

ARTER & HADDEN LLP

ATTORNEYS AT LAW

founded 1843

ORIGINAL

Cleveland
Dallas
Washington, D.C.

One Columbus
10 West Broad Street, Suite 2100
Columbus, Ohio 43215-3422

Irvine
Los Angeles
San Francisco

614/221-3155 telephone
614/221-0479 facsimile

Direct Dial (614) 229-3278
Internet Address WAdams@arterhadden.com

February 9, 1998

Via Overnight Courier

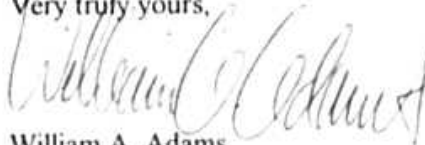
Ms. Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

*Re: Wireless One Network's Petition for Arbitration with Sprint Florida
Docket No. 971194-TP*

Dear Ms. Bayo:

Please find enclosed for filing the original and seventeen copies of Wireless One Network, L.P.'s Motion For Reconsideration. Please date stamp and return two copies in the enclosed self-addressed envelope. Thank you for your attention to this matter.

Very truly yours,



William A. Adams

- ACK _____
- AFA _____
- APP _____
- CAF _____
- CML Noted _____
- CTR _____
- EAG _____
- LEG 2 _____
- LIN 3 _____
- OPD _____
- ROW 1 _____
- SEC 1 _____
- WAS _____
- _____

Enclosures

Noted (w/encl.) Frank Heaton
James A. Dwyer

124179.1

DOCUMENT NUMBER-DATE

02063 FEB 10 88

FPSC-RECORDS/REPORTING

ORIGINAL

BEFORE
THE FLORIDA PUBLIC SERVICE COMMISSION

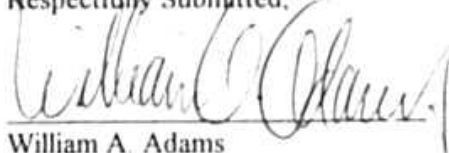
In Re: Petition by Wireless One Network, L.P.,)
for Arbitration of Certain Terms and Conditions)
of a Proposed Agreement with Sprint Florida,)
Incorporated Pursuant to Section 252 of the)
Telecommunications Act of 1996.)

Docket No. 971194-TP

***Wireless One Network, L.P.'s
Motion for Reconsideration***

Pursuant to Rule 25-22.060, Florida Administrative Code, Wireless One Network, L.P. ("Wireless One") moves for reconsideration of the Florida Public Service Commission's ("Commission") Final Order on Arbitration that was issued in this matter on January 26, 1998, for the reasons set forth in the attached memorandum in support, which is incorporated by reference herein.

Respectfully Submitted,



William A. Adams

Dane Stinson

Laura A. Hauser

(Florida Reg. No. 0782114)

ARTER & HADDEN

10 West Broad Street

Suite 2100

Columbus, Ohio 43215

614/221-3155 (phone)

614/221-0479 (facsimile)

DOCUMENT NUMBER-DATE

02063 FEB 10 98

FPSC RECORDS/REPORTING

Memorandum in Support

Wireless One seeks reconsideration of the Commission's resolution of Issue II, Application of Land-to-Mobile Reciprocal Compensation, in its Final Order on Arbitration issued January 26, 1998. Wireless One limits its arguments in this motion for reconsideration to the legal standard of whether the Commission overlooked or failed to consider a point of fact or law when it rendered the arbitration award. *Stewart Bonded Warehouse, Inc. v. Bevis*, 294 So 2d 315 (Florida 1994); *Diamond Cab Co. of Miami v. King*, 146 So 2d 889 (Florida 1962). Wireless One, however, specifically reserves its right to raise and contest on appeal to any court or agency of competent jurisdiction any prior adverse Commission decisions not specifically set forth in this motion.

With regard to Issue II, Wireless One commends the Commission for recognizing that the "LATA-wide additive" approach used by BellSouth, in contrast to the Reverse Option charge assessed by Sprint-Florida, Inc. ("Sprint"), results in a competitively equitable approach to land-to-mobile call origination for calls outside of Sprint's local calling areas. Order at 16. This comment follows Staff's earlier observation that there are competitive asymmetries caused by the different local calling scopes between wireline and wireless carriers. Staff Recommendation at 24. Wireless One, however, believes that the Commission failed to consider some important points when failing to eliminate or reduce Sprint's Reverse Option charge for intraMTA land-to-mobile calls.

The different local calling scopes result in the same call over the same facilities being a toll call when originated by a land line caller and a local call when originated by a mobile caller. The result of this asymmetry is that wireless carriers that have rural service areas with very finite flat rate local calling privileges, like Wireless One, are at a significant economic disadvantage by

providing a one way flow of revenue via the Reverse Option charge to an incumbent local exchange company monopolist, like Sprint. This one way flow of revenue from Wireless One to Sprint exceeds \$30,000 each month, and will continue to increase as Wireless One's network usage continues to grow.

Wireless One provided uncontroverted testimony that the Reverse Option charge has been a term and condition of the parties' interconnection relationship since the initial physical interconnection of the two networks at the inception of Wireless One's service. Sprint has never charged its customers an intraLATA toll charge for any land-to-mobile calls since cellular operations commenced in 1990. Wireless One is Sprint's customer for these calls, and this revenue stream for Sprint was created solely from Wireless One's existence. These calls should be treated differently from intraLATA toll calls made from one land customer to another. This is a different class of service.

