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January 28, 2003 **RECEIVED**

JAN 28 2003

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Federal Communications Commission
Office of Secretary

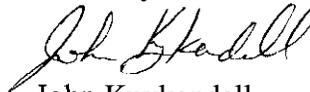
**Re: CC Docket No. 01-92
Ex Parte Letter**

Dear Ms. Dortch.

Our firm has been requested by our colleagues at Comingdeer, Lee & Gooch to transmit for filing with the Commission the attached ex parte letter on behalf of Central Oklahoma Telephone Company. The letter addresses matters pertaining to the Commission's unified intercarrier compensation proceeding in CC Docket No. 01-92.

Please contact the undersigned if there are any questions regarding this matter.

Sincerely,


John Kuykendall

cc: Chairman Michael Powell
Commissioner Kathleen Abernathy
Commissioner Michael J. Copps
Commissioner Kevin Martin
Commissioner Jonathan S. Adelstein

Attachment

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Central Oklahoma Telephone Co.

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JAN 28 2003

Federal Communications Commission
Office of Secretary

December 20, 2002

FCC Chairman
Michael Powell
445 12th Street SW
Washington, D.C. 20554

Dear Mr. Powell,

In our earlier letter to you dated November 13, 2002 we stated our concerns regarding the "reciprocal compensation application" to traffic originating in our exchanges. As access providers, we must route the call to an IXC or an authorized toll provider for termination to the wireless subscriber. This scenario is parallel to the issue in Paragraph 31 of FCC-00-194 in the matter of TSR Wireless vs. US West communications. In Paragraph 31, you point out that Intra MTA traffic, which crosses LATA boundaries and carried by IXC's falls under access charge rules. Our company is not allowed to offer Intra Lata toll service, therefore we are in the same situation as the RBOC's mentioned in Paragraph 31.

We believe this is a position previously taken by the FCC which further supports our view that this traffic belongs to the IXC, and any company compensation due the wireless carrier should come from the IXC.

Your prompt review and response to this issue will be appreciated.

Yours truly,

Steve Guest, President
Central Oklahoma Telephone Co.

Enclosure: Copy of Paragraph 31 of FCC 00-194 attached.
cc: Ron Comingdeer

calling" service.¹⁰⁰ We disagree. We find persuasive U S West's argument that "wide area calling" services are not necessary for interconnection or for the provision of TSR's service to its customers.'" We conclude, therefore, that Section 51.703(b) does not compel a LEC to offer wide area calling or **similar** services without charge. Indeed, **LECs** are not obligated, under our rules to provide such **services** at all; accordingly, it would seem incongruous for **LECs** who choose to offer these **services** not to be able to charge for them.

31. Section 51.703(b) concerns how carriers **must** compensate each other for the transport and termination of calls. It does not address the charges that carriers **may** impose upon their end users. Section 51.703(b), when read in conjunction with Section 51.701(b)(2),¹⁰² requires LECs to deliver, without charge, traffic to **CMRS** providers anywhere within the MTA in which the call originated, with the exception of RBOCs, which are generally prohibited **from** delivering traffic across LATA boundaries.'" MTAs typically are large areas that may encompass multiple LATAs, and often cross state boundaries. Pursuant to Section 51.703(b), a LEC may not charge CMRS providers for facilities used to deliver LEC-originated traffic that originates and terminates within the same MTA, as this constitutes local traffic under our rules.'" Such traffic falls under our reciprocal compensation rules if carried by the incumbent LEC, and under our access charge rules if carried by an interexchange carrier.¹⁰³ This may result in the same call being viewed as a local call by the carriers and a toll call by the end-user. For **example**, to that extent the Yuma-Flagstaff T-1 is situated entirely within an MTA,¹⁰⁴ does not cross a LATA boundary, and is used solely to carry U S West-originated traffic, U S West must deliver the traffic to TSR's network without charge. However, nothing prevents U S West from charging its end users for toll calls completed over the Yuma-Flagstaff T-1.¹⁰⁷ Similarly, section 51.703(b) does not preclude TSR and U S West from entering into wide area calling or reverse billing arrangements whereby TSR can "buy down" the cost of such toll calls to **make** it appear to end users that they

¹⁰⁰ TSR Brief at 10-11.

¹⁰¹ U S West Brief at 16.

¹⁰² Section 51.701(b)(2) defines "local telecommunications traffic" as "[t]elecommunications traffic between a LEC and a CMRS provider that, at the beginning of the call, originates and terminates within the same Major Trading Area, as defined in §24.202(a) of this chapter." MTA service areas are based on the Rand McNally 1992 *Commercial Atlas & Marketing Guide*, 123rd Edition, at pages 38-39, with several exceptions and additions set forth in Section §24.202(a), 47 C.F.R. §24.202(a).

¹⁰³ See 47 C.F.R. § 51.703(b); see also 47 C.F.R. § 51.701(b)(2).

¹⁰⁴ See 37 C.F.R. § 51.701(b)(2); see also *Local Competition Order*, 11 FCC Rcd at 16016-17

¹⁰⁵ *Local Competition Order*, 11 FCC Rcd at 16016-17

¹⁰⁶ See TSR Brief at 5

¹⁰⁷ We assume for the sake of this argument that a call from Yuma, Arizona to Flagstaff, Arizona would be billed as a toll call to the caller placing the call.