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Ex Parte

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Room TW-A325
Washington, D.C. 20554

Re: <u>Reexamination of Roaming Obligations of Commercial Mobile Radio Services Providers, WT Docket No. 05-265</u>

Dear Ms. Dortch:

On March 19, 2010, Kathleen Grillo and Tamara Preiss of Verizon and Andre Lachance of Verizon Wireless met with Charles Mathias, Legal Advisor, Wireless, International and Public Safety Issues for Commissioner Meredith Attwell Baker, to discuss issues in the above-captioned proceeding.

With respect to data roaming, we discussed Verizon Wireless' legal and policy positions opposing a data roaming mandate. We emphasized that competitive market forces are working and provide carriers today with incentives to implement advanced data services in their home markets and to make data roaming services available to roaming partners. We stated that 2G data roaming services, which enable access to the Internet and email, are already available and that 3G roaming services are developing as more carriers deploy 3G capabilities in their networks. Thus, there is no reason for the Commission to require data roaming.

With respect to "in-market" or "home" roaming, we reiterated that the Commission properly concluded in 2007 that mandatory in-market roaming would discourage facilities-based competition and eliminate incentives to build facilities and expand service to customers in rural areas. There is nothing in the record that justifies the Commission altering that conclusion.

If, however, the Commission were to decide to change its rule, the Commission must make clear in its order that "just and reasonable" charges and practices for in-market roaming under Section 201(b) may properly differ from those for out-of-market roaming, and that it may be reasonable under Section 202(a) in some circumstances to discriminate among roaming partners

requesting in-market roaming. Factors relevant to a determination of whether a request for in-market roaming is just and reasonable and not unreasonably discriminatory should include:

- The spectrum assets held by the requesting carrier in the home market, whether the spectrum is encumbered, and how long has it been unencumbered;
- The requesting carrier's presence in the requested market, measured by factors such as how long the requesting carrier has held spectrum assets in the requested markets and the extent to which it has built facilities in those markets; and
- The extent to which the requesting carrier provides roaming or other benefits similar to those the requesting carrier will derive from the arrangement.

This letter is being filed electronically pursuant to Section 1.1206 of the Commission's Rules. Please contact me if you have any questions.

Respectfully submitted,

cc: Charles Mathias