

LUKAS, NACE, GUTIERREZ & SACHS, LLP

8300 GREENSBORO DRIVE, SUITE 1200
MCLEAN, VIRGINIA 22102
703 584 8678 • 703 584 8696 FAX

WWW.FCCLAW.COM

RUSSELL D. LUKAS
DAVID L. NACE
THOMAS GUTIERREZ*
ELIZABETH R. SACHS*
DAVID A. LAFURIA
PAMELA L. GIST
TODD SLAMOWITZ*
TODD B. LANTOR*
STEVEN M. CHERNOFF*
KATHERINE PATSAS NEVITT*

CONSULTING ENGINEERS
ALI KUZEHKANANI
LEILA REZANAVAZ
—
OF COUNSEL
GEORGE L. LYON, JR.
LEONARD S. KOLSKY*
JOHN CIMKO*
J. K. HAGE III*
JOHN J. MCAVOY*
HON. GERALD S. MCGOWAN*
TAMARA DAVIS BROWN*
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*NOT ADMITTED IN VA

November 13, 2009

VIA ELECTRONIC FILING

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

**Re: *Ex Parte* Notification
WT Docket No. 05-265, RM-11497**

Dear Ms. Dortch:

On November, 2009, Steven K. Berry, Chief Executive Officer and Executive Director of Rural Cellular Association (RCA) and the undersigned, met with David S. Goldman, of the Office of Chairman Julius Genachowski to encourage the Commission to take action on RCA's Petition for Rulemaking (RCA Petition) in the Commission's exclusive handset proceeding, to adopt rules that would extend automatic roaming obligations to data services and eliminate the in-market exception, and to discuss the Petition for Rulemaking recently filed by 700 MHz Block A Good Faith Purchasers Alliance.

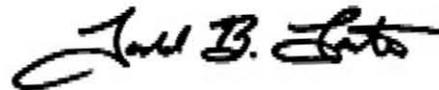
With respect to the RCA Petition, RCA representatives provided the Commission with recent data showing that, in September 2009, 46 of the 50 top-selling handsets in the United States were subject to exclusive handset arrangements involving one of the nation's four largest carriers. RCA encouraged the Bureau to move forward expeditiously with a Notice of Proposed Rulemaking to investigate the widespread use and anticompetitive effects of exclusivity arrangements between commercial wireless carriers and handset manufacturers, and, as necessary, adopt rules that prohibit such arrangements when contrary to the public interest. RCA representatives also discussed the consumer and competitive harms being caused from the growing use of exclusive handset arrangements by the nation's largest carriers.

On the issue of data roaming, RCA representatives encouraged the Commission to promptly take action that would extend the Commission's automatic roaming rules to data services. RCA representatives explained that the ability for rural consumers to have access to data services while roaming is a critical service offering to consumers and communities, and essential to the competitive viability of regional and rural carriers. RCA representatives also made clear that the expansion of automatic roaming obligations to include data is a basic and fundamental building block of achieving the Administration's goal of providing broadband to rural America, consistent with the Commission's stated goals in developing its National Broadband Plan. RCA representatives explained that there will be a detrimental impact to broadband deployment in rural America if automatic roaming obligations are not extended to data services.

On the issue of the Petition for Rulemaking filed by 700 MHz Block "A" Good Faith Purchasers Alliance, RCA representatives explained how Verizon Wireless and AT&T are collaboratively establishing self-serving "band classes" for 700 MHz mobile equipment in coordination with the LTE Standards Group, 3GPP, that will allow only these two dominant carriers to have economic and near-term access to 700 MHz equipment. RCA representatives stated that the clear intentions of Verizon Wireless and AT&T are to block the development of equipment for 700 MHz Lower "A" Block licensees, thereby impeding competition and harming consumers. RCA representatives encouraged Commission staff to expeditiously initiate a rulemaking to investigate the issues raised in the Petition in order to permit the entire 700 MHz band to develop in a competitive fashion and to prohibit restrictive arrangements that are contrary to the public interest.

Pursuant to Section 1.1206 of the Commission's Rules, this *ex parte* notification is being filed electronically with your office.

Respectfully submitted,



Todd B. Lantor
Counsel to Rural Cellular Association

cc: David S. Goldman (via e-mail)
Steven K. Berry (via e-mail)