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ARIZONA CORPORATION COMMISSION

June 18, 2003

Arizona Corporation Commission
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The Honorable Terry Goddard
Attorney General, State of Arizona
1275 West Washington
Phoenix, Arizona 85007

In Re: Slamming and Cramming Rules
A.A.C. R14-2-1901 through 1914 and A.A.C. R14-2-2001 through 2012
ACC Docket No. RT-00000J-99-0034

Dear Mr. Attorney General:

Thank you for your Office's continued efforts in reviewing our Slamming and Cramming Rules ("Rules"). I particularly appreciate the opportunity afforded the Commission's attorneys to confer with your own on the narrow question of whether wireless carriers are outside the Commission's jurisdiction. The letter is to respectfully request your determination on, and approval of, the Rules.

We at the Commission recognize the statutory argument raised by the wireless carriers. However, the U.S. Court of Appeals for the D.C. Circuit recently ruled unanimously that the Federal Communications Commission ("FCC") was within its authority in implementing Local Number Portability ("LNP") rules for wireless carriers. Those rules will allow wireless customers to retain their wireless telephone numbers when they switch carriers. The FCC rules require wireless carriers to provide LNP effective November 24, 2003.

The significance of the FCC's LNP rules cannot be overstated. We expect the physical and economic distinctions between wireline and wireless telecommunications to further erode, as all carriers "bundle" menus of services. The Commission does not believe wireless carriers should be exempt from state regulation (as to marketing and service, rather than rates) nor is there sound law supporting such exemption.

Upon receiving your Office's determination on the Rules, the Commission will be able to review its options and decide how best to proceed in the public interest and ensure the broadest possible protection for Arizona consumers.

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We remain committed to assisting your office in its review of the Rules and if there are any questions or concerns that you believe we can resolve, please do not hesitate to contact me directly.

Very Truly Yours,

A handwritten signature in black ink, appearing to read 'Marc Spitzer', with a stylized, sweeping flourish at the end.

Marc Spitzer
Chairman