

- LEGISLATIVE HISTORY -

HOUSE REPORT NO. 104-204

component must meet different RF standards in each community. The Committee believes the Commission rulemaking on this issue (ET Docket 93-62) should contain adequate, appropriate and necessary levels of protection to the public, and needs to be completed expeditiously. No State or local government, solely on the basis of RF emissions, should block the construction of sites and facilities or installation of equipment which comply with the Commission RF standards.

The Commission is directed to develop and issue procedures to make available to the maximum extent possible the use of Federal Government property, rights-of-ways, easements and any other physical instruments and appropriate assets that could be used as CMRS facilities sites that do not conflict with the intent of other Federal laws and regulations. The Committee recognizes, for example, that use of the Washington Monument, Yellowstone National Park or a pristine wildlife sanctuary, while perhaps prime sites for an antenna and other facilities, are not appropriate and use of them would be contrary to environmental, conservation, and public safety laws.

*Section 108. Mobile Service Access to Long Distance Carriers*

The Commission may not impose any long distance access requirements on providers of commercial mobile services for two-way switched voice services other than as required by section 332(c)(7). For purposes of this provision, a "carrier identification code" means dial up access to long distance providers, such as a 950-XXXX number, or an 800 number. While the Commission may not prescribe requirements other than those provided for in this section, it is not the Committee's intent to limit carriers from providing additional forms of interexchange access to their subscribers. The Commission is granted the authority to exempt carriers or classes of carriers from the requirements of this section if it is consistent with the public interest, convenience and necessity, while the provision of mobile services by satellite is specifically exempt from the requirements of this section.

The dial up access code regulations prescribed by the Commission to carry out subparagraph (A) will supersede the interexchange equal access, balloting and presubscription requirements imposed by the MFJ and the consent decree in *U.S. v. AT&T Corp. and McCaw Cellular*.

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The Committee is concerned about the current disparities in the commercial mobile services market where RBOC wireless affiliates and AT&T/McCaw cellular properties are subject to restrictive equal access and long distance presubscription requirements while other wireless carriers are not. Those mobile wireless providers not subject to court order have been able to design and offer customers attractive calling arrangements, such as larger local calling areas and discounted long distance plans, which more appropriately reflect the mobile nature of the industry. RBOC and AT&T/McCaw wireless affiliates should be free to offer their customers the same level of innovative services.