



CONSUMER ADVOCATE DIVISION
STATE OF WEST VIRGINIA
PUBLIC SERVICE COMMISSION
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Charleston, West Virginia 25301
(304) 558-0526

May 23, 2007

NOTICE OF EX PARTE PRESENTATION
(47 C.F.R. § 1.1206)

VIA ECFS

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

**Re: *Petition for Declaratory Ruling Filed by CTIA, WT Docket No. 05-194;*
Petition for Declaratory Ruling Filed by SunCom, and Opposition and Cross-
Petition For Declaratory Ruling Filed by Debora Edwards, WT Docket No. 05-
193**

Dear Ms. Dortch:

On May 22, 2007, the following representatives of the National Association of State Utility Consumer Advocates ("NASUCA") met with Angela E. Giancarlo, Commissioner Robert M. McDowell's Legal Advisor for Wireless & International Issues, to discuss issues related to the above-referenced proceedings: John R. Perkins, NASUCA President and Iowa Consumer Advocate; Charles Acquard, NASUCA Executive Director; David C. Bergmann, Ohio Assistant Consumers' Counsel; Patrick W. Pearlman, West Virginia Deputy Consumer Advocate; and Kathleen F. O'Reilly, NASUCA Counsel.

The meeting covered issues regarding the petitions for declaratory ruling filed in the subject dockets, including:

- NASUCA's concerns regarding recent statements by Chairman Kevin J. Martin expressing support for preempting State laws dealing with wireless carriers' early termination fees ("ETFs"),¹ and a February 28, 2007 meeting

¹ See, e.g., TechLawJournal, "Martin Discusses FCC Activities," TLJ News from Jan. 16-20, 2007 (Jan. 17, 2007), available at <http://www.techlawjournal.com/home/newsbriefs/2007/01d.asp>; Telecommunications Reports – TR

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between Chairman Martin and other Commission staff, and representatives of CTIA, Consumers Union and AARP. NASUCA understands that meeting was primarily aimed at encouraging these parties to arrive at a settlement, one that would presumably include some form of State preemption² but that would nonetheless be characterized as acceptable to “consumers”.

- NASUCA’s continued opposition to preemption that prevents enforcement of State laws addressing wireless carriers’ ETFs, as reflected in its initial and reply comments previously filed in these proceedings. However, NASUCA expressed willingness to support the adoption of federal regulations governing wireless ETFs as a “floor” that States may build on by adopting regulations that may be more stringent, similar to the current “slamming” regulatory scheme.

Please do not hesitate to contact me or David C. Bergmann at bergmann@occ.state.oh.us (614.466.9559) if you have any questions about the foregoing.

Very truly yours,

/s/

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State Newswire, “Martin Hopeful That Talks on ETFs Produce Agreement” (March 28, 2007), available at www.tr.com/insight2/content/2007/in032807/In032807-02.htm (copy attached).

² See CTIA *ex parte* (March 5, 2007), available at http://gullfoss2.fcc.gov/prod/ecfs/retrieve.cgi?native_or_pdf=pdf&id_document=6518910107.