



**Competitive Carriers Association**  
Rural • Regional • Nationwide®

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August 17, 2015

**Via ECFS**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

**RE: EX PARTE NOTICE**

**WT Docket No. 05-265: *Roaming Obligations of Commercial Mobile Radio Service Providers***

Ms. Dortch:

Competitive Carriers Association (CCA), who represents the interests of more than 100 competitive wireless carriers and ardently supports improved access to commercially reasonable data roaming agreements, wishes to correct the record in response to the factually and legally incorrect *ex parte* letter recently filed by Mobile Future<sup>1</sup> regarding the Commission's *Declaratory Ruling*.<sup>2</sup> CCA is keenly interested in ensuring that all carriers, particularly rural and regional carriers, have access to data roaming on reasonable terms and conditions, as data roaming is essential to promoting competition and providing consumers with the ubiquitous mobile broadband services that they demand and increasingly rely upon. Mobile Future's recent submission draws faulty conclusions premised on arguments that have no basis in economics, physics or recent history, while mostly challenging well-established precedent adopted in the *Data Roaming Order*.<sup>3</sup> For these reasons, Mobile Future's submission should be summarily disregarded, and AT&T's and Verizon's pending Applications for Review of the *Declaratory Ruling* should be denied. Further, the Commission should begin a review of its data roaming policies in light of its recent reclassification of mobile broadband Internet access services as a telecommunications service pursuant to its open Internet rules.

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<sup>1</sup> *Ex Parte* Letter from Jonathan Spalter, Chairman, Mobile Future to Marlene H. Dortch, Secretary, FCC, WT Docket No. 05-265 (filed July 22, 2015) ("Mobile Future Ex Parte").

<sup>2</sup> *Reexamination of Roaming Obligations of Commercial Mobile Radio Service Providers and Other Providers of Mobile Data Service*, WT Docket No. 05-265, Declaratory Ruling, 29 FCC Rcd 15423 (2014) ("*Declaratory Ruling*").

<sup>3</sup> *Reexamination of Roaming Obligations of Commercial Mobile Radio Service Providers and Other Providers of Mobile Data Service*, WT Docket No. 05-265, Second Report and Order, 26 FCC Rcd 5441, 5432 ¶ 42 ("*Data Roaming Order*").

## ***Procedural Background***

The Commission adopted its *Data Roaming Order* in April 2011, establishing a “commercially reasonable” standard by which to judge proffered terms and conditions for data roaming.<sup>4</sup> In doing so the Commission enumerated 17 factors for consideration when reviewing a proffered agreement, but noted that these factors “are not exclusive or exhaustive” and that “providers may argue that the Commission should consider other relevant factors . . . including the prices.”<sup>5</sup> Notably, a data roaming rule was supported by all commenters in the record, with the exception of AT&T and Verizon.<sup>6</sup> Subsequently, the D.C. Circuit Court of Appeals upheld the *Data Roaming Order* in response to a challenge by Verizon.<sup>7</sup> Despite the new standard, reasonable data roaming agreements with the largest national carriers remained elusive.

Today, competitive carriers need effective data roaming obligations more than ever amidst exploding demand for mobile data services and further consolidation of wireless carriers and spectrum resources by the two largest providers. In recognition of this reality, T-Mobile filed a Petition for Expedited Declaratory Ruling on May 27, 2014, seeking additional guidance from the Commission that, in evaluating data roaming disputes, the Commission would consider as potentially relevant evidence how a proffered rate compares to certain other rates, such as retail rates, international rates, and MVNO/resale rates.<sup>8</sup> Based on the extensive evidence in the record and near unanimous support for T-Mobile’s Petition, the Wireless Telecommunications Bureau adopted its *Declaratory Ruling* on December 18, 2014, granting T-Mobile’s request.

AT&T and Verizon filed applications for review (AFRs) of the *Declaratory Ruling* in January 2015, arguing generally that the *Declaratory Ruling* is inconsistent with the *Data Roaming Order*, undermines the Commission’s policy goals and is otherwise unlawful.<sup>9</sup> CCA, along with several other parties, filed oppositions to both AFRs on February 4, 2015.<sup>10</sup> Notably, Mobile Future did not file an AFR or a reply in support of either AFR.

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<sup>4</sup> *Id.* at 5432 ¶ 42.

<sup>5</sup> *Id.* at 5452-53 ¶¶ 86-87.

