

June 29, 2009

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



Re: *Ex Parte* Notice
Docket No. RM-11497 (RCA Petition on Handset Exclusivity)

Dear Ms. Dortch:

On June 26, 2009, the undersigned (“Ms. Desai”), of Media Access Project, Joel Kelsey (“Mr. Kelsey”) of Consumers Union and M. Chris Riley (“Mr. Riley”) of Free Press, met with Paul Murray (“Mr. Murray”), Legal Advisor for Wireless and International issues to Acting Chairman Michael J. Copps at the offices of the Federal Communications Commission. At this meeting, the parties discussed some of the issues raised in Rural Cellular Association’s petition for rulemaking on the effects of exclusive handset arrangements.

Ms. Desai briefly discussed the authority of the Commission to take action regarding exclusive agreements. Mr. Kelsey discussed the anti-competitive nature of handset exclusivity agreements, particularly noting that these agreements create a barrier to entry for smaller carriers and deters consumers from switching providers. Lastly, Mr. Riley discussed issues regarding innovation, specifically stating that exclusive agreements are not necessary to promote technological innovation. Mr. Kelsey left a copy of “Cell Phone Text Messaging Rate Increases and the State of Competition in the Wireless Market” Testimony Of Joel Kelsey before the Senate Judiciary Committee’s Subcommittee on Antitrust, Competition Policy and Consumer Rights with Mr. Murray.

Pursuant to Section 1.1206(b), 47 C.F.R. §1.1206(b) of the Commission’s rules, this letter is being filed electronically with your office today.

Respectfully submitted,

/s/

Parul P. Desai

cc: Paul Murray