

# RURAL TELECOMMUNICATIONS GROUP

*advocate of rural wireless telecommunications providers*

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Washington, DC 20005

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## MEMORANDUM

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To: Magalie Roman Salas, Secretary  
Federal Communications Commission

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

From: Caressa D. Bennet, General Counsel  
Kenneth C. Johnson, Director – Legislative and Regulatory Affairs

EX PARTE OR LATE FILED

Date: December 11, 2000

Re: *Ex Parte* Presentation – December 8, 2000

*In re Principles for Promoting the Efficient Use of Spectrum by Encouraging the Development of Secondary Markets, WT Docket No. 00-230, Notice of Proposed Rulemaking*

*In re Wireless Telecommunications Bureau Seeks Comment on Petition for Declaratory Ruling that Western Wireless' Basic Universal Service in Kansas Is Subject to Regulation as a Local Exchange Service, DA 00-2622, Public Notice*

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On December 8, 2000, Caressa D. Bennet and Kenneth C. Johnson of Bennet & Bennet, PLLC, representing the Rural Telecommunications Group (RTG), participated in a telephone conference meeting with William Kunze, Paul Murray, and Rose Crellin of the Federal Communications Commission's (FCC) Wireless Telecommunications Bureau concerning the development of secondary markets for spectrum and the regulation of commercial mobile radio services (CMRS). Also participating in the meeting were RTG members Melvin Munn and Sharon Hurley representing People's Cellular, and Mark Rutherford representing Colorado Valley Telephone Cooperative.

RTG applauded the efficiency by which the FCC was able to develop a rulemaking on the promotion of secondary markets. Caressa Bennet and Paul Murray discussed the dilemma of deciding what sort of standard could replace *Intermountain* in light of the FCC's need to continue to have regulatory oversight over spectrum. While RTG did not have a specific standard in mind, it promised to look into the FCC's need to have some entity ultimately responsible for following the FCC's spectrum rules.

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With regard to the Kansas petition, RTG told the FCC that it was still developing a position on the matter. On the one hand, RTG expressed concern about the possibility of an additional layer of regulation. On the other hand, RTG noted that local exchange carrier regulations are not necessarily negative as the petition presupposes. For example, RTG

questioned whether the Kansas group who filed the petition would want potential rural wireless competitors to have the regulatory benefit enjoyed by monopoly rural local exchange carriers such as a guaranteed rate-of-return of 11.25 percent since rural wireless competitors would be considered rural local exchange carriers as advocated by the Kansas group. RTG stated that it expected to weigh in on the matter during the comment cycle.

If you have any questions regarding this filing, please contact me at (202) 371-1500.

Sincerely,

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/s/

Caressa D. Bennet  
General Counsel, Rural Telecommunications Group

cc: William Kunze  
Paul Murray  
Rose Crellin