<sup>6</sup> *Id.* at 5416-17 ¶¶ 11-12.

<sup>7</sup> *See Celco Partnership v. FCC*, 700 F.3d 534 (D.C. Cir. 2012).

<sup>8</sup> T-Mobile USA, Inc., Petition for Expedited Declaratory Ruling, *Reexamination of Roaming Obligations of Commercial Mobile Radio Service Providers and Other Providers of Mobile Data Services*, WT Docket No. 05-265 (filed May 27, 2014).

<sup>9</sup> *See* Application for Review of AT&T, WT Docket No. 05-265 (filed Jan. 16, 2015); Verizon Application for Review, WT Docket No. 05-265 (filed Jan. 20, 2015).

<sup>10</sup> Opposition of Competitive Carriers Association, WT Docket No. 05-265 (filed Feb. 4, 2015); *see also* Opposition of The Blooston Rural Carriers, WT Docket No. 05-265 (filed Feb. 4, 2015); Opposition of Cellular South, Inc., WT Docket No. 05-265 (filed Feb. 4, 2015); COMPTTEL, Opposition to AT&T and Verizon Applications for Review, WT Docket No. 05-265 (filed Feb. 4, 2015); Opposition of Flat Wireless, *et al.*, WT Docket No. 05-265 (filed Feb. 4, 2015); Opposition of NTCA – The Rural Broadband Association, WT Docket No. 05-265 (filed Feb. 4, 2015); Opposition of NTELOS Holdings Corp. to Applications for Review, WT Docket No. 05-265 (filed Feb. 4, 2015); Sprint Corp. Opposition to

## ***The Guidance Provided by the Declaratory Ruling will not Deter Investment***

Mobile Future argues that the guidance adopted in the *Declaratory Ruling* will deter network investment. The Commission need not look very far, however, for evidence that dispels Mobile Future's fallacious claim.

Notably, when the *Data Roaming Order* was adopted in 2011, some made similar claims that the Commission's rules would likely deter investment in 4G networks.<sup>11</sup> Yet these prognostications proved to be unfounded, as today the United States is the global leader in 4G wireless. Indeed, several studies have proven the opposite is true, with increased investment in wireless infrastructure.<sup>12</sup> Mobile Future itself has even touted this intensive investment in other proceedings.<sup>13</sup>

Even worse, the one "example" Mobile Future cites in support of its claims of reduced investment is based on false information, predates adoption of the *Declaratory Ruling* by two years, and is misconstrued by Mobile Future. Specifically, Mobile Future suggests that Sprint shut down existing network infrastructure in south-central Kansas and central Oklahoma in 2012 as evidence that roaming deters investment in networks.<sup>14</sup> In the first instance, as Sprint points out in its recent *ex parte* response, Mobile Future is incorrect to suggest that Sprint "shut down" existing network facilities in these areas.<sup>15</sup> Mobile Future's suggestion to the contrary is just plain wrong. Because

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Applications for Review, WT Docket No. 05-265 (filed Feb. 4, 2015); Opposition of T-Mobile USA, Inc. to Applications for Review, WT Docket No. 05-265 (filed Feb. 4, 2015).

<sup>11</sup> See, e.g., Comments of AT&T Inc., WT Docket No. 05-265 at 42-44 (filed June 14, 2010) (noting that "[w]ireless providers of all types and sizes are investing billions of dollars in next-generation 3G and 4G networks" but that adoption of data roaming rules "would almost certainly reduce the scale and pace of these investments."); Zach Epstein, Verizon Wireless cries foul, responds to FCC-mandated data roaming rules, BGR, Apr. 11, 2014, <http://bgr.com/2011/04/07/verizon-wireless-cries-foul-responds-to-fcc-mandated-data-roaming-rules/> (noting Verizon's statement that the *Data Roaming Order* will "discourage[] network investment in less profitable areas.").

<sup>12</sup> See CTIA, THE WIRELESS DIFFERENCE: COMPETITION DEMANDS A MOBILE-SPECIFIC APPROACH TO OPEN INTERNET RULES 16 (Feb. 10, 2015), available at <http://www.ctia.org/docs/default-source/fcc-filings/ctia-oi-ex-parte-and-competition-white-paper-2-10-15.pdf?sfvrsn=2> (noting that U.S. wireless carriers invested a record \$33 billion in their networks in 2013, four times per subscriber than the rest of the world).

