



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION

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WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON U S WEST REQUEST FOR LIMITED WAIVER OF SECTION 22.903 OF THE COMMISSION'S RULES

On January 23, 1996, U S WEST Communications, Inc., (U S WEST) requested a partial waiver of Section 22.903 of the Commission's rules, in order to make cellular service available to "held order" customers. U S WEST defines "held order" customers as local exchange customers who are awaiting the installation of their first landline telephone service lines for seven or more days because of a lack of facilities. U S WEST states that its program for held order customers was fashioned in cooperation with the Utah Public Service Commission and entails the acquisition by U S WEST of bulk-rate services and handsets from cellular providers, including its own cellular affiliate, U S WEST New Vector Group, Inc. (New Vector), after issuance of a request for purchase (RFP). The cellular services and handsets are then made available to eligible held order customers. U S WEST states that it will pay the cellular provider for all recurring monthly charges and unlimited airtime, but toll (state and interstate) charges will not be covered. Held order customers, according to U S WEST, will only be required to pay U S WEST an amount approximately equal to the standard monthly landline rates for this service, with U S WEST paying the difference between the cellular and landline rates. U S WEST states that it expects that other state regulatory commissions within its 14-state area may seek or expect implementation of similar held order programs.

U S WEST states that it meets its the test for a waiver because the cellular held order programs are specifically designed to remedy the problem of substantial inconvenience to subscribers who are without access to dial-tone service while they await installation of landline telephone service. U S WEST states that subscribers will also benefit because calls to their landline telephone numbers will be call-forwarded to their cellular phones, thus enabling them to advertise their landline telephone numbers before landline service is initiated. U S WEST claims that grant of its request will not undermine the purposes underlying Section 22.903. It states that cross-subsidization is not an issue because it does not seek relaxation of any of the restrictions governing its interaction with New Vector. According to U S WEST, cellular service in the held order programs will be acquired pursuant to a RFP in which all cellular providers, including resellers, will be allowed to

participate, and any dealings between U S WEST and New Vector will be conducted on a compensatory, arms-length basis. U S WEST also maintains that grant of its request will not increase opportunities for discrimination. Finally, U S WEST states, eligibility in the held order programs will be limited to only a relatively small number of customers who have not received service for their first lines for at least seven days or longer after placing orders. U S WEST states that it will report to the Commission on a quarterly basis on the number of customers by state that are participating in the cellular loaner program.

Copies of U S WEST's filing may be obtained from the Commission's contractor for public service records duplication: ITS, Inc., 2100 M Street, N.W., Suite 140, Washington, D.C. 20037. A copy of U S WEST's filing is also available for public inspection in Room 7130, 2025 M Street, N.W., Washington, D.C. 20037. Interested parties may file comments in response to US WEST's request by **February 2, 1996**, and US WEST may file reply comments by **February 7, 1996**, with the Secretary, FCC, 1919 M Street, N.W., Washington, D.C. 20554. A copy of any filing should be sent to David Nall, Wireless Telecommunications Bureau, Commercial Wireless Division, 2025 M Street, N.W., Room 7002, Washington, D.C. 20554, and to ITS, Inc., 2100 M Street, N.W., Suite 140, Washington, D.C. 20037.

This proceeding will be treated as non-restricted for purposes of the Commission's *ex parte* rules. *See generally* 47 C.F.R. §§ 1.1200 - 1.216. For further information contact David Nall, Commercial Wireless Division, Wireless Telecommunications Bureau, at (202) 418-0620.

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