

February 25, 2005

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
12th Street Lobby, TW-A325
Washington, DC 20554

Re: *Ex Parte Presentation*
CC Docket No. 96-45

Dear Ms. Dortch:

On February 24, 2005, Paul Garnett, Director, Regulatory Policy, CTIA – The Wireless Association™ along with Ben Almond, Vice President, Federal Regulatory Affairs, Cingular Wireless and Glen Rabin, Vice President, Federal Communications Counsel, Alltel Corporation met with Jeffrey Carlisle, Bureau Chief, Lisa Gelb, Deputy Bureau Chief, Richard Lerner, Associate Bureau Chief, Jeremy Marcus, Legal Counsel to the Bureau Chief, and Narda Jones, Division Chief, all of the FCC’s Wireline Competition Bureau. During the meetings, the parties discussed concerns over recent revisions to FCC Form 499-A and Form 499-Q instructions that prohibit Commercial Mobile Radio Service (“CMRS”) providers from applying the interim wireless safe harbor to so-called “toll service charges.”

A number of Commission orders acknowledge that CMRS carriers lack the ability to precisely determine the jurisdictional nature of mobile wireless calls. The Commission therefore allows CMRS carriers to use traffic studies to approximate their interstate telecommunications revenues or apply a wireless “safe harbor” to report interstate telecommunications revenues. However, the Form 499-A and Form 499-Q instructions require that CMRS providers report the “actual amount of interstate and international revenues” for so-called “toll service charges,” rather than just reporting either the “safe harbor” amount or an amount determined by a traffic study.

CTIA noted that the modified Form 499-A and Form 499-Q instructions improperly limit the scope of the wireless safe harbor and will result in recovery practices that are unreasonably expensive, administratively burdensome for carriers, extremely confusing for consumers, and inconsistent with direction provided in Commission orders. CTIA also pointed out that “toll service charges” is a fixed wireline concept that does not apply in the mobile wireless context. Accordingly, CTIA urged the Wireline Competition Bureau to either clarify that “toll service charges” do not include mobile wireless revenues or, to the extent that the Bureau

believes that mobile wireless revenues include “toll service charges,” modify the Form 499-A and Form 499-Q instructions to make clear that the safe harbor may be applied to so-called “toll service charges.” CTIA noted that the Bureau has been delegated authority to modify form instructions to make them consistent with Commission orders.

Pursuant to Section 1.1206 of the Commission’s rules, a copy of this letter, along with all of the materials distributed at the meeting, is being filed via ECFS with your office. Should you have any questions, please do not hesitate to contact the undersigned.

Sincerely,

Paul W. Garnett

Paul W. Garnett

Attachment

cc: Jeffrey Carlisle
Lisa Gelb
Richard Lerner
Jeremy Marcus
Narda Jones