The Commission's Order failed to acknowledge that the FCC's Local Interconnection Order rectified the local calling scope asymmetry by stating that, for purposes of the interconnection relationship between land and mobile carriers, the local calling area includes the entire MTA (47 C.F.R. 51.701(b)(2)) and prohibited LECs from imposing access charges for intraMTA traffic. See FCC Interconnection Order at ¶ 1036 ("Accordingly, traffic to or from a CMRS network that originates and terminates within the same MTA is subject to transport and termination rates under section 251(b)(5), rather than interstate or intrastate access charges"), 47 C.F.R. 51.701(b)(2) ("... [L]ocal telecommunications traffic means ... telecommunications traffic between a LEC and a CMRS provider that, at the beginning of the call, originates and terminates within the same Major Trading Area ...")

Further, the FCC's Local Interconnection Order makes clear that, if two-way trunking is technically feasible, it would not be just, reasonable, and nondiscriminatory for the incumbent LEC to refuse to provide it. Local Interconnection Order at ¶¶ 172, 219. Presently, Wireless One and Sprint have two-way end office Type 2B trunks but Sprint does not send any traffic over those trunks. Rather, Sprint routes all of its traffic back through the tandem Type 2A trunks for which Wireless One incurs a Reverse Option charge. Sprint has an obligation to deliver this traffic to Wireless One at the most cost-efficient point for Wireless One, which is the end office interconnections.

Wireless One strongly urges the Commission to order the elimination or reduction of Sprint's Reverse Option rate for intraMTA calls. Failing that, Wireless One urges the Commission to order the commencement of the generic proceeding mentioned by the Staff now and not wait any longer. The investigation needs to resolve the competitive asymmetry caused by the different local calling scopes, among other issues.

One of the other issues that should be addressed in a generic proceeding is how numbering can be used to help resolve the competitive asymmetry. The concept of distributed NXXs was raised in the testimony of Frank Heaton and not addressed in its recommendation. Mr. Heaton testified that he has requested Sprint to send what would be toll traffic under Sprint's state local calling areas over the end office Type 2B trunk connections so that Wireless One could carry the traffic on its network, rather than having Sprint carry the traffic over its network to the tandem Type 2A trunk connection and assess the Reverse Option Charge. If Sprint routed the traffic this way, a great majority of Wireless One's Reverse Option charges would be eliminated. Sprint indicated in this proceeding that it does not route traffic in this fashion because the mobile called party's NXX is not rate centered at the end office interconnection.

Distributed NXX codes allow virtual rate centering of wireless NXX codes LATAwide so that individual NXX codes are not required in each and every community by each and every carrier. In other words, when a landline call originates in one of the exchanges where a direct interconnection exists, the call origination would be rated as a local call and not a toll call, and transit the end office interconnection. Two of Wireless One's prior affiliates used distributed NXX codes in Ohio.

Another solution is for Sprint to deliver all land-to-mobile traffic originating in an end office serving area that has a Type 2B interconnection to be routed over those trunk groups and be rated as a local call.¹ All land-to-mobile calls to any of Wireless One's NXX codes would be sent over these trunks and Wireless One would deliver the traffic over its network to its customers. NXX codes could be assigned to customers wherever located. Sprint does not have to be concerned with where our customer is located. In this way, a carrier would not be ordering new NXX codes when it has other NXX codes that are lightly utilized.

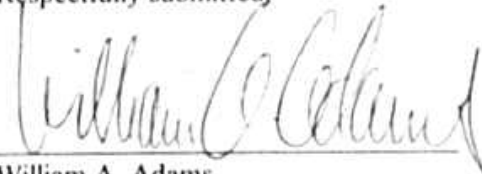
Either of these solutions would serve the public policy goal of promoting number conservancy. A new block of 10,000 numbers would not need to be ordered until all of the NXX codes are approaching exhaustion, rather than just the locally rate centered NXX code. The proliferation of the need for numbers and the resultant need for area code splits is a significant public policy problem which this would help resolve by conserving the need to assign new NXX codes and area code splits.

¹ Wireless One needs to be able to receive the SS7 signal, which presently is routed over the tandem Type 2A interconnection.

Wireless One estimates that it would not need to order a new NXX code until the year 2000 under this scenario. Under the present situation, however, it will have to order additional codes this year.

Wherefore, Wireless One respectfully requests that the Commission grant the motion for reconsideration and reduce or eliminate Sprint's Reverse Option charge for in-traMTA calls. In the alternative, Wireless One requests that the Commission open a generic investigation into the resolving the competitive asymmetries caused by the different local calling scopes

Respectfully submitted,



William A. Adams

Dane Stinson

Laura A. Hauser (Florida Reg. No. 0782114)

ARTER & HADDEN

10 West Broad Street

Suite 2100

Columbus, Ohio 43215

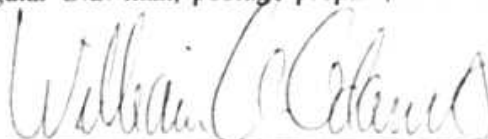
614/221-3155 (phone)

614/221-0479 (facsimile)

124286.1

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion for Reconsideration was served upon the following by facsimile, overnight courier or regular U.S. mail, postage prepaid, on this 10th day of February, 1998.



William A. Adams, Esq

Beth Keating, Esq
William Cox, Esq
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

Charles J. Rehwinkel, Esq
Sprint Florida, Inc
1313 Blair Stone Road
MC FLTLHO0107
Tallahassee, Florida 32301

124286.1