<sup>13</sup> See Brief for Amicus Curiae Mobile Future in Support of Petitioners CTIA and AT&T at 9, *U.S. Telecom Assoc., et al. v. FCC*, No. 15-1063 (D.C. Cir. Aug. 8, 2015) ("U.S. smartphone speeds increased eight times since 2010 due to massive investments in mobile wireless infrastructure . . . Moreover, the U.S. boasts 47% of the world's LTE subscribers despite having only 5% of its overall mobile subscribers.").

<sup>14</sup> Mobile Future Ex Parte at 2.

<sup>15</sup> *Ex Parte* Letter from Charles W. McKee, Vice President, Government Affairs, Federal & State Regulatory, Sprint Corp. to Marlene H. Dortch, Secretary, FCC, WT Docket No. 05-265 at 1-2 (filed Aug. 4, 2015) ("Sprint Ex Parte").

this example predates the *Declaratory Ruling* by two years it also has no cognizable relationship to the current proceeding.

More importantly, in 2014, Sprint entered into a host of agreements with rural providers through its Rural Roaming Preferred Provider (R2P2) program, which now covers 27 carriers and extends 4G LTE coverage across 565,000 square miles and a population of 38 million people.<sup>16</sup> One such partner is Pioneer Cellular, who serves Kansas and Oklahoma. As Pioneer noted in its announcement of the partnership, this agreement “will provide [Pioneer] customers access to Sprint’s nationwide 4G LTE network, and at the same time, provide Sprint customers access to the Pioneer Cellular 4G LTE regional network in rural Oklahoma and Kansas.”<sup>17</sup> In the *Data Roaming Order*, the Commission noted that it found persuasive “the evidence that roaming arrangements help encourage investment by ensuring that providers wanting to invest in their networks can offer subscribers a competitive level of mobile network coverage . . . . Further, . . . the lack of roaming for commercial mobile wireless services may deter providers from investing in broadband at the exact time such investment is sorely needed.”<sup>18</sup> Far from deterring investment in networks, access to data roaming relationships are actually facilitating investment by smaller, rural providers like Pioneer Cellular—the exact opposite of Mobile Future’s claim.

The Commission reaffirmed in the *Declaratory Ruling* that “[t]he availability of roaming capabilities is and will continue to be a critical component of enabling consumers to have a competitive choice of facilities-based providers offering nationwide access to mobile data services.”<sup>19</sup> CCA agrees that lower roaming rates allow all carriers to allocate more capital and operating expenses for network builds and upgrades, especially in unserved and underserved areas.<sup>20</sup> The flip side of this coin is that smaller carriers’ challenges to gaining access to commercially reasonable roaming agreements have contributed to ongoing industry consolidation.<sup>21</sup> As Sprint recently noted,

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<sup>16</sup> Press Release, Sprint Corp., Sprint Reaches 4G LTE Roaming Agreements with 15 Additional Rural Carriers (Sept. 5, 2014), <http://newsroom.sprint.com/news-releases/sprint-reaches-4g-lte-roaming-agreements-with-15-additional-rural-carriers.htm>.

<sup>17</sup> Press Release, Pioneer Cellular, Pioneer Cellular Announces Sprint Rural Roaming Partner (Sept. 8, 2014), <http://competitivecarriers.org/press/member-press-releases/pioneer-cellular-pioneer-cellular-announces-sprint-rural-roaming-partner/9114446>.

<sup>18</sup> *Data Roaming Order* at 5420-21 ¶ 17.

<sup>19</sup> *Declaratory Ruling* at 15487-88 ¶ 13.

<sup>20</sup> See *Ex Parte* Letter from Rebecca Murphy Thompson, General Counsel, CCA, *et al.*, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 05-265 at 3-4 (filed Nov. 21, 2014) (“CCA November 21 Ex Parte”).

<sup>21</sup> See, e.g., *AT&T Inc., Leap Wireless Int’l, Inc., Cricket License Co., LLC, and Leap Licenseco, Inc. Seek Consent to the Transfer of Control of AWS-1 Licenses, PCS Licenses, and Common Carrier Fixed Point to Point Microwave Licenses, and International Section 214 Authorizations, and the Assignment of One 700 MHz License*, WT Docket No. 13-193, Description of Transaction, Public Interest Showing and Related Demonstrations at 19-20 (noting that “the roaming and resale expenses that Leap would have paid as a standalone company will be substantially reduced because the combined company will offer a significantly greater on-net footprint than Leap could possibly hope to obtain and will no longer need to obtain MVNO services from other

for example, despite holding spectrum licenses in areas served by Alltel, Verizon chose to acquire that company rather than build-out in those areas.<sup>22</sup>

