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July 23, 2009

*Written Ex Parte Presentation*

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

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

WT Docket No. 08-95, Applications of Cellco Partnership d/b/a Verizon  
Wireless and Atlantis Holdings LLC for Consent to Transfer of Control

WT Docket No. 09-66, Fourteenth Annual Report and Analysis of Competitive  
Market Conditions with Respect to Commercial Mobile Services

Dear Ms. Dortch:

Enclosed herewith for filing in the above-referenced dockets is a copy of a letter from Lowell C. McAdam, President and Chief Executive Officer of Verizon Wireless, to The Honorable Henry A. Waxman, Chairman of the House Energy and Commerce Committee. The letter contains Verizon Wireless's proposal for modifying the Commission's existing rule governing automatic roaming. Verizon Wireless looks forward to discussing this proposal with the Commission.

Pursuant to Section 1.1206 of the Commission's Rules, this ex parte presentation is being filed electronically in these proceedings. Should you have questions regarding this filing, please contact the undersigned.

Respectfully submitted,

A handwritten signature in black ink that reads "John T. Scott, III".

John T. Scott, III

Enclosure

cc: Chairman Julius Genachowski  
Commissioner Michael J. Copps  
Commissioner Robert M. McDowell  
Bruce Gottlieb  
Paul Murray  
Angela Giancarlo  
Ruth Milkman  
James Schlichting  
Renee Crittendon  
John Leibovitz

Lowell C. McAdam  
President & Chief Executive Officer



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July 22, 2009

The Honorable Henry Waxman  
Chairman  
House Energy and Commerce Committee  
2125 Rayburn House Office Building  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Chairman Waxman:

Verizon Wireless strongly supports federal policies encouraging wireless carriers to invest in their networks. These policies achieve the vital objective of putting the nation's spectrum assets to their highest and best use. Verizon Wireless, for its part, has spent tens of billions of dollars building, expanding and upgrading our network, spurring job creation, innovation, improved productivity and consumer benefits, helping create what former Vice President Al Gore recently described as "the most competitive wireless industry of any nation in the world." These network investments and the resulting vibrant competition have also led to improved service and higher customer satisfaction, as reflected in the GAO's recent study finding that 84 percent of American wireless consumers are either "very or somewhat satisfied" with their wireless service.

Recently, we have had a dialogue with Committee staff regarding in-market or "home" roaming, in which a carrier requests the right to use a competitor's network in a market where they have spectrum but have not built out their network. The Federal Communications Commission has rejected efforts to mandate home roaming, fearing that such a mandate could disincent carriers from investing in their own spectrum and simply ride on their competitors' networks instead, leaving their own spectrum partly unused. The FCC instead has encouraged carriers to continue to negotiate commercial agreements that allow for home roaming. Verizon Wireless has supported and availed itself of this approach where the home roaming occurred on a reciprocal basis and on terms that are commercially reasonable.

Nevertheless, the Committee has expressed concerns that the FCC's approach may disadvantage mid-size and small competitors who may face obstacles to building out their networks. We appreciate the openness and seriousness of our conversations with Committee staff and have used the dialogue as a catalyst to develop a proposal which balances the concern for viability of new entrants with the need to incent network investment and spectrum utilization.

To address these concerns, Verizon Wireless would support a statute or FCC rule containing the following elements:

1. A carrier is required to offer automatic roaming to a requesting carrier's subscribers in any area where the requesting carrier holds spectrum but does not offer service:
  - (a) For a period of 2 years from the date this statute or rule takes effect.
  - (b) After that period, if all of the spectrum usage rights held by the requesting carrier in the area is encumbered by U.S. Government users; or
  - (c) After that period, if all of the spectrum usage rights held by the requesting carrier in the area was originally licensed by the FCC for CMRS purposes less than 2 years earlier.
  - (d) After that period, for an additional one year if the requesting carrier has met build-out benchmarks to be established by statute or the FCC.
2. Charges for home roaming will be subject to Sections 201 and 202 of the Act, but requesting carriers seeking home roaming and non-home roaming will not be deemed "similarly situated" for purposes of Section 202.

We would support such a statute or rule only if it were applicable to all carriers, on a competitively neutral basis. Congress and the FCC should reject efforts to require in-market roaming on an individual carrier basis (such as the request to obtain mandatory home roaming from Verizon Wireless by having the FCC "clarify" its November 2008 order approving our acquisition of Alltel Corporation). As Verizon Wireless has argued, the merger conditions adopted were not ambiguous and the pending request seeks to place an entirely new condition on the merger.

We appreciate the opportunity to discuss these issues with the Committee. We believe our proposal strikes a fair balance between addressing the concerns raised about home roaming while encouraging carriers to invest in their spectrum and build their networks. We welcome your views on our proposal and look forward to continuing to have a constructive dialogue on issues of concern to you and the Committee.

Sincerely,



Lowell C. McAdam

cc: The Honorable Rick Boucher, Chairman  
Subcommittee on Communications, Technology and the Internet

The Honorable Joe Barton, Ranking Member  
House Energy and Commerce

The Honorable Cliff Stearns, Ranking Member  
Subcommittee on Communications, Technology and the Internet