



**Law Offices of Bennet & Bennet, PLLC**

**Maryland**

4350 East West Highway, Suite 201  
Bethesda, Maryland 20814  
Tel: (202) 371-1500  
Fax: (202) 371-1558

**District of Columbia**

10 G Street NE, Suite 710  
Washington, DC, 20002

**Caressa D. Bennet**  
**Michael R. Bennet**  
**Gregory W. Whiteaker**  
**Marjorie G. Spivak\***  
**Donald L. Herman, Jr.**  
**Kenneth C. Johnson‡**  
**Howard S. Shapiro**  
**Daryl A. Zakov^**  
**Robert A. Silverman**

**Of Counsel**  
**Andrew Brown\***

\*Admitted in DC & PA Only

‡Admitted in DC & VA Only

^Admitted in DC & WA Only

↔Admitted in DC & ME Only

August 4, 2009

**Via ECFS**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street S.W.  
Washington, DC 20554

**Re: Rural Telecommunications Group, Inc.  
Letter to the Honorable Henry A. Waxman,  
Chairman of the House Energy and Commerce Committee  
WT Docket No. 05-265; WT Docket No. 09-66;  
WT Docket No. 08-95; and WT Docket No. 09-104**

Dear Ms. Dortch:

Because of the relevance of the information included in the attached letter from the Rural Telecommunications Group, Inc. ("RTG") to the Honorable Henry A. Waxman, Chairman of the House Energy and Commerce Committee, RTG hereby requests that the Commission also associate the letter with the above-captioned proceedings.

Please do not hesitate to contact me with any questions.

Respectfully submitted,

By: */s/ Caressa D. Bennet*

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Caressa D. Bennet  
*Counsel to Rural Telecommunications Group, Inc.*

Attachment



*advocate for rural wireless telecommunications providers*

July 31, 2009

*Via email and facsimile*

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

Dear Chairman Waxman,

The Rural Telecommunications Group, Inc. (RTG) is highly committed to policies that foster genuine competition in the wireless marketplace and provide more choices for American consumers. Recently, leaders of the House Committee on Energy and Commerce received a letter from Verizon Wireless (Verizon) in which the nation's largest wireless service provider recommended language for a possible statute or regulation regarding the issue of home, or "in-market," roaming.<sup>1</sup> Verizon's letter is so intentionally poorly drafted that the industry is unable to determine what Verizon is actually suggesting as a solution. From RTG's perspective the letter serves as nothing more than a "red herring" to divert the attention of lawmakers, regulators, the media, and most importantly, wireless consumers, from the real issues at stake.

Aside from being as clear as mud, Verizon's vagueness appears to leave more questions than answers in its wake. The proposal does not appear to include data roaming, a critical and necessary element if America is to succeed in the age of broadband. The proposal does not apply to entities acquiring companies who hold new licenses, entities who win licenses at a Federal Communications Commission (FCC) auction or re-auction, or entities who buy disaggregated licenses that have already met a build-out requirement. The proposal also does not take into consideration the varying sizes of license blocks in the different bands used by CMRS carriers. Larger sized license areas take longer to build out than smaller ones. A one-size fits all approach is untenable.

According to Verizon's letter, any potential roaming partner possessing spectrum encumbered by U.S. Government users will not be subject to a defined period of time for in-market roaming. Presumably, the period of time is two years from the time the government users are cleared, but this is not readily apparent from Verizon's letter.

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<sup>1</sup> Letter from Lowell C. McAdam, President and CEO of Verizon Wireless to the Honorable Henry Waxman, Chairman, dated July 22, 2009.

Verizon's proposed regulations also appear to allow discriminatory pricing of roaming charges based on whether a consumer is roaming inside or outside the home market. Such a practice would create uncertainty regarding roaming rates, terms and conditions, and effectively create different pricing structures for both carriers and consumers that will cause confusion and promote anti-competitiveness.

On May 7, 2009, the House Subcommittee on Communications, Technology, and the Internet held a productive hearing on possible ways in which Federal policy may be adjusted with respect to mobile telecommunications. Numerous witnesses, representing mobile operators and consumer protection groups, testified as to the anticompetitive effect the current roaming regulations have on the wireless landscape and how such policies limit consumer choice. Several of the witnesses specifically called for equal treatment of data and voice roaming, and for lifting the in-market roaming exclusion. Testimony from the witnesses at the hearing shows broad support for the elimination of the in-market roaming exclusion.<sup>2</sup> This hearing was well received and it started the industry on the right path to do what is necessary to help consumers and promote competition. Verizon has recognized this fact and now seeks to obfuscate by appearing to give some ground in hopes that Congress will believe enough has been accomplished when in reality the proposal will only harm competition and demote consumer welfare.

RTG respectfully requests that you look past Verizon's cryptic overtures designed only with self-promotion in mind, and urges your Committee to provide guidance to the FCC in establishing rules regarding in-market and automatic data roaming that promote fair and nondiscriminatory practices among carriers to benefit consumers.

Respectfully yours,



Caressa D. Bennet,  
General Counsel

cc: The Honorable Rick Boucher, Chairman House Subcommittee on Communications,  
Technology and the Internet  
Ranking Member Stearns  
Ranking Member Barton

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<sup>2</sup> Mobile carriers who have publically supported the elimination of the in-market roaming exclusion include Leap (Cricket), MetroPCS, Sprint Nextel, T-Mobile, U.S. Cellular, SpectrumCo (a joint-venture that includes cable operators Comcast, Time Warner and Cox) and SouthernLINC. Their position is also supported by the Organization for the Promotion and Advancement of Small Telecommunications Companies (OPASTCO), RTG, and several public interest advocacy groups. An extensive record of this matter exists in the FCC's "roaming docket."