Mobile Future claims that the growth in the number of rural Americans served by three or more service providers slowed following adoption of the *Data Roaming Order* as compared to before its adoption, and cites to prior Mobile Competition reports as support.<sup>23</sup> In the first instance, a review of the underlying data in the past reports does not support Mobile Future’s claim. Indeed, between January 2012 and October 2012—immediately *following* adoption of the *Data Roaming Order*—the number of rural POPs covered by three or more mobile broadband service providers experienced its largest growth rate during the relevant time period, more than doubling.<sup>24</sup> In any event, capital expenditures do not denote competition, as the Commission has been unable to characterize the industry as effectively competitive for several years in light of growing consolidation.

Assuming *arguendo* wireless industry capital expenditures in fact slowed, this more likely happened as a result of reductions in Universal Service Fund support and wireless siting challenges rather than as a byproduct of the *Data Roaming Order*. Universal Service support for wireless service has been significantly reduced following the 2011 *USF/ICC Transformation Order*, which has caused smaller carriers to curtail deployments or exit the marketplace entirely. In a recent white paper, Mobile Future and American Rural noted that while the revenue opportunity for a wireless carrier in a major urban center can be \$248,000 per square mile of service, the potential revenue in the least densely populated areas of the country drops to as low as \$262 per square mile, making these areas particularly hard to serve.<sup>25</sup> As Mobile Future itself and American Rural argued, “[i]n light of the fundamental economic challenge of serving some rural markets, the federal Universal Service Mobility Fund [ ] represents a strong, sensible policy approach to promoting wireless deployment in rural areas.”<sup>26</sup> State and local impediments to facilities siting—which CCA and others have actively worked to remediate in recent years—also have an impact on capital expenditures.<sup>27</sup>

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providers”); *AT&T Inc. and Plateau Wireless Seek FCC Consent to the Assignment of Advanced Wireless Services, Cellular, Lower 700 MHz, and Microwave Licenses, and International Section 214 Authorizations from Plateau Wireless to AT&T Inc.*, WT Docket No. 14-144, Description of the Transaction and Public Interest Statement at 7.

<sup>22</sup> Sprint Ex Parte at 2.

<sup>23</sup> Mobile Future Ex Parte at 2.

<sup>24</sup> *Implementation of Section 6002(b) of the Omnibus Budget Reconciliation Act of 1993; Annual Report and Analysis of Competitive Market Conditions with Respect to Mobile Wireless, Including Commercial Mobile Services*, WT Docket No. 11-186, Sixteenth Report, 28 FCC Rcd 3700, 3946 ¶ 393 (2013).

<sup>25</sup> Diane Smith, American Rural and Mobile Future, *The Truth About Spectrum Deployment in Rural America* 15 (Mar. 2015), <http://mobilefuture.org/wp-content/uploads/2015/03/031615-MF-Rural-Paper-FINAL.pdf>.

<sup>26</sup> *Id.*

<sup>27</sup> See Brief of Amici Curiae T-Mobile USA, Inc. and Competitive Carriers Association in Support of Respondents, *City of Arlington, Texas, et al. v. FCC*, 133 S. Ct. 1863 (2013); Brief of

Finally, AT&T and Verizon (and Mobile Future) demand the Commission hold smaller carriers to absurd build-out and investment requirements. If the Commission were to adopt this standard, each carrier would be required to build out its network nationwide before being able to avail itself of the benefits of the *Data Roaming Order* and *Declaratory Ruling*. This is not the Commission’s intended purpose.<sup>28</sup>

In sum, Mobile Future’s claims surrounding network investment have been disproven both by historical evidence, practical evidence and the record in this proceeding.

