



OPASTCO

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October 16, 2008

BY ELECTRONIC FILING

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

**Re: In re Applications of ATLANTIS HOLDINGS LLC, Transferor, and CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS, Transferee for Consent to the Transfer of Control of Commission Licenses and Authorizations Pursuant to Sections 214 and 310(d) of the Communications Act
WT Docket No. 08-95**

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

**Rural Cellular Association Petition for Rulemaking regarding exclusivity arrangements between commercial wireless carriers and handset manufacturers
RM No. 11497**

**Petition for rulemaking of Rural Telecommunications Group, Inc. to impose a spectrum aggregation limit on all commercial terrestrial wireless spectrum below 2.3 GHz
RM No. 11498**

Ex Parte Notice

On Thursday, October 16, 2008, Brian Ford of the Organization for the Promotion and Advancement of Small Telecommunications Companies (OPASTCO) and Carri Bennet of Bennet and Bennet, PLLC on behalf of the Rural Telecommunications Group (RTG) (collectively, the "Associations") met with Erika Olsen of Chairman Kevin Martin's office to discuss the proposed merger of Verizon Wireless and ALLTEL Wireless. The Associations expressed their view that the merger has the potential to seriously harm rural consumers, and thus the Commission should thoroughly examine the many questions this transaction raises,

including holding a hearing pursuant to Section 309(e).¹ The Associations also expressed their concern that Verizon has made no commitments to upgrade ALLTEL's Global System for Mobile Communications ("GSM") network. Should Verizon discontinue operation of that network after the merger is closed, there will be hundreds of counties without a GSM alternative for millions of subscribers. Also, Verizon has made no commitments to enter into roaming agreements with new market entrants, and this could cause rural carriers who have recently purchased 700 MHz and AWS spectrum to re-evaluate plans to deploy Universal Mobile Telecommunications System (UMTS) networks in rural areas.

The Associations stated that the Commission should delay action on the proposed merger until these and certain other critical issues are addressed. These include changes to the in-market exception to the automatic roaming rule, comments in response to the Rural Cellular Association Handset Exclusivity Petition for Rulemaking² and comments in response to the RTG spectrum cap petition.³

Sincerely,

Brian Ford
Regulatory Counsel
OPASTCO

¹ 47 U.S.C. § 309(e).

² *Wireless Telecommunications Bureau seeks comments on petition for rulemaking regarding exclusivity arrangements between commercial wireless carriers and handset manufacturers*, Public Notice, RM No. 11497, DA 08-2278 (released Oct. 10, 2008).

³ *Wireless Telecommunications Bureau seeks comments on petition for rulemaking of Rural Telecommunications Group, Inc. to impose a spectrum aggregation limit on all commercial terrestrial wireless spectrum below 2.3 GHz*, Public Notice, RM No. 11498, DA 08-2279 (released Oct. 10, 2008).