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November 5, 2009

57739-000020

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

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

Dear Ms. Dortch:

On November 4, 2009, Mark A. Stachiw of MetroPCS Communications, Inc. ("MetroPCS") and Carl W. Northrop of Paul, Hastings, Janofsky & Walker LLP ("Paul Hastings") participated in a meeting with Ruth Milkman, Nese Guendelsberger, Paul Murray, Christina Clearwater and Peter Trachtenberg regarding the above-referenced proceedings. The oral presentation in this meeting was consistent with the pleadings and *ex partes* filed on behalf of MetroPCS in the above-referenced proceedings, as further supplemented below.

MetroPCS described the expanding coverage of its networks in various markets over a number of quarters – in some cases long after the renewal of the license and the satisfaction of all applicable build-out requirements. MetroPCS indicated that many of these expansion areas qualified as rural or semi-rural areas. MetroPCS pointed out that it had continued to expand its coverage areas into these less populated areas notwithstanding the fact that its existing roaming arrangements allowed in-market roaming in these areas. MetroPCS argued that this construction record -- which has occurred both in long-established and newly acquired markets -- confirms that the availability of in-market roaming rights does not deter the construction of competing facilities.

MetroPCS pointed out that permitting carriers to deny in-market roaming rights, or to charge excessive rates for such roaming, actually has the unintended effect of discouraging smaller and rural carriers from extending service into new areas. If in-market roaming is denied, or if the rates are proscriptive, customers end up limiting themselves to smaller local service areas and carriers focus their marketing efforts on segments of the market that do not demand roaming. At that point, the carrier is not incented to build-out adjacent areas.

In contrast, if in-market roaming was readily available at a reasonable rate -- such as the rate charged by the serving carrier to its wholesale customers – consumer interest in

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expanded coverage would be generated and the home carriers would be able to identify areas where its customers would benefit from expanded home area coverage. This kind of information would enable the home carrier to justify extending its own network coverage into the extended area. In sum, MetroPCS submitted that, if the Commission required serving carriers to offer in-market roaming services at the same basic rate they offer to their wholesale customers, home carriers would find increased demand for roaming that would justify network expansion and increased facility-based competition.

MetroPCS also stressed the critical importance of data roaming rights, particularly in light of MetroPCS' recent announcement regarding its deployment of LTE technology. MetroPCS recommended that the Commission immediately recognize a legal entitlement to data roaming in circumstances in which it is technically feasible and economically reasonable for carriers to provide such services.

Lastly, MetroPCS reiterated its view that causing a carrier to lose roaming rights for failing to construct facilities in an area in advance of any applicable construction deadline that applied to the license would be tantamount to imposing additional construction requirements retroactively on wireless carriers. Any such retroactive requirement would be unfair to the wireless carrier, and would harm the consumers who will have come to rely on the roaming rights.

Kindly refer any questions in connection with this letter to the undersigned.

Respectfully submitted,



Carl W. Northrop
of PAUL, HASTINGS, JANOFSKY & WALKER LLP

cc: (via email) Ruth Milkman
Nese Guendelsberger
Paul Murray
Christina Clearwater
Peter Trachtenberg