



1300 I Street N.W.
Suite 400 West
Washington, DC 20005
202-589-3740

November 16, 2005

VIA ECFS

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, DC 20554

Re: *Notice of Ex Parte Presentation* – CG Docket No. 04-208, CC Docket
No. 98-170

Dear Ms. Dortch:

This letter is to advise you that on November 16, 2005, on behalf of Verizon Wireless, I met with Monica Desai, Jay Keithley, Gene Fullano, and Peter Tenhula from the Consumer and Governmental Affairs Bureau to discuss positions that Verizon Wireless has taken in comments on the Commission's *Second Further Notice of Proposed Rulemaking* ("*Second FNPRM*") in the captioned dockets. I emphasized the importance of a national framework for the regulation of CMRS billing practices. I discussed why preemption of state "utility-type" regulations is not barred by Section 332 and is essential for wireless carriers that provide national service and have national billing systems.

The Commission must develop a record to impose billing regulations on wireless carriers, and such a record does not exist at this time. If the Commission adopts such rules, they should be patterned on the Assurance of Voluntary Compliance ("AVC") entered into between several state attorneys general and the major wireless carriers. I discussed two provisions of the AVC, one that prohibits carriers from commingling charges that are mandated by the government with non-mandated charges and another that governs carriers' point of sale disclosures. Verizon Wireless opposes standardized label requirements and the application of "landline" truth-in-billing rules to wireless carriers. *See* 47 C.F.R. §§ 64.2401(a)(2) and (c).

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Consistent with the Commission's rules on *ex parte* communications, this letter is being filed electronically in the captioned dockets. Please let me know if there are any questions related to this filing.

Very truly yours,

A handwritten signature in black ink that reads "Charon Phillips". The signature is written in a cursive style with a large, looping initial "C".

Charon Phillips

cc: M. Desai
J. Keithley
G. Fullano
P. Tenhula