

June 15, 2009

VIA ELECTRONIC FILING

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

**Re: Applications of Cellco Partnership d/b/a Verizon Wireless and Atlantis Holdings, LLC for Consent to the Transfer of Control of Licenses, Authorizations, and Spectrum Manager and De Facto Transfer Leasing Arrangements and Petition for Declaratory Ruling that the Transaction is Consistent with Section 310(b)(4) of the Communications Act
WT Docket No. 08-95
EX PARTE**

Dear Ms. Dortch:

On behalf of the undersigned, we submit this *ex parte* letter in response to Verizon Wireless' most recent filing in the above-captioned docket.¹ Verizon has repeatedly distorted the facts and history throughout this proceeding, and we write to set the record straight.

Verizon mistakenly portrays the clarification of the Commission's *Verizon-ALLTEL Order*² as an issue that concerns only Leap Wireless. In fact, *all* of the undersigned -- representing a broad cross-section of the entire wireless industry -- have been closely following the clarification and reconsideration proceedings and the *ex parte* filings in this docket, and fully support the positions asserted by Leap Wireless, MetroPCS, the Rural Telecommunications Group, OPASTCO and others.³ The arguments that Verizon has made and continues to make are flatly contradicted by the record and are contrary to the public interest. It is truly shocking that Verizon not only rejects the very conditions to which it had to agree to receive approval to

¹ See Verizon Wireless, Notice of Ex Parte Presentation, WT Docket No. 08-95 (filed June 9, 2009).

² See *Applications of Cellco Partnership d/b/a Verizon Wireless and Atlantis Holdings, LLC for Consent to the Transfer of Control of Licenses, Authorizations, and Spectrum Manager and De Facto Transfer Leasing Arrangements and Petition for Declaratory Ruling that the Transaction is Consistent with Section 310(b)(4) of the Communications Act*, Memorandum Opinion and Order and Declaratory Ruling, WT Docket No. 08-95, 23 FCC Rcd 17444 (Nov. 10, 2008).

³ See, e.g., Leap Wireless International, Inc., Ex Parte Letter, WT Docket No. 08-95 (filed Apr. 6, 2009); MetroPCS Communications, Inc., Ex Parte Communication, WT Docket No. 08-95 (filed May 12, 2009); Rural Telecommunications Group, Inc., Ex Parte Presentation, WT Docket No. 08-95 (filed May 7, 2009); The Organization for the Promotion and Advancement of Small Telecommunications Companies (OPASTCO), Written Ex Parte Presentation, WT Docket No. 08-95 (filed Feb. 24, 2009).

engage in the Alltel transaction but it also so cavalierly dismisses the statements of three separate Commissioners, all of whom clearly understood that Verizon's voluntary conditions required the company to honor not only the rates but all terms and conditions in the selected roaming agreements for four years.

We strongly urge the Commission to act promptly in clarifying the scope of the conditions, for the reasons explained in petitions for clarification and reconsideration and in ex parte submissions. Verizon attempts to make this issue far more complicated, but the immediate relief sought is very simple—the Commission should clarify that Verizon's four-year commitment applies *to the entire roaming agreement* elected by its roaming partners, and not simply the rates. Any further delay in making this clarification only rewards Verizon Wireless' unscrupulous conduct in this proceeding and harms the very carriers whom the conditions were meant to protect.

Respectfully submitted,

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