprocal compensation cannot apply in a transiting situation because reciprocal compensation is paid for transport and termination and the definition of transport does not cover a transit situation.<sup>39</sup> However, again there is nothing in the definition of transport that prevents the interconnecting carrier from using another carrier's facilities to provide transport. In fact, the Commission clearly anticipated that additional parties other than the interconnecting parties could provide this function.<sup>40</sup> Finally MITG's feeble attempt to equate all transiting carriers to IXCs must be rejected. There is no support for such a contention in the Commission's rules or orders.<sup>41</sup>

In addition to conflicting with the Commission's definition of CMRS "local traffic" and with the indirect interconnection requirements of the Act, MITG's proposal is anti-competitive

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<sup>38</sup> Local Competition Order at ¶ 997 (in which the Commission concluded "that telecommunications carriers should be permitted to provide interconnection pursuant to section 251(a) either directly or indirectly, based upon their most efficient technical and economic choices." *See also* 47 U.S.C. 251(a)(1); Intercarrier Compensation NPRM at Footnote 148 ("Alternatively, in rural settings, wireless carriers can elect to deliver CMRS-originated calls to a large ILEC (typically a Regional Bell Operating [RBOC]) for routing to the rural carrier. The large ILEC and the rural LEC are interconnected on a bill-and-keep basis for the exchange of wireline calls. Once the CMRS-originated traffic is switched by the ILEC tandem, CMRS-originated traffic travels on the same trunk as wireline calls to the ILEC. The CMRS carrier pays the ILEC for switching and transport, and the rural LEC can seek recovery of its termination costs ... by asking the ILEC to charge the CMRS carrier.").

<sup>39</sup> MITG comments at 15.

<sup>40</sup> Local Competition Order at ¶ 1039 ("Many alternative arrangements exist for the provision of transport between the two networks. These arrangements include: dedicated circuits provided either by the incumbent LEC, the other local service carrier, separately by each, or jointly by both; facilities provided by alternative carriers; unbundled network elements provided by incumbent LECs; or similar network functions currently offered by incumbent LECs on a tariffed basis.").

<sup>41</sup> The State of Iowa Utilities Board has recently issued a proposed decision rejecting this same argument. *See In Re: Exchange of Transit Traffic*, Docket No. SPU-00-7, TF-00-275, DRU-00-2, Proposed Decision and Order (November 26, 2001) at Issue 1 B. Analysis and proposed decision. ("However, it appears the Commission was referring to traditional "long-distance" traffic delivered to the LEC by a classic IXC, such as AT&T, which has billing relationship with the customer who initiates the call. The Commission's analysis is not applicable to a carrier in the position that Qwest occupies in this case, where it has no end-user customer in the transaction who can be billed for the costs Qwest incurs to complete these calls.")

and inefficient. MITG's proposal would force competitive carriers to pay for separate dedicated trunk groups to every small carrier with which they exchange a minimal amount of traffic simply in order to receive reciprocal compensation.<sup>42</sup> If the Commission determines it is necessary to address these rural ILEC arguments in this proceeding, it should squarely reject them. A more appropriate course of action, instead, is to address these arguments in a proceeding focused on these issues.

### **III. CONCLUSION**

Despite the Commission's good intentions, it will likely be unable to complete the intercarrier compensation proceeding in the immediate future. At the same time, this proceeding requires that the Commission address the issue of intercarrier compensation for CMRS traffic on an expedited basis. Accordingly, AWS respectfully urges the Commission to address this issue here promptly and to implement, at a minimum, a bill and keep system for all intra-and inter-MTA CMRS traffic, whether carried to or from a CMRS carrier directly or indirectly by a LEC, rural LEC, or IXC, to resolve immediately the longstanding problems and inequities in the current system.

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<sup>42</sup>MITG's proposal also would require competitive carriers to obtain less efficient trunking than large incumbents that have scale economies based upon their ability to aggregate traffic from their large user base, in direct contravention of "the local competition provisions of the Act requir[ing] that these [density, connectivity, and scale] economies be shared with entrants. *See* Local Competition Order at ¶ 11.

Respectfully submitted,

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