

December 15, 2009

Writer's Direct Contact
202/887-1574
WMaher@mofocom

Via Electronic Filing

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

Re: **NOTICE OF ORAL EX PARTE PRESENTATION**
Reexamination of Roaming Obligations of Commercial Mobile Radio Service Providers,
WT Docket No. 05-265

Dear Ms. Dortch:

On December 14, 2009, Tom Sugrue, Kathleen Ham, and Sara Leibman of T-Mobile USA, Inc. ("T-Mobile") and the undersigned, on behalf of T-Mobile, met with Ruth Milkman, Jim Schlichting, Paul Murray, Nese Guendelsberger, and Peter Trachtenberg of the Wireless Telecommunications Bureau regarding the above-referenced docket on wireless roaming matters. Heather Stacey of T-Mobile and Dr. Andrzej Skrzypacz of Stanford University participated by videoconference.

The T-Mobile representatives discussed T-Mobile's experience in the roaming marketplace and requested that the Commission (i) repeal the home market exclusion to the current automatic roaming rule and (ii) adopt an automatic roaming rule for data, consistent with the attached presentation. The T-Mobile representatives described in general terms the structure and substance of the types of roaming agreements with which they are familiar. Dr. Skrzypacz discussed the white paper that he recently wrote on roaming issues, which T-Mobile filed with the Commission on November 30, 2009.

T-Mobile recommended that the Commission repeal the home market exclusion permanently, as discussed in its petition for partial reconsideration in this proceeding, and not for some limited period of time. T-Mobile explained that in some areas of the country with very low population densities, it is simply uneconomic for a third or fourth carrier to build out, especially when the carrier only has access to upper band spectrum. Indeed, rather than promoting rural buildout, the home market exclusion can have the effect of actually reducing carrier buildout and competition in those rural areas where roaming otherwise might be economic. As T-Mobile explained, it is more inclined to build out in rural towns and communities if it is assured that

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reasonably priced roaming will be available for all its services in adjacent areas. A time limit on removal of the home market exclusion will decrease T-Mobile's incentives to engage in this type of rural buildout. If removal of the home market exclusion is time-limited, regulatory uncertainty over future roaming negotiations and buildout plans would increase and could result in providers deciding not to enter some smaller markets. In general, as Dr. Skrzypacz has pointed out, regulatory uncertainty would have negative effects on investment.

Pursuant to Section 1.1206(b) of the Commission's rules, an electronic copy of this letter is being filed with the office of the Secretary. If you have any questions regarding this notification, please contact the undersigned.

Very truly yours,

/s/ William F. Maher, Jr.

William F. Maher, Jr.
Counsel for T-Mobile

Attachment

cc: Ruth Milkman
Jim Schlichting
Paul Murray
Nese Guendelsberger
Peter Trachtenberg

T-Mobile Roaming Issues: Home Market Exclusion and Data Roaming

WT Docket No. 05-265
December 2009



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Position Overview

- T-Mobile urges the Commission to:
 - Grant pending petitions for reconsideration and repeal the home market exclusion to the automatic roaming rule.
 - At least in areas where a requesting carrier has not constructed facilities and commenced selling service.
 - Adopt an automatic roaming rule for data services.
- Professor Andrzej Skrzypacz of Stanford discussed the public interest benefits of these steps in his November white paper submitted to the Commission.

Roaming Is Essential to T-Mobile's Competitive Strategy

- As the fourth largest U.S. carrier, T-Mobile relies on extensive roaming agreements with other GSM/GPRS carriers to provide its customers with seamless coverage, especially in rural areas.
- T-Mobile expands its facilities-based network when it is economically rational and feasible to do so, such as through:
 - Acquisitions and
 - Building new facilities.

Roaming Is Essential to T-Mobile's Competitive Strategy

- Rural Build-Out:
 - T-Mobile is more inclined to build out in rural areas if it is assured that reasonably priced roaming will be available for all its services in adjacent areas.
- Existing market realities create complex issues that affect roaming decisions:
 - Facilities siting issues can leave roaming as the only option for providing service to customers.
 - When appropriate, T-Mobile leases or sells spectrum to other carriers that can build out an area more quickly, in exchange for long term, affordable roaming rates.

Repeal of the Home Market Exclusion is Long Overdue

- The home market exclusion harms consumers and competition.
 - Eliminates regulatory parity among wireless carriers;
 - Encourages discriminatory behavior; and
 - Upsets providers' reasonable expectations by *de facto* amending existing build-out requirements.
- Virtually all wireless carriers (save two) support change.
- Repeal or modification will permit the complaint process to discipline roaming arrangements

The Commission Should Adopt an Automatic Roaming Rule for Data Services

- Consumers increasingly expect that when they are traveling, all services provided via their mobile units, including voice, e-mails, and mobile applications, operate seamlessly.
- T-Mobile's experience indicates that without a rule change, roaming not covered by the existing automatic roaming rule will not be provided on reasonable terms or may be withheld.
 - Diminishes competition at the retail level and
 - Harms consumers.

The Commission Should Adopt an Automatic Roaming Rule for Data Services

- Professor Skrzypacz explains:
 - Data traffic is expected to become the most important part of mobile communications.
 - Therefore, an automatic roaming policy now for data services will:
 - Increase regulatory certainty, so that
 - Firms can make more informed investment decisions.

Thank you!



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