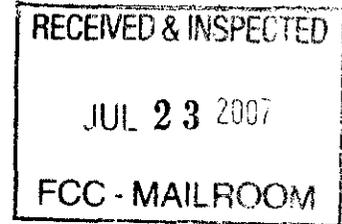


**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**



In the Matter of )  
 )  
Policy and Rules Concerning the Interstate, )  
Interexchange Marketplace )  
 )  
Implementation of Section 254(g) of the )  
Communications Act of 1934, as amended )

Docket No. \_\_\_\_\_

Rm- 11415

To: The Chief, Wireless Telecommunications Bureau

**PETITION FOR RULE MAKING**

Comes now SOUTH SEAS BROADCASTING, INC., 1/ (hereafter "Petitioner"), pursuant to Section 1.401 of the Commission's Rules, and respectfully petitions the Commission to expand the implementation of Section 254(g) of the Communications Act of 1934, as amended, to include wireless (cellular telephone) calls from the mainland United States to the U.S. Territory of American Samoa.

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1/ South Seas Broadcasting, Inc., is the licensee of KKHJ-FM Pago Pago, American Samoa; WVUV(AM) Leone, American Samoa; Low-Power Television Station WVUV-LP Pago Pago, American Samoa; and Permittee of KKHJ(AM) Leone, American Samoa. South Seas interest in the matter at hand is that of a telephone consumer only. South Seas principals, several of whom live on the U.S. mainland, have been affected by the long-distance phone rates being charged by U.S. cellular carriers for calls to American Samoa.

WTRB 07-40

## **BACKGROUND**

In 1996, the Commission, implementing Section 254(g) of the Communications Act of 1934, as amended, 2/ adopted a rate integration rule, which required providers of interstate interexchange telecommunications services to provide services to their subscribers in each state at rates no higher than rates charged to their subscribers in any other state. At that time, American Samoa was not part of the North American Numbering Plan (NANP). However, on December 2, 2002, the Commission approved entry of American Samoa into the NANP. On January 24, 2003 the North American Numbering Plan Administration assigned the 684 area code to American Samoa. 3/ On October 2, 2004, a 6-month period of permissive dialing was established, during which time callers could reach American Samoa by dialing either the old (1+011+684+the seven digit number) or new (1+684+the seven digit number) dialing patterns. On April 2, 2005, the permissive dialing period ended and 1+ dialing became mandatory for all calls to American Samoa. Most cell phone providers implemented 1+ dialing to American Samoa, some after a rather lengthy delay, yet did not inform their customers that the calls were still being billed as if they were international calls. For example, Sprint PCS charges \$1.49 per minute for calls to American Samoa. Sprint offers its customers a reduced rate of 37-cents per minute for calls to American Samoa, but only if their customers sign-up for an "International Calling Plan." Signing-up for an "International Calling Plan" is confusing and should not be required to get reduced-rate calling to what is now a domestic area code.

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2/ 47 U.S.C., Section 254(g)

3/ See NANPA planning letter PL-330, released March 24, 2003.

Furthermore, effective May 25, 2007, the Commission vacated its earlier suspension of a requirement that interexchange carriers offer service to American Samoa at integrated rates. <sup>4/</sup> As of May 25, 2007, carriers were required to provide services to their subscribers in each state at rates no higher than rates charged to their subscribers in any other state. However, the rate integration did not extend to wireless carriers, a fact that was omitted in news stories about the integrated rate rule and in the customer newsletter circulated by the American Samoa Telecommunications Authority (ASTCA). As a result, customers were led to believe that the new integrated rates applied across the board. Residents of American Samoa who had friends and family on the U.S. mainland informed them of the rate change and many placed calls to American Samoa thinking they were to be charged "regular" long distance rates. Most were shocked when they received their cellular telephone bills and noticed they were still being charged exorbitant rates for calls to American Samoa. Many of these cellular telephone carriers, including Sprint/Nextel, AT&T/Cingular, Verizon, T-Mobile and Cellular One, offer calling plans that include "domestic long-distance." Yet none of the carriers notify their customers that American Samoa, which is now considered a "domestic" number, is not considered a domestic call. Indeed Sprint PCS's domestic calling plan includes such offshore locales as Puerto Rico (area codes 787 and 989), the U.S. Virgin Islands (area code 340), and even Guam (area code 671), but not American Samoa. A Sprint customer service representative, contacted by South Seas Broadcasting principal Larry Fuss, told Fuss that American Samoa was not included, "because it is an island." When Fuss informed the Sprint representative that Puerto Rico, the U.S. Virgin Islands, Guam and even Hawaii are all islands too, the Sprint representative was at a loss to offer any further explanation.

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<sup>4/</sup> See Order in CC Docket No. 96-61, released May 25, 2006.

Although the implementation of Section 254(g) of the Communications Act, as amended, originally applied Section 254(g) to commercial mobile radio service providers, that order was vacated and remanded, pursuant to *GTE Service Corp. and Micronesian Telecommunications Corp. v. FCC*, 224 F.3d 768 (D.C. Cir. 2000). However, with American Samoa's subsequent inclusion in the North American Numbering Plan, it is time the Commission re-visited the issue. As such, petitioner hereby requests the Commission to release a *Notice of Proposed Rule Making* in which it proposes to extend the implementation of Section 254(g) to wireless carriers.

### **SUBSCRIPTION AND VERIFICATION**

In accordance with Section 1.52 of the Commission's Rules and Regulations, I, Larry G. Fuss, hereby certify that I have examined the foregoing Petition for Rule Making and that it is true and correct to the best of my knowledge and belief.

Respectfully submitted,

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