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September 26, 2008

***Via Electronic Submission***

Commissioner Robert M. McDowell  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

***Re: Ex Parte Communication, RM-11361***

Dear Commissioner McDowell:

I am writing to respond to certain accusations and misrepresentations made to you in a letter dated September 12, 2008, from Mr. Christopher Libertelli representing Skype Communications S.A.R.L.<sup>1</sup> In that letter, Mr. Libertelli cites a press report describing the keynote addresses of the CEO's of various wireless carriers at the CTIA I.T. & Wireless Entertainment 2008 conference in San Francisco.<sup>2</sup> Based upon that article, Mr. Libertelli claims that carriers have had a "change of heart" with respect to the openness of their networks. Specifically, Mr. Libertelli quotes, out of context, Sprint CEO Dan Hesse and claims that his statement is evidence that carriers are only paying "lip service to the goals of open networks."<sup>3</sup>

Mr. Libertelli's characterization is directly contradicted by Mr. Hesse's own words and by the very article from which he quotes. Sprint encourages you to listen to Mr. Hesse's full keynote address in which he talks at great length regarding Sprint's commitment to an open network.<sup>4</sup> It is perhaps sufficient, however, to quote one of his opening statements: "In March of this year, we allowed full HTML browsing for the entire internet on all of our devices, all of our CDMA devices, so a customer can go everywhere.... We say from a customer's point of view, ***'Knock your self out – the entire internet is yours.'***"

In response to a question regarding how carriers can help consumers through the complexity created by open networks, Mr. Hesse announced the launch of a new initiative at Sprint called "Ready Now" through which Sprint will begin providing one-on-one assistance to custom-

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<sup>1</sup> Letter to Commissioner McDowell from Christopher Libertelli, September 12, 2008, RM-11361 ("*Libertelli Letter*").

<sup>2</sup> Allie Winter, *Embracing an Open Network*, RCR Wireless News, Sept. 10, 2008.

<sup>3</sup> *Libertelli Letter* at p. 2.

<sup>4</sup> Mr. Hesse's comments can be viewed at: [http://www.rcrwireless.com/article/20080918/VIDEO/809189984/-1/ctia\\_it\\_08/VIDEO--Did-you-miss-it?-The-full-keynote-from-the-first-day-of-CTIA-I.T.--08](http://www.rcrwireless.com/article/20080918/VIDEO/809189984/-1/ctia_it_08/VIDEO--Did-you-miss-it?-The-full-keynote-from-the-first-day-of-CTIA-I.T.--08)

ers in setting up and using their devices. He noted that the most frequently returned electronic device after the Christmas season are wireless smart phones and Personal Data Assistants (“PDAs”). It was in this context that he noted that sometimes “The big Internet can be daunting.” *Ready Now* is designed to help consumers overcome the technical hurdles associated with using these devices and help them fully utilize Sprint’s open internet experience.

Far from suggesting that Sprint was restricting access to the internet, Mr. Hesse was touting the steps Sprint is taking to enable customers to fully experience the internet on a mobile basis. Both Mr. Hesse’s comments and those of the other speakers were well summarized by the title of the article Mr. Libertelli cites: “*Embracing an Open Network.*”

Mr. Libertelli’s attempts to completely reverse the meaning of Mr. Hesse’s statements are unfortunate and must be corrected.

Pursuant to Section 1.1206 of the Commission’s rules, this letter is being electronically filed. Please let me know if you have any questions regarding this filing.

Respectfully submitted,

/s/ Charles W. McKee

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