



601 Pennsylvania Ave., NW  
Suite 800  
Washington, DC 20004  
202-654-5900

October 8, 2014

**VIA ELECTRONIC FILING**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

**EX PARTE PRESENTATION**

***WT Docket No. 05-265, In the Matter of Reexamination of Roaming Obligations of Commercial Mobile Radio Service Providers and Other Providers of Mobile Data Services***

Dear Ms. Dortch:

On October 7, 2014, T-Mobile representatives Andrew Levin, Luisa Lancetti, and the undersigned, along with Dirk Mosa and Heather Stacey by telephone, met with Roger Sherman, James Schlichting, Michael Janson, and Joel Taubenblatt of the Wireless Telecommunications Bureau to discuss the Petition for Expedited Declaratory Ruling filed by T-Mobile on May 27, 2014.<sup>1/</sup>

T-Mobile explained that it is seeking expedited Commission action in order to provide prospective guidance to wireless carriers and predictable enforcement criteria for determining whether the terms of a given data roaming agreement or proposal meet the “commercially reasonable” standard adopted in the FCC’s 2011 *Data Roaming Order*.<sup>2/</sup>

Expedited action is important for the industry, as new data roaming agreements—many of which have traditionally been based on legacy agreements negotiated prior to release of the *Data Roaming Order*—are being negotiated across the industry. Many of these new agreements will include 4G/LTE data roaming for the first time, and additional Commission guidance is essential for carriers.

---

<sup>1/</sup> See Petition for Expedited Declaratory Ruling of T-Mobile USA, Inc., WT Docket No. 05-265 (filed May 27, 2014) (“T-Mobile Data Roaming Petition”); see also *Wireless Telecommunications Bureau Seek Comment on Petition for Expedited Declaratory Ruling Filed by T-Mobile USA, Inc. Regarding Data Roaming Obligations*, Public Notice, WT Docket No. 05-265, DA 14-798 (rel. June 10, 2014).

<sup>2/</sup> See *Reexamination of Roaming Obligations of Commercial Mobile Radio Service Providers and Other Providers of Mobile Data Services*, Second Report and Order, 26 FCC Rcd. 5411, ¶¶ 40-41 (2011) (“*Data Roaming Order*”), *aff’d sub nom. Cellco P’ship v. FCC*, 700 F.3d 534 (D.C. Cir. 2012).

The limited intervention and guidance sought by T-Mobile will provide necessary clarity for individualized negotiations and help all parties better evaluate the commercial reasonableness of offered terms.<sup>3/</sup> T-Mobile reiterated that it is not seeking the regulation of rates. Instead, its Petition requests guidance to facilitate negotiation of commercial agreements and dispute resolution—a ruling which is well within the Commission’s current authority and which the Commission itself anticipated in the *Data Roaming Order*.<sup>4/</sup> Such limited relief will help ensure ubiquitous availability of roaming on commercially reasonable terms benefitting consumers.

Pursuant to Section 1.1206(b)(2) of the Commission’s rules, an electronic copy of this letter is being filed for inclusion in the above-referenced docket. A copy of this letter is also being provided to all Commission personnel who attended the meeting. Please direct any questions regarding this filing to the undersigned.

Respectfully submitted,

/s/ Kathleen O’Brien Ham

Kathleen O’Brien Ham  
Vice President, Federal Regulatory Affairs

cc: (via email)  
Roger Sherman  
James Schlichting  
Michael Janson  
Joel Taubenblatt

---

<sup>3/</sup> See T-Mobile Data Roaming Petition at 10.

<sup>4/</sup> See *id.* at 1, 23-27.