

December 17, 2009



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

Re: *Ex Parte* Notice
WT Docket No. 09-66 (Mobile Wireless Competition)
WT Docket No. 05-265 (Reexamination of Roaming Obligations)

Dear Ms. Dortch:

On December 16, 2009, Joel Kelsey of Consumers Union, Chris Riley of Free Press, and Parul Desai and Matt Wood of Media Access Project (“MAP”) (collectively, the “Public Interest Participants”), met with Ruth Milkman, Bureau Chief, Wireless Telecommunications Bureau (the “Bureau”), as well as Paul Murray, Assistant Bureau Chief/Chief Counsel, and Brenda Boykin, Attorney Advisor in the Bureau’s Spectrum & Competition Policy Division.

The Public Interest Participants discussed actions that the Commission should take to remove barriers to entry and growth in the mobile wireless market – particularly those barriers to competition that arise from the current rules for voice and data roaming. Specifically, the Public Interest Participants suggested that the Commission should eliminate the in-market exception to automatic roaming obligations typically mandated for CMRS carriers. If the Commission were to propose suspending the in-market exception for a period of years rather than eliminating this exception outright, the Commission should ensure that access to automatic, in-market roaming is preserved during the pendency of any extension request made by the requesting carrier.

Such extensions should be available to any requesting carrier able to demonstrate that factors potentially outside of its control, or otherwise limiting the practicability of deployment, prevent construction of sufficient facilities in markets for which the requesting carrier holds spectrum usage rights. The Public Interest Participants recommended that, when making such determinations, the Commission should consider factors such as (1) the size of the geographic area in which the requesting carrier holds spectrum usage rights and must build its facilities; (2) the population density, and thus number of potential customers, within that area; (3) the availability, on reasonable terms and conditions and within reasonable time periods, of a sufficient number of tower sites in suitable locations; (4) the type of spectrum to be used by the requesting carrier, the propagation characteristics of which could affect buildout by dictating the number of cell sites required to provide adequate coverage; and (5) the relative ease or difficulty of clearing, or otherwise preparing to make use of, the assigned spectrum band(s).

Finally, the Public Interest Participants stressed the need to extend automatic roaming obligations to non-interconnected data services if the Commission hopes to promote greater

competition in the CMRS market and likewise ensure widespread deployment and adoption of mobile broadband services. While acknowledging the legal, technical, and economic questions that the Commission will need to address in crafting appropriate rules, the Public Interest Participants reiterated their support for data roaming obligations that would help prevent consolidation and greater market power for dominant providers in this rapidly growing segment of the mobile wireless market.

MAP files this notification electronically today, pursuant to Section 1.1206(b) of the Commission's rules, 47 C.F.R. §1.1206(b). Please contact the undersigned should you have any questions regarding this submission.

Respectfully submitted,

/s/ Matthew F. Wood

Associate Director
Media Access Project

cc: Ruth Milkman
Paul Murray
Brenda Boykin