

# LUKAS, NACE, GUTIERREZ & SACHS, LLP

8300 GREENSBORO DRIVE, SUITE 1200  
MCLEAN, VIRGINIA 22102  
703 584 8678 • 703 584 8696 FAX

WWW.FCCLAW.COM

RUSSELL D. LUKAS  
DAVID L. NACE  
THOMAS GUTIERREZ\*  
ELIZABETH R. SACHS\*  
DAVID A. LAFURIA  
PAMELA L. GIST  
TODD SLAMOWITZ\*  
TODD B. LANTOR\*  
STEVEN M. CHERNOFF\*  
KATHERINE PATSAS NEVITT\*

CONSULTING ENGINEERS  
ALI KUZEHKANANI  
LEILA REZANAVAZ  
—  
OF COUNSEL  
GEORGE L. LYON, JR.  
LEONARD S. KOLSKY\*  
JOHN CIMKO\*  
J. K. HAGE III\*  
JOHN J. MCAVOY\*  
HON. GERALD S. MCGOWAN\*  
TAMARA DAVIS BROWN\*

\*NOT ADMITTED IN VA

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; CC Docket No. 96-45;  
WC Docket No. 05-337**

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 John Giusti, 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, to discuss the Petition for Rulemaking filed by the 700 MHz Block A Good Faith Purchasers Alliance, and to discuss steps the Commission should take to appropriately reform the Universal Service Fund (USF).

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 also discussed the consumer and competitive harms being caused from the growing use of exclusive handset arrangements by the nation's largest carriers.

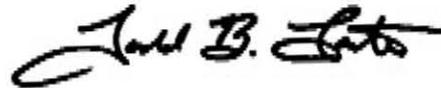
On the issue of data roaming, RCA representatives asked that the Commission take prompt action to extend the Commission's automatic roaming rules to data services. RCA representatives explained that the ability for rural consumers to have access to data services while roaming is a critical service offering 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.

Finally, on the issue of universal service reform efforts, RCA representatives explained how portability should be a centerpiece of the Commission's USF reform efforts. RCA representatives explained by adopting new rules making USF support portable, the consumer gets to decide which carrier is entitled to receive the corresponding amount of USF support – an outcome that is clearly in the public interest and that inherently limits growth of the High Cost Fund.

Pursuant to Section 1.1206 of the Commission's Rules, this notification is being filed electronically with your office.

Respectfully submitted,

A handwritten signature in black ink that reads "Todd B. Lantor". The signature is written in a cursive, flowing style.

Todd B. Lantor

*Counsel to Rural Cellular Association*

cc: John Giusti (via e-mail)  
Steven K. Berry (via e-mail)