***Mobile Future’s “Spectrum” Arguments Ignore the Nature of the Non-Dominant Nationwide Providers’ Spectrum Holdings***

Mobile Future claims that the network builds of the four nationwide carriers in the five most rural states in the contiguous U.S. evidences the failures of the data roaming rules.<sup>29</sup> Mobile Future relatedly claims that Sprint and T-Mobile have “vast spectrum holdings” in these states, including low-band spectrum.<sup>30</sup>

First, Mobile Future ignores entirely the network build-out of smaller providers in these five states. Union Wireless, for example, provides significant facilities-based coverage in Wyoming, but is not accounted for. Mobile Future also ignores the fact that AT&T and Verizon’s predecessors were gifted premium, low-band Cellular spectrum over 20 years ago, giving them a “first-mover” advantage that the Commission recognized in the *Data Roaming Order* as a factor to be used to determine whether a data roaming agreement is commercially reasonable.<sup>31</sup>

Just as important, Mobile Future fundamentally misunderstands the nature of service in rural America, and in particular the physical and economic advantages of deploying networks over low-band spectrum. Mobile Future omits from its discussion the fact that the “vast” majority of spectrum held by Sprint and T-Mobile is mid- and high-band spectrum. As CCA has previously

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Competitive Carriers Association as Amicus Curiae in Support of Petitioner, *T-Mobile South, LLC v. City of Roswell, Georgia*, 135 S. Ct. 808 (2015).

<sup>28</sup> See *Declaratory Ruling* at 15492 ¶ 28 (finding that this interpretation “would be inconsistent with the [*Data Roaming Order*] itself, which made clear that one of the primary public interest benefits of roaming is that it can allow a provider without a presence in any given market to provide a competitive level of local coverage during the early period of investment and build-out.”); *Ex Parte* Letter from Russell H. Fox, Counsel for T-Mobile USA, Inc. to Marlene H. Dortch, Secretary, FCC, WT Docket No. 05-265 at 3 (filed Aug. 13, 2015) (“T-Mobile Ex Parte”) (“[T]he Commission has routinely emphasized the importance of competitive access to roaming and refused to permit carriers to deny roaming or charge unreasonably high roaming rates merely because an otherwise built-out carrier has not yet built in a particular area.”).

<sup>29</sup> Mobile Future Ex Parte at 2-3.

<sup>30</sup> *Id.* at 3.

<sup>31</sup> *Data Roaming Order* at 5452-53 ¶ 86; Sprint Ex Parte at 3.

noted, it requires as many as thirteen times the number of base stations to construct a network with higher-band spectrum as compared to deploying on low-band spectrum.<sup>32</sup> This, combined with the low revenues per square mile identified above for hyper-rural areas, increases the overall costs of rural deployments even more. Meanwhile, AT&T and Verizon together hold licenses for more than 70 percent of all low-band spectrum suitable and available for wireless service. While Mobile Future claims that “Sprint holds plenty of 800 MHz low-band spectrum [in these states] and still hasn’t built out its network,”<sup>33</sup> Sprint only has a 5x5 MHz capability for low-band LTE—less than the 10x10 MHz that AT&T and Verizon have claimed as “table stakes” for LTE—and even then, Sprint’s insignificant low-band spectrum holdings are not available contiguously throughout the U.S.<sup>34</sup> Additionally, the significant challenges faced by Sprint to reband this spectrum have been well-documented. All of these facts exist separate and apart from AT&T’s (and, to a lesser extent, Verizon’s) exercise of foreclosure purchasing of low-band spectrum in the secondary market.

Roaming is never a cost-cutting measure, but the Commission has recently acknowledged that deploying facilities-based service utilizing spectrum licenses is an incredibly capital-intensive undertaking.<sup>35</sup> While access to low-band spectrum isn’t always determinative of a provider’s ability to deploy service, it is an incredibly important factor for consideration.

### ***Mobile Future’s Claims as to Data Roaming Rate Improvements Have Been Previously Debunked***

As CCA has previously pointed out, whether or not data roaming rates are currently on a downward trend does not mean that rates being offered by AT&T and Verizon are at commercially reasonable levels.<sup>36</sup> With technological efficiencies and robust deployment of 4G LTE networks, the rate decreases of recent years are to be expected. However, just because prices are on a downward trend does not mean that they have reached a point that represents a well-functioning data roaming market.<sup>37</sup> For example, even AT&T’s plain old telephone service prices decreased at times when it was a monopoly provider, as a result of lowering costs.<sup>38</sup>

Moreover, the guidance provided by the *Declaratory Ruling* is not “prescriptive rate regulation.” As the Bureau notes in the *Declaratory Ruling*:

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<sup>32</sup> See Posting of Steven K. Berry and Rebecca Murphy Thompson, CCA Blog, The Earth is Flat?, <http://ccablog.tumblr.com/post/120446112306/earth-is-flat> (Apr. 20, 2015); Sprint Ex Parte at 2-3, n.11.

