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Via Email

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Dear Rosemary:

It is somewhat unusual for the FCC to consider dismissing a complaint as moot based on an unsubstantiated news article, but I am glad you checked with me on this. The article was somewhat misleading since Flat plans to remain very much in business as both a facilities-based and resale service provider.

The Flat Wireless, LLC complaint is *not* moot for at least two reasons. First, while Flat has significantly re-structured its business operations (in no small measure as a direct result of the unreasonable roaming rates offered by Verizon Wireless), it retains significant spectrum holdings which it is developing. It will need reasonable and non-discriminatory roaming rates from Verizon in order to provide service to new customers when they are outside Flat's service areas. Even start-ups which have not yet begun offering service at all obviously have a right to reasonable roaming rates as they develop their network and out-of-network service plans. Flat must have the assurance that such rates will be available.

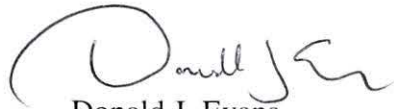
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Second, Flat's complaint seeks monetary damages resulting from the unreasonable and discriminatory roaming rates which made Flat's earlier business plan untenable. The claim for damages arising from Verizon's past unlawful rates will remain a live issue regardless of what Flat does in the future.

I hope this clarifies the situation.

Sincerely,



Donald J. Evans

Counsel for Flat Wireless, LLC