



STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION

November 20, 2014

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

Re: WT Docket No. 05-265, DA 14-798, *In the matter of Reexamination of Roaming Obligations of Commercial Radio Service Providers and Other Providers of Mobile Data Services.*

Dear Secretary Dortch:

The Minnesota Public Utilities Commission (MPUC) submits this letter to encourage the Commission to adopt benchmarks that clarify the commercial reasonableness standard governing data roaming agreements consistent with T-Mobile's *Petition for Expedited Declaratory Ruling* in this Docket. We believe that clarifying this standard with appropriate benchmarks is essential to protect and encourage economic development and competitive choice for broadband service in rural Minnesota.

Minnesota, like many other states, has expansive rural areas. Those rural communities are striving to foster economic development and opportunities for those who live there. As the Commission knows, those efforts depend substantially and increasingly on competitive access to robust telecommunications and data services provided by mobile wireless carriers. And the ability of smaller wireless carriers to negotiate reasonable data roaming agreements with larger carriers is critical to this end. As the Washington Utilities and Transportation Commission (UTC) observed in its October 24, 2014 letter to the Commission in this Docket, "[t]o the extent that competing providers have unequal bargaining power and leverage in securing data roaming agreements, unreasonable economic terms and conditions for such agreements may have a deleterious effect on market conditions and consumers in rural areas . . . where competitive choices are fewer or even nonexistent."

The Commission recognized the concern expressed by the UTC and the overall importance of data roaming agreements to consumers by, as part of its *Data Roaming Order*, requiring carriers to offer data roaming to other carriers on "commercially reasonable terms and conditions." However, in spite of this *Order*, smaller wireless carriers have often been unable to negotiate commercially reasonable roaming agreements with larger carriers such as AT&T.

The difficulties experienced by T-Mobile and other smaller wireless carriers, as documented in their respective comments, coupled with the critical importance of data roaming for consumers and economic development, underscore the need for Commission action to further clarify the commercial reasonableness standard. To that end, the MPUC urges the Commission to seriously consider adopting benchmarks such as those proposed by T-Mobile. Those or similar benchmarks would provide much-needed guidance to the carriers. Experience has shown that this guidance is needed to ensure that all carriers have a fair opportunity to secure commercially reasonable roaming agreements that ultimately serve the interests of rural consumers and communities.

Sincerely,

*/s/ Beverly Jones Heydinger*

Beverly Jones Heydinger  
Chair