<sup>33</sup> Mobile Future Ex Parte at 3.

<sup>34</sup> Sprint Ex Parte at 3.

<sup>35</sup> See generally *Updating Part 1 Competitive Bidding Rules, et al.*, WT Docket No. 14-170, *et al.*, Report and Order; Order on Reconsideration of the First Report and Order; Third Order on Reconsideration of the Second Report and Order; Third Report and Order, 30 FCC Rcd 7493 (2015).

<sup>36</sup> CCA November 21 Ex Parte at 3.

<sup>37</sup> *Id.*

<sup>38</sup> *Id.*

In granting the T-Mobile Petition, we are providing guidance that these other rates can be considered, along with other data from the listed factors, under the totality of the circumstances approach. The degree of relevance of other rates will depend on the facts and circumstances of the individual case, including other terms and conditions of the proposal. In accordance with [*Cellco Partnership v. FCC*], this approach allows host providers substantial room for individualized bargaining and discrimination in terms without changing the underlying legal standard.<sup>39</sup>

Notably, no party has suggested that the additional factors adopted by the Commission should serve as definitive benchmarks.<sup>40</sup> The Commission has, however, recently committed to opening a proceeding in the near future to examine roaming obligations in light of its classification of mobile broadband Internet access service as a telecommunications service under Title II of the Communications Act.<sup>41</sup> CCA encourages the Commission to promptly initiate this proceeding to clarify and rectify continuing challenges competitive carriers face in accessing commercially reasonable data roaming arrangements.

***To the Extent Mobile Future Seeks Reconsideration or Review of the Data Roaming Order, Its Request is Wholly Inappropriate***

Finally, the rules adopted in the *Data Roaming Order* are well established, and the time for objecting to these rules has long-since passed. Both the Commission and the D.C. Circuit have upheld the data roaming rules, which went into effect in 2011. The majority of Mobile Future's arguments are directed towards the underlying *Data Roaming Order* and, as such, are out of time and should be disregarded by the Commission.<sup>42</sup> Should the Commission not disqualify Mobile Future's arguments outright as untimely, however, it should nonetheless reject its claims as factually and legally inaccurate and bad policy, for the reasons identified herein.

***Conclusion***

In sum, Mobile Future rehashes tired arguments without any new factual support, and the nationwide carriers' reluctance to offer data roaming on commercially reasonable terms and conditions is well documented. To the extent Mobile Future challenges the substance of the *Declaratory Ruling* (and not the underlying *Data Roaming Order*), it offers no new factual evidence in support of its untimely arguments rejected by the Bureau previously in the *Declaratory Ruling*. While Mobile Future claims that retail, MVNO, and international rates do not form an appropriate basis for comparison to roaming rates, it makes no attempt to explain why this is the case. Mobile Future reiterates other claims made by parties in the proceeding related to investment incentives that were

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<sup>39</sup> *Declaratory Ruling* at 15489 ¶ 19.

<sup>40</sup> T-Mobile Ex Parte at 2 (“As the *Declaratory Ruling* makes clear, the economic benchmarks are neither a cap nor a floor for data roaming rates.”).

<sup>41</sup> *Protecting and Promoting the Open Internet*, GN Docket No. 14-28, Report and Order on Remand, Declaratory Ruling, and Order, 30 FCC Rcd 5601, 5857-58 ¶ 526 (2015).

<sup>42</sup> T-Mobile Ex Parte at 3.

rejected by the Bureau previously. This failed attempt at creating a new controversy should be disregarded by the Commission.

Perhaps most importantly, Mobile Future fails to note anywhere in its *ex parte* the impact roaming rules will have on consumers. High roaming prices, together with access to other critical inputs like low-band spectrum, devices and special access, all work together to impact the availability and price of services made available to consumers. In addition, the bevy of roaming complaints that have been filed since adoption of the *Declaratory Ruling*—primarily against AT&T and Verizon—are strong evidence that access to data roaming from the largest providers remains a problem, and consumers remain the primary victims. The Commission should therefore reaffirm the *Declaratory Ruling* and deny AT&T and Verizon’s Applications for Review.

This *ex parte* notification is being filed electronically with your office pursuant to Section 1.1206 of the Commission’s Rules.

Regards,

*/s/ Rebecca Murphy Thompson*

Rebecca Murphy Thompson  
C. Sean Spivey

cc: Roger Sherman  
Jim Schlichting  
Michael Janson