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February 24, 2010

## VIA ELECTRONIC FILING

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

**Re: Meeting Notification  
RM-11497; WT Docket No. 05-265; RM-11592**

Dear Ms. Dortch:

On February 23, 2010, Steven K. Berry, Chief Executive Officer and Executive Director of Rural Cellular Association (RCA) and the undersigned, met with Louis Peraertz, Chief of Staff to Commissioner Copps, to encourage Commission 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 filed by the 700 MHz Block A Good Faith Purchasers Alliance.

With respect to the RCA Petition, RCA representatives stated that the Commission should 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 discussed the consumer and competitive harms being caused from the growing use of exclusive handset arrangements by the nation's largest carriers. RCA also provided the attached article showing the significant price reductions for the iPhone in

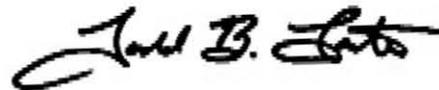
France where Orange's iPhone exclusivity arrangement with Apple was terminated by the Competition Council following a complaint filed by Bouygues Telecom.<sup>1</sup>

On the issue of data roaming, RCA representatives asked that the Commission take prompt action to 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 have established self-serving "band classes" for 700 MHz mobile equipment in coordination with the LTE Standards Group, 3GPP. RCA representatives stated that the clear intentions of Verizon Wireless and AT&T appear to be to stunt the development of equipment for 700 MHz Lower "A" Block licensees, while impeding competition and lowering spectrum valuations to the detriment of all wireless consumers and the U.S. Treasury. RCA representatives noted their appreciation of the Wireless Bureau's recent Public Notice 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 notification is being filed electronically with your office.

Respectfully submitted,



Todd B. Lantor  
*Counsel to Rural Cellular Association*

cc: Louis Peraertz (via e-mail)  
Steven K. Berry (via e-mail)

Enclosure

<sup>1</sup> See *Apple iPhone Prices Plummet in France* (<http://www.boygeniusreport.com/2009/12/22/apple-iphone-prices-plummet-in-france/>).

# Apple iPhone prices plummet in France

by [Kelly Hodgkins](#) on December 22nd, 2009 at 1:29pm

Filed under: [Apple](#), [Carriers - International](#), [Handsets](#), [News](#), [Orange](#) 32 Comments



Earlier in the year, Orange's [iPhone exclusivity in France was forced to an end](#) by a court decision from the Competition Council following a complaint filed by Bouygues Telecom. This decision and its re-affirmation by the higher courts has opened the

floodgates for the iPhone to conquer France with the handset making its appearance on Bouygues Telecom and SFR in addition to Orange. Competition leads to increased sales, increased sales leads to price wars and significant price slashing has hit the iPhone in France. Orange has cut its price on the 16GB iPhone 3GS to a lowly €59 (\$48USD) from its original sticker of €149 (\$213USD), the iPhone 3G 8GB has fallen to a mere €19 (\$27USD), while the iPhone 3GS 32GB retails for €169 (\$242USD). Strings are attached as customers must sign up for an Origami Star contract, starting a €10.90 (\$48USD) per month. Priced slightly higher is SFR which offers the iPhone 3G 8GB for €29 (\$42USD), the iPhone 3GS 16GB for €99 (\$ 141USD) and the 3GS 32GB for €199 (\$284USD). Not wanting to feel left behind, expect other telecoms in France and perhaps even the surrounding markets to follow suit.