

March 1, 2005

**Ex Parte – Via Electronic Filing**

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

**Re: Ex Parte Submission  
CG Docket No. 04-208**

Dear Ms. Dortch:

On March 1, 2005, Diane Cornell and Paul Garnett of CTIA – The Wireless Association™, along with Chris Wright representing Nextel, met with Commissioner Abernathy and John Branscome concerning this proceeding. We urged the Commission not to prohibit the use of line items, as urged by NASUCA, which would result in consumers receiving less information about the regulatory costs of services they purchase. The NASUCA petition also would force many wireless carriers to either: (1) have different monthly rate plans in each taxing jurisdiction to reflect the widely varying taxes and fees; or (2) have the same plan with a single catch-all monthly charge, which would make customers in low-tax jurisdictions subsidize those in high-tax jurisdictions.

We stated that it was not necessary for the Commission to micromanage wireless bills because the wireless industry is robustly competitive and carriers therefore have a strong incentive to make their bills consumer friendly. We pointed out that the CTIA Consumer Code requires carriers that adopt it to clearly distinguish mandatory fees that are collected from subscribers and paid to the government from other assessments. We also urged the Commission to make clear that the use of the line items described in the NASUCA petition is part of a wireless carrier's rate structure, and hence states may not prohibit their use on account of 47 U.S.C. § 332(c)(3)(A). In addition, we urged the Commission to make clear that any rules it adopts are a ceiling rather than a floor, because the wireless industry is a national service that is most appropriately regulated at that federal level.

Pursuant to Section 1.1206 of the Commission's Rules, this letter is being electronically filed with your office. If you have any questions concerning this submission, please contact the undersigned.

Sincerely,

*Paul W. Garnett*

Paul W. Garnett

Cc: Commissioner Abernathy  
John Branscome