

January 4, 2008

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 January 3, 2008, 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 Catherine Seidel, Nicole McGinnis, Erica McMahon, and Michael Jacobs of the Commission’s Consumer and Governmental Affairs Bureau. Richard Smith, also of the Consumer and Governmental Affairs Bureau, participated in the meeting by telephone.

The parties discussed issues related to the above-referenced Petitions for Declaratory Ruling regarding Early Termination Fees. Specifically, we covered the matters addressed in the enclosed slide presentation, copies of which were distributed at the meeting. The presentation was consistent with T-Mobile’s comments previously filed in the referenced proceedings.

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

WILKINSON) BARKER) KNAUER) LLP

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Enclosure

cc (via electronic mail):

Catherine Seidel (w/enc.)

Nicole McGinnis (w/enc.)

Erica McMahon (w/enc.)

Michael Jacobs (w/enc.)

Richard Smith (w/enc.)

Customer Choice in the Wireless Marketplace

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

January 3, 2008

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).
- Dec. 2007 Consumer Reports survey notes that “cell carriers are getting more consumer-friendly.”
 - T-Mobile matched satisfaction rates for Verizon in almost all cities surveyed.
 - T-Mobile close second to Verizon on coverage.
- 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
- **ETFs will be reduced over life of contract**
- **No contract extensions when changing to non-promotional rate plan**
- **Open Handset Alliance**
- **Handsets unlocked upon request after 90 days**
- **Personal coverage check**
- **Reinventing Retail**
- **Signatory to CTIA Consumer Code**

FlexPaysm

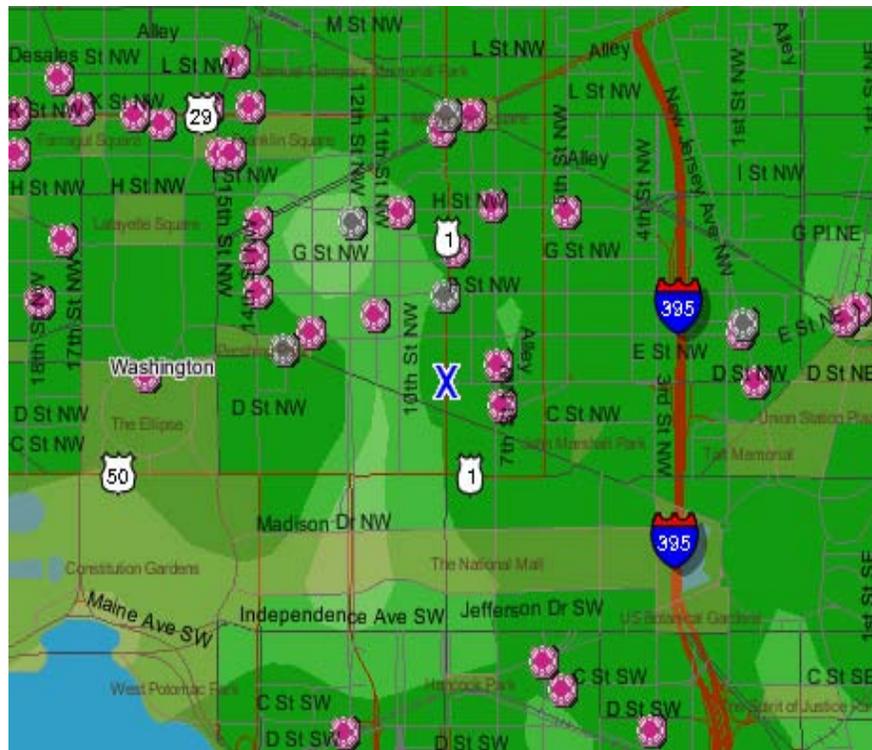
- Introduced July 2007
- Pay in advance on monthly basis
- Contract (with ETF) or non-contract (without ETF)
- Access to best T-Mobile rate plans and myFavessm
- Discounted handsets with contract option

Open Network Policies

- **T-Mobile's policy is to allow access by all devices and applications, subject to network protections.**
- **T-Mobile is a founding member of Open Handset Alliance.**
 - **Android – new open-source mobile operating system will reduce hurdles to development of mobile applications.**
 - **Other wireless carriers have recently announced more open policies.**

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

Reinventing Retail

T-Mobile continually strives to improve consumers' retail experience.

- “Connect with Retail”
- New “Concept” Stores



Regulation Is Unnecessary

- **Level of consumer complaints does not warrant regulation.**
 - Number of complaints vs. subscribers miniscule: 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.
 - 2006 *total* complaint rate was less than 0.01%.
- **ETFs are common in other competitive industries. Former Commissioner Harold Furchtgott-Roth, economist, notes wide range of charges that apply upon cancellation of airline, hotel and automobile reservations.**

National Framework Benefits Consumers

- **Costs of complying with dozens of differing state rules and judicial interpretations will necessarily be passed on to consumers.**
- **Competition among national carriers – including competition on ETFs and other rates – enhances consumer choice.**
- **As former Commissioner Furchtgott-Roth explains:**
 - **Consumers have choices among multiple carriers, each with multiple service offerings, including rate plans without ETFs.**
 - **Consumers exercise their choices, with the annual churn rate for the wireless industry as high as 20 percent.**
 - **Competition and improvements in technology have led to prices for wireless services consistently falling over time.**

Section 332(c)(3) Bars State Regulation of ETFs

- 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.
- FCC’s Supreme Court brief in Truth-in-Billing case underscores that ETFs are rates:
 - “Rate regulation is not limited to the review of the dollar amount charged by the carrier, but includes oversight of the carrier’s rate structure and the individual elements of that rate structure.”
 - Line items are “one of the building blocks for the ‘amount paid or charged’ for that service” – just as ETFs are.