

May 7, 2008

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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*
WC Docket No. 07-52**

Dear Ms. Dortch:

On May 6, 2008, Christopher Guttman-McCabe, Vice President, Regulatory Affairs, Paul Garnett, Assistant Vice President, Regulatory Affairs, Brian Josef, Director, Regulatory Affairs, and David Redl, Counsel, Regulatory Affairs, CTIA – The Wireless Association®, joined by Charles Jackson of Jackson Telecom Consulting, met with Julius Knapp, Chief, Ira Keltz, Deputy Chief, Ron Repasi, Deputy Chief, Bruce Romano, Associate Chief, Geraldine Matise, Chief, Policy and Rules Division, and Rashmi Doshi, Chief, Laboratory Division, all of the FCC’s Office of Engineering and Technology, to discuss CTIA’s support for the dismissal of the Petitions filed by Vuze Inc. and Free Press, *et al.*, seeking to impose network management regulations on the broadband industry.

During the meeting, CTIA urged the Bureau to reject calls by the Petitioners to impose a “one-size-fits-all” network management regime on the dynamic and technologically diverse broadband industry. Technological differences between wireless and other broadband services make regulation of network management practices particularly inapt. Because wireless providers use a shared spectrum resource to provide both data and voice services to customers, in the absence of careful management of the spectrum, intensive use of data services by consumers can negatively impact other customers’ ability to use the providers’ voice services.

CTIA also urged the Bureau to consider the unintended consequences of regulating broadband providers’ network management practices. Broadband providers – particularly wireless broadband providers – manage their networks not to benefit an inanimate network, but to benefit consumers. Wireless broadband network management practices are the result of careful consideration of the needs of *all* wireless customers and the technology available to the provider. Even the most well intentioned regulations in the area will be quickly surpassed by both consumer demands and by the technological changes to the marketplace. Additionally, regulation of carrier network management practices could thwart those practices that

carriers employ to prevent spam, viruses, spyware, and other unwanted materials from reaching consumers.

Lastly, CTIA reiterated its support for better efforts to educate consumers on the limitations of their wireless broadband service. Disclosure of the capabilities and limitations on wireless broadband service will best allow consumers to make informed decisions in choosing a wireless broadband provider.

Pursuant to Section 1.1206 of the Commission's rules, a copy of this letter, along with the presentation used at the meeting and a copy of a previously filed *ex parte* presentation by George Ou on network management 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

Attachments

cc: Julius Knapp
Ira Keltz
Ron Repasi
Bruce Romano
Geraldine Matise
Rashmi Doshi