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October 27, 2008

57739-00009

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Re: Developing a Unified Intercarrier Compensation Regime (CC Docket No. 01-92);  
Intercarrier Compensation for ISP-Bound Traffic (WC Docket No. 99-68);  
Establishing Just and Reasonable Rates for Local Exchange Carriers  
(WC Docket No. 07-135); Universal Service Contribution Methodology (WC Docket  
No. 06-122); Federal-State Joint Board on Universal Service (CC Docket No. 96-45)

Dear Ms. Dortch:

On October 24, 2008, Mark A. Stachiw, Executive Vice President, General Counsel, and Secretary of MetroPCS Communications, Inc. (“MetroPCS”), along with Carl W. Northrop and Michael Lazarus of Paul, Hastings, Janofsky & Walker LLP (“Paul Hastings”), participated in three separate conference calls with (1) Scott Bergmann, Legal Advisor to Commissioner Jonathan Adelstein; (2) Randy Clarke, Albert Lewis, and Julie Veach of the Wireline Competition Bureau; and (3) Greg Orlando, Legal Advisor to Commissioner Deborah Taylor Tate, to discuss the above-referenced proceedings. The oral presentation in these conference calls was consistent with the *ex parte* filed by MetroPCS in the above-referenced dockets on October 13, 2008.

In addition, MetroPCS noted that, while it supports the Commission enacting a unified intercarrier compensation regime, the Commission needs to make sure that certain important points are addressed in any such unified regime, including ensuring that: (1) traffic exchanged under existing reciprocal compensation agreements that expire after any order is adopted continues to be exchanged at rates no higher than the negotiated rate in such agreements; (2) new entrants in particular markets are allowed to adopt existing interconnection agreements under Section 252(i) and in no event are they forced to compensate parties at rates higher than the TELRIC rate of the dominant ILEC in the particular market; (3) any default rate mentioned in the order does not provide opportunities for arbitrage, and that traffic exchanged today, including traffic exchanged under default bill-and-keep arrangements, will not experience rate increases under the new regime; (4) the order does not provide incentives for carriers to alter their provisioning of transit services in a post-order regime; (5) in situations where traffic is exchanged today at a rate of \$0.0007/per minute, no party should be able to charge an higher amount in a post-order regime; (6) the current ISP-remand Order rate of \$0.0007/per minute and the

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accompanying “mirroring” rule are not changed in a post-order regime, as these mechanisms have been successful in the marketplace; (7) any transition period is as short as possible, as MetroPCS supports the proposals of CTIA and AT&T, Inc. to reduce any transition period to a new intercarrier compensation regime to 5 years; (8) any transition period should require mandatory step downs in rates, preferably no less frequent than annually, rather than allowing for the possibility that all relief is postponed until the end of any transition period; and (9) in the Further Notice of Proposed Rulemaking portion of the order, a single nationwide forum is created for setting CMRS intercarrier compensation rates under Section 332 of the Communications Act, rather than subjecting CMRS carriers to 50 state-by-state proceedings. In addition, MetroPCS reiterated that the Commission must ensure that it addresses the ISP remand issues in order to comply with the D.C. Circuit Court’s November 5, 2008 deadline.

Finally, MetroPCS supports the proposals regarding a numbers-based USF contribution mechanism, and specifically the included definition of “Assessable Number,” set forth in the *ex parte* of AT&T Services, Inc. and Verizon, filed in WC Docket No. 06-122 and CC Docket No. 96-45 on October 20, 2008.

Respectfully submitted,



Michael Lazarus  
of PAUL, HASTINGS, JANOFSKY & WALKER LLP

cc: (via email) Scott Bergmann  
Greg Orlando  
Randy Clarke  
Albert Lewis  
Julie Veach