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October 22, 2014

**SUBMITTED ELECTRONICALLY**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

**Notice of Ex Parte Presentation**

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

Dear Ms. Dortch:

On October 20, 2014, T-Mobile USA, Inc. (“T-Mobile”) representatives Luisa Lancetti and Josh Roland met with Roger Sherman, Jim Schlichting, Gloria Sheu, Joel Taubenblatt, and Catherine Matraves of the Wireless Telecommunications Bureau to discuss the Petition for Expedited Declaratory Ruling filed by T-Mobile on May 27, 2014.<sup>1/</sup> Andrew Levin, Kathleen Ham, and Dirk Mosa, also of T-Mobile, as well as Robert Kidwell, counsel to T-Mobile, joined the meeting by telephone.

During the meeting, T-Mobile stated that it is seeking expedited 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> Action is needed now, as new data roaming agreements—many of which are replacing legacy agreements negotiated prior to release of the *Data Roaming Order*—are being negotiated across the industry. Many of

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<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).

these new agreements will include 4G/LTE data roaming for the first time, and additional guidance is essential for carriers to expedite the negotiation of commercially reasonable agreements.

T-Mobile explained that the data roaming marketplace is currently broken. Must-have roaming partners are able to raise their rivals' costs in a way that artificially inflates prices and unnecessarily degrades their customers' experience. The limited intervention and guidance sought will provide necessary clarity for individualized negotiations and help all parties better evaluate the commercial reasonableness of offered terms.<sup>3/</sup> T-Mobile confirmed 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 within the Commission's current authority and which was in fact anticipated in the *Data Roaming Order*.<sup>4/</sup> Such narrow 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: (each electronically)  
Roger Sherman  
James Schlichting  
Joel Taubenblatt  
Gloria Sheu  
Catherine Matraves

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

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