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November 2, 2007

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

Re: **Notice of Ex Parte Presentation;**
WT Docket Nos. 05-193 and 05-194

Dear Ms. Dortch:

On November 1, 2007, the undersigned counsel to T-Mobile USA, Inc. ("T-Mobile"), together with Kathleen O'Brien Ham, Sara F. Leibman, and Indra Sehdev Chalk of T-Mobile, met with Wayne Leighton, Legal Advisor to Commissioner Deborah Taylor Tate. The parties discussed issues related to the above-referenced Petitions for Declaratory Ruling regarding Early Termination Fees. The presentation made to Mr. Leighton was consistent with T-Mobile's comments previously filed in the referenced proceedings. The slide presentation that was distributed during the meeting is enclosed.

This Notice of *Ex Parte* Presentation is being filed electronically via the Commission's Electronic Comment Filing System for inclusion in the public record of the referenced proceedings, pursuant to Commission Rules 1.49(f) and 1.1206, 47 C.F.R. §§ 1.49(f), 1.1206.

Please contact me if you have any questions.

Sincerely yours,

/s/ Bryan N. Tramont

Bryan N. Tramont

Enclosure

cc: Wayne Leighton (w/enc.)

Customer Choice in the Wireless Marketplace

Ex Parte Presentation
of T-Mobile USA, Inc.
WT Docket No. 05-194

November 1, 2007

T-Mobile Sets the Customer Service Standard

- For the sixth consecutive time, T-Mobile achieved the highest ranking from the J.D. Power and Associates' Wireless Customer Care Performance Study (July 2007).
- Other carriers compete with T-Mobile, introducing their own customer service options.

T-Mobile's Customer-Friendly Services

- **Wide variety of payment options**
 - One- or two-year contracts
 - Prepaid service
 - FlexPaysm
- **No contract extensions when changing to non-promotional rate plan**
- **Personal coverage check**
- **Handsets unlocked upon request after 90 days**
- **Signatory to CTIA Consumer Code**

FlexPaysm

- Introduced in July 2007
- Pay in advance on monthly basis
- Contract (with ETF) or non-contract (without ETF)
- Access to T-Mobile rate plans and myFavessm
- Discounted handsets with contract option

Personal Coverage Check

T-Mobile takes disclosure seriously--customers can determine whether coverage where they live, work and play is adequate *before* they buy.

Street

City

State Zip

Signal Strength

Map Legend

- Address Location
- 850 MHz Roaming Coverage
- T-Mobile Roaming Coverage
- T-Mobile HotSpot Display
- Roaming HotSpot (Additional charges apply)

Regulation Is Unnecessary

- **Level of consumer complaints does not warrant state regulation.**
 - Number of complaints trending downward
 - FCC received fewer than 11,000 complaints (from pool of 219 million subscribers) in 2006 vs. 17,000 complaints (from pool of 204 million subscribers) in 2005.
 - Number of complaints vs. subscribers miniscule
 - 2006 *total* complaint rate was less than 0.01%.
- **ETFs are a common component of rates in other industries.**

A National Framework Benefits Consumers

- Costs of complying with dozens of differing state rules and judicial interpretations will necessarily be passed on to consumers.
- No basis for treating customers differently based on home zip codes.
- Section 332(c)(3) bars state regulation of wireless rates.
- Regulation of ETFs – including the amount charged and the conditions under which they may be imposed – is rate regulation, not regulation of “other terms and conditions” of wireless service.

Early Termination Fees Are Rates

Former Commissioner Harold Furchgott-Roth, Economist

- Consumers pay less for service and handsets with ETF contracts than with plans without ETFs.
- Carriers recover fixed costs of customer acquisition through ETFs and other rates, and ETFs generally are much less than actual customer acquisition costs.
- Consumers value a wide range of choice in service plans (with and without ETFs) and majority choose plans with ETFs.
- Contracts with ETFs reduce transaction costs of signing up for new plans and provide a stable carrier relationship.
- Short-term contracts or prepaid arrangements without ETFs allow consumers to respond quickly to rapid changes in technology and service offerings.