



December 9, 2009

**EX PARTE NOTICE**

***Electronic Filing***

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room TW-A325  
Washington, D.C. 20554

Re: GN Docket No. 09-47  
GN Docket No. 09-51  
GN Docket No. 09-137  
WT Docket No. 05-265  
WT Docket No. 09-66  
WC Docket No. 05-25

Dear Ms. Dortch:

Yesterday, Neville Ray, Dave Miller, Tom Sugrue, and the undersigned, all of T-Mobile USA, Inc., met with Commissioner Robert M. McDowell and Angela Giancarlo, Commissioner McDowell's Chief of Staff and Senior Legal Advisor, to discuss broadband development and deployment, including T-Mobile's views on the subjects covered in the above-referenced dockets.

The T-Mobile representatives addressed roaming consistent with the company's recently-filed ex parte letter and white paper on the subject.<sup>1</sup> In particular, they urged the Commission to repeal the current "home market exclusion" to the automatic voice roaming requirement (at least to the extent it applies to areas in which requesting carrier has not constructed facilities and commenced selling service), without further delay. T-Mobile also noted its support for extension of the automatic roaming rule to mobile data services, such as wireless broadband Internet access, to allow consumers access to the same broadband services (2G and 3G) while traveling as they have at home. T-Mobile's experience since 2007 strongly suggests that, absent the changes it seeks, roaming at reasonable rates will not be provided, or may be withheld altogether, diminishing competition at the retail level and harming consumers.

In addition, the T-Mobile representatives described the company's leadership in open platforms like Google's Android operating system and urged a cautious approach to

<sup>1</sup> See Letter from Kathleen O'Brien Ham, Vice President, Federal Government Affairs, T-Mobile USA, Inc., to Marlene H. Dortch, Secretary, Federal Communications Commission, and attached paper, *Economic Analysis of the Provision Of Roaming Services in the Wireless Service Industry*, Dr. Andrzej Skrzypacz, Professor of Economics, Stanford University Graduate School of Business, *WT Docket Nos. 05-265, 09-66*, (corrected version filed Dec. 1, 2009).

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network neutrality regulation. T-Mobile noted that spectrum capacity is finite and that wireless providers need the ability to use reasonable network management practices to provide the quality of service customers expect.

Finally, the T-Mobile representatives emphasized the need for more spectrum to meet consumers' demand for more data-intensive services and applications.

Pursuant to section 1.1206(b) of the Commission's rules, an electronic copy of this letter is being filed.

Sincerely,

/s/ Kathleen O'Brien Ham

Kathleen O'Brien Ham  
Vice President,  
Federal Regulatory Affairs

cc: Angela Giancarlo