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## Ex Parte

Ms. Marlene Dortch, Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, D.C. 20554

Re: **Reexamination of Roaming Obligations of Commercial Mobile Radio Service Providers, WT Docket No.05-265**

Dear Ms. Dortch:

On August 15, 2008, prior to the issuance of the agenda for the Commission's August 22 meeting, a telephone conversation was held among Thomas Tauke, John Scott and Andre Lachance, representing Verizon Wireless, Commissioner Deborah Taylor Tate and Wayne Leighton, Special Advisor to the Commissioner. Also on the same day, prior to the issuance of the agenda, a second telephone conversation was held among John Scott, Andre Lachance, and Aaron Goldberger, Legal Advisor to Chairman Martin. As required by the Commission's rules, this letter reflects the substance of those conversations.

Consistent with previous filings made by Verizon Wireless in this proceeding, Verizon and Verizon Wireless (hereinafter "Verizon") stated that, should the Commission modify on reconsideration the "home roaming" exception to the existing automatic roaming rule,<sup>1</sup> the modification should address situations where carriers requesting automatic roaming have not had access to their spectrum in the markets where they seek an automatic roaming agreement.

Some parties have argued that the home roaming exception should be further modified to limit the exception even for carriers who have had unencumbered access to their spectrum. Verizon Wireless has not supported such a modification because it would reverse the Commission's own findings in this proceeding barely one year ago and would conflict with the Commission's goals of promoting facilities-based competition. Verizon stated that should the Commission decide to create a new home roaming right for carriers with unencumbered spectrum, that obligation should be limited in time to no more than one year. Moreover, standard complaint procedures, including placing the burden of proof on the complaining party, should apply to any complaint filed related to such agreements. Verizon pointed out that there was no justification in the record of this proceeding to alter long-standing complaint procedures.

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<sup>1</sup> The automatic roaming rule was adopted in the August 2007 *Report and Order* in this proceeding, and is codified at 47 CFR 20.12(d).

Verizon also suggested an alternative approach for defining a home roaming right related to unencumbered spectrum. They noted concerns voiced by some carriers that the home roaming exception adopted in the August 2007 *Report and Order* might affect pre-existing automatic roaming agreements that included home roaming. To the extent the Commission wanted to ensure that carriers that had already secured home roaming arrangements did not immediately lose the ability to home roam as a result of the home roaming exclusion adopted in the 2007 *Roaming Order*, they suggested a “standstill” provision that could be adopted on reconsideration. This approach would provide that, for a defined period of time, a carrier providing roaming service to another carrier (“requesting carrier”) could not terminate a provision in an existing roaming agreement with the requesting carrier that allows the requesting carrier to roam on the other carrier’s network in markets where the requesting carrier holds spectrum. This provision would balance the goals of preventing disruption of existing agreements while not violating the Commission’s goal in the 2007 *Roaming Order* of not discouraging facilities-based service that would enhance wireless competition.

Pursuant to Section 1.1206 of the Commission’s Rules, this letter has been filed electronically with the Commission.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Anne D. Burkett". The signature is written in a cursive, flowing style.

cc: Wayne Leighton