

RURAL TELECOMMUNICATIONS GROUP

advocate of rural wireless telecommunications providers

*1000 Vermont Avenue, NW, 10th Floor
Washington, DC 20005*

To: Secretary, Federal Communications Commission

From: Caressa D. Bennet, General Counsel
Kenneth Johnson, Legislative and Regulatory Director

Date: December 5, 2002

Re: *Ex Parte* Communication – December 4, 2002

*In re Petition of the State Independent Alliance and the
Independent Telecommunications Group for Reconsideration
and Clarification on the Commission's 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*

*In re Petition for Declaratory Ruling: Lawfulness of Incumbent
Local Exchange Carrier Wireless Termination Tariffs
CC Docket No. 01-92*

*In re Petition of US LEC Corp. for Declaratory Ruling
Regarding LEC Access Charges for CMRS Traffic
CC Docket No. 01-92*

On December 4, 2002, Caressa D. Bennet, Kenneth Johnson, and Kent Larsen of Bennet & Bennet, PLLC, representing the Rural Telecommunications Group ("RTG"), participated in a telephone meeting with Jeffrey Steinberg and Jared Carlson of the Federal Communications Commission's ("FCC" or "Commission") Wireless Telecommunications Bureau ("WTB"), and Stephen Morris of the FCC's Wireline Competition Bureau. Also representing RTG on the call were Jim Wickham of Artic Slope Telephone Association Cooperative, Art Prest of Alpine PCS, Sandy Bromenschenkel and Tony Sykora of Cellular Mobile Systems of St. Cloud, Larry Pecachek of Central Texas Communications, Darrell Dennis of XIT Cellular, and Sean Farrell of NTCH.

In the Kansas universal service offering proceeding (WT Docket No. 00-239), RTG asked about the status of the proceeding in light of the FCC's ruling being appealed at the U.S. Court of Appeals for the District of Columbia Circuit. RTG also discussed its reply comments filed

October 31, 2002 in this proceeding. RTG noted the importance of a predictable, yet flexible regulatory regime for the provision of commercial mobile radio service (“CMRS”) in rural areas.

In the wireless termination tariff proceeding (CC Docket No. 01-92), RTG discussed its position outlined in its October 18, 2002 comments. RTG noted how many incumbent local exchange carriers (“ILECs”) have indicated that they have been forced to file wireless termination tariffs in order to “force” wireless carriers to request local interconnection. RTG disagrees with this contention. RTG stressed that the Commission should clarify that ILECs may request local interconnection from wireless carriers pursuant to the Telecommunications Act of 1996 (“Act”) and the Commission’s rules. RTG also noted that an FCC “best practice” ought to require that an interconnection agreement be in place, rather than unilateral tariffs, for the exchange of local traffic. RTG argued that the RBOCs should be required to identify traffic transiting its tandem switches in order to help carriers that are indirectly interconnected through an RBOC tandem to compensate one another for traffic. If the RBOC refuses to identify the traffic, the RBOC should be responsible for compensating the terminating carrier for the traffic.

In the CMRS access proceeding (CC Docket No. 01-92), RTG discussed its comments filed on October 18, 2002, making sure the FCC was aware that the service that US LEC is oftentimes providing is jointly-provided access and that CMRS carriers need some sort of effective mechanism by which they can be compensated for their share of terminating access.

Respectfully submitted,

/s/

RURAL TELECOMMUNICATIONS GROUP

Caressa D. Bennet, General Counsel
Kenneth C. Johnson, Regulatory Director
Rural Telecommunications Group

Cc: Jeffrey Steinberg
Jared Carlson
Stephen Morris

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