

April 25, 2008

***Electronic Filing***

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, SW  
12th Street Lobby, TW-A325  
Washington, D.C. 20554

**Re: *Ex Parte Presentation***  
RM-11361

Dear Ms. Dortch:

On April 24, 2008, Christopher Guttman-McCabe, Vice President, Regulatory Affairs and Paul Garnett, Assistant Vice President, Regulatory Affairs, CTIA – The Wireless Association® met with Renée Crittendon, Legal Advisor to Commissioner Jonathan Adelstein to discuss CTIA’s continued support for the dismissal of the Skype Petition seeking to extend open application access and *Carterfone*-like device attachment obligations to the competitive wireless industry.<sup>1</sup>

In light of the high level of competition between mobile wireless service offerings and the dynamic and competitive nature of the industry, CTIA opposes the Skype Petition. Even the most well intentioned open device and application access and wireless handset unbundling regulation will quickly be overtaken by technological and marketplace changes and will hinder the ability of wireless carriers to react to consumers’ diverse and ever changing demands. Wireless carriers, reacting to the demands of consumers in the competitive market, already have begun implementing a variety of openness initiatives designed to expand consumer access to new and innovative wireless devices and applications.<sup>2</sup> Additionally, the Commission’s “open platform” requirement on the 700 MHz C block guarantees a portion of this valuable spectrum will be open to new and innovative devices and applications.<sup>3</sup> Because both Commission action and the wireless marketplace have addressed the concerns raised by Skype, the Petition should be dismissed.

<sup>1</sup> Petition to Confirm a Consumer’s Right to Use Internet Communications Software and Attach Devices to Wireless Networks, Skype Communications S.A.R.L., RM-11361 (filed Feb. 20, 2007).

<sup>2</sup> Letter to Marlene Dortch, Secretary, Federal Communications Commission from Christopher Guttman-McCabe, Vice President, Regulatory Affairs, CTIA – The Wireless Association, WT Docket No. 07-71 (filed Dec. 3, 2007).

<sup>3</sup> 47 C.F.R. § 27.16(b).

Pursuant to Section 1.1206 of the Commission's rules, a copy of this letter and a copy of a previously filed *ex parte* presentation on competition in the wireless handset marketplace used at the meeting are being filed via ECFS with your office. Should you have any questions, please do not hesitate to contact the undersigned.

Sincerely,

*/s/ Christopher Guttman-McCabe*

Christopher Guttman-McCabe

Attachment

cc: Renée Crittendon