

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of)	
)	
International Comparison and Consumer Survey Requirements in the Broadband Data Improvement Act)	GN Docket No. 09-47
)	
A National Broadband Plan for Our Future)	GN Docket No. 09-51
)	
Inquiry Concerning the Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion, and Possible Steps to Accelerate Such Deployment Pursuant to Section 706 of the Telecommunications Act of 1996, as Amended by the Broadband Data Improvement Act)	GN Docket No. 09-137
)	
Reexamination of the Roaming Obligations of Commercial Mobile Radio Service Providers)	WT Docket No. 05-265
)	

To: The Commission

**SOUTHERNLINC WIRELESS:
COMMENTS – NBP PUBLIC NOTICE #25**

Southern Communications Services, Inc. d/b/a SouthernLINC Wireless (“SouthernLINC Wireless”) hereby submits its comments in response to the Federal Communications Commission’s Public Notice on the transition from circuit-switched networks to all-IP networks.¹

¹ / Comment Sought on Transition from Circuit-Switched Network to All-IP Network, NBP Public Notice #25, GN Docket Nos. 09-47, 09-51, 09-137, Public Notice, DA 09-2517 (rel. Dec. 1, 2009) (“Public Notice”).

As stated in the Public Notice, the purpose of the Commission’s request for comments is to set the stage for a possible Notice of Inquiry (NOI) “relating to the appropriate policy framework to facilitate and respond to the market-led transition in technology and services, from the circuit switched PSTN system to an IP-based communications world.”² The Commission has therefore requested comment “to identify the relevant policy questions that an NOI on this topic should raise,” as well as “to identify and understand what aspects of traditional policy frameworks are important to consider, address, and possibly modify in an effort to protect the public interest in an all-IP world.”³

SouthernLINC Wireless submits that one of the traditional policy frameworks that should be addressed is the Commission’s current approach to automatic roaming for commercial mobile services. Specifically, given the already-ongoing transition of “traditional” – yet fundamental – services such as voice telephony to IP-based networks, platforms, and technologies, it is imperative that the Commission move beyond artificial and increasingly obsolete regulatory distinctions between “interconnected” and “non-interconnected” services and extend the obligation to provide automatic roaming on a just, reasonable, and nondiscriminatory basis to all commercial mobile wireless services, including data services. Without such an obligation, consumer access to automatic roaming could be circumvented or thwarted by the transition to IP-based communications, thus undermining the very public interest that the automatic roaming rule was intended to protect.

In 2007, the Commission adopted automatic roaming obligations for mobile voice telephony services, finding that the adoption of these obligations “serve[s] the public interest and

² / Public Notice at 1 – 2.

³ / Public Notice at 2.

safeguard[s] wireless consumers' reasonable expectations of receiving seamless nationwide commercial mobile telephony services through roaming.”⁴ The Commission also found that “it would be in the public interest to extend automatic roaming obligations” to push-to-talk (PTT) services and short text messaging services (SMS) as well, since “such offerings are typically bundled as a feature on the handset with other CMRS services” and consumers “expect the same seamless connectivity with respect to these features and capabilities as they travel outside their home network service areas.”⁵ However, the Commission declined at that time to extend automatic roaming obligations to other “non-interconnected” data services, opting instead to initiate a *Further Notice of Proposed Rulemaking* that has now been pending for over two years.

In reaching its decisions in its *2007 Roaming Order*, the Commission focused on whether a service is “interconnected” with – or “touches” – the public switched network.⁶ But the public switched network is no longer the sole communications platform used by many consumers, and many of the key definitional touchstones used to describe the “public switched network” for regulatory purposes may not be relevant in an IP-based communications world.

As the Commission has recognized with the issuance of the instant Public Notice, networks and services are rapidly converging, with old lines and distinctions blurring, blending, or disappearing altogether. Thus there is no longer any rational technical or policy basis for continuing to use the concept of “interconnecting” with or “touching” the public switched

⁴ / *Reexamination of the Roaming Obligations of Commercial Mobile Radio Service Providers*, WT Docket No. 05-265, Report and Order and Further Notice of Proposed Rulemaking, 22 FCC Rcd 15817, 15819 ¶ 3 (2007) (“*2007 Roaming Order*”).

⁵ / *2007 Roaming Order*, 22 FCC Rcd at 15837 ¶¶ 54 – 55.

⁶ / *See, e.g., 2007 Roaming Order*, 22 FCC Rcd at 15826, 15829 ¶¶ 23, 29.

network as the basis for drawing regulatory lines for services and policies, such as automatic roaming, that protect the public interest.

Moreover, from the consumers' perspective, wireless customers are buying a communications function – e.g., voice, e-mail, and/or other data services. Consumers do not care about the routing methods or underlying network technologies used to provide the service, but care rather that the service be available, accessible, and affordable. Drawing artificial distinctions based on the technology used to provide the service, or on whether the service “interconnects” with the public switched network, will only lead to consumer confusion and frustration and would not be in the public interest. As Commissioner Copps stated in 2007:

Consumers should not have to be amateur engineers or telecom lawyers to figure out which mobile services they can expect to work when they travel. They should be able to assume that their phones will work to the fullest extent that technology permits, wherever they happen to be.⁷

Although the Commission already has an open docket with an extensive record on the issue of automatic roaming for data services, this issue as yet remains unresolved. As long as the Commission's policy framework for automatic roaming remains an open question, this policy must be taken into consideration as part of any future NOI or other proceeding “relating to the appropriate policy framework to facilitate and respond to the market-led transition in technology and services, from the circuit switched PSTN system to an IP-based communications world.”⁸

⁷ / 2007 *Roaming Order*, 22 FCC Rcd at 15885 (Separate Statement of Commissioner Michael J. Copps, Approving in Part, Concurring in Part).

⁸ / Public Notice at 1 – 2.

WHEREFORE, THE PREMISES CONSIDERED, SouthernLINC Wireless respectfully requests the Commission to take action in this docket consistent with the views expressed herein.

Respectfully submitted,

SOUTHERNLINC WIRELESS



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