

VOTE SHEET

JANUARY 6, 1998

RE: DOCKET NO. 971194-TP - Petition by Wireless One Network, L.P., d/b/a Cellular One of Southwest Florida for arbitration with Sprint-Florida, Incorporated pursuant to Section 252 of the Telecommunications Act of 1996.

Issue 1: Should Sprint be required to pay Wireless One tandem interconnection, transport, and end office termination rates for calls originating on Sprint's network and terminating on Wireless One's wireless network? If not, what are the appropriate elements of compensation?

Recommendation: Yes, Wireless One's network should be considered to be functionally equivalent to Sprint's. Hence, Wireless One is entitled to charge Sprint the transport, tandem, and/or the end office rate elements when it terminates Sprint-originated traffic on its network. The following language should be inserted into the agreement to be filed with this Commission:

Attachment II.D.3, p. 35

For all land to mobile traffic that Company terminates to Carrier, Company will pay tandem interconnection, transport, and end office termination rate elements where interconnection occurs at the access tandem. Where connection occurs at the carrier's end office (cell site), Company will pay the end office termination rate only.

**APPROVED**

COMMISSIONERS ASSIGNED: JN CL GR

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

*Lusan J. Clark*  
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REMARKS/DISSENTING COMMENTS: *The Commission denied Wireless One's request for oral argument.*

DOCUMENT NUMBER-DATE

00244 JAN-7 98

FPSC-RECORDS/REPORTING

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Issue 2: With respect to land-to-mobile traffic only, do the reciprocal compensation rates negotiated by Wireless One and Sprint-Florida, Incorporated apply to intraMTA calls from the originating landline end user to Wireless One's end-office switch, or do these rates apply from the point of interconnection between Wireless One and Sprint to Wireless One's end-office switch?

Recommendation: Reciprocal compensation rates for land-to-mobile traffic apply only from the point of interconnection between Wireless One and Sprint to Wireless One's end office. The portion of the call from Sprint's originating landline end user to the point of interconnection is not governed by the FCC's decision that the MTA is the local calling area for CMRS traffic. Therefore, the Reverse Toll Billing Option (RTBO) is not affected by FCC Rule 51.703(b), and is not subsumed in the parties' agreed-upon reciprocal compensation rates; Sprint may continue to offer it. The following language should be inserted into the agreement:

Part B, page 21-22:

"Local Traffic" for purposes of the establishment of interconnection and not for billing of customers under this Agreement, is defined as telecommunications traffic between an LEC and CMRS provider that, at the beginning of the call, originates and terminates with the same Major Trading Area, as defined in 47 C.F.R. Section 24.202(a); provided, however, that, consistent with Sections 1033 et seq. of the First Report and Order, Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, CC Docket No. 96-98 (Aug. 8, 1996), hereinafter the "First Report and Order," the Commission shall determine what geographic areas should be considered "local areas" for purposes of applying reciprocal compensation obligations under Section 251(b)(5), consistent with the Commission's historical practice of defining local service areas for wireline LECs. (See Section 1035, First Report and Order.)

Part C, Attachment II, C.4., p. 34:

IntraLATA toll traffic. For the purpose of establishing charges between the Carrier and Company, this traffic is defined in accordance with Company's then-current intraLATA toll serving areas to the extent that said traffic does not originate and terminate within the same MTA.

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Issue 3: Should this docket be closed?

Recommendation: No. If the Commission approves staff's recommendations in Issues 1 and 2, the parties should be required to file their final arbitration agreement conforming with the Commission's rulings within 30 days of issuance of the Order from this recommendation. This docket should remain open pending Commission approval of the parties' final arbitration agreement in accordance with Section 252(e) of the Act.

**APPROVED**