



The Premier Rural & Regional Carrier Association

**Rural Cellular Association**

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June 17, 2010

**Via ECFS**

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

**Re: WC Docket No. 05-337, CC Docket No. 96-45  
WT Docket No. 05-265  
WT Docket No. 09-66  
RM-11592**

Dear Ms. Dortch:

On June 16, 2010, Steven K. Berry, President and CEO of the Rural Cellular Association (RCA); Grant Spellmeyer, Senior Director of Legislative & Regulatory Affairs at US Cellular; Pat Riordan, CEO of Cellcom; Sean Barba, Regional Business Manager of Conterra Ultra Broadband LLC; Brian Spurgeon, Director of Finance and Operations at Nex-Tech Wireless; and the undersigned met with Bruce Gottlieb and Ruth Milkman to discuss handset exclusivity, automatic data roaming, 700 MHz interoperability and the D Block, and universal service.

During the meeting, RCA representatives commended the Commission for eliminating the home roaming exception and asked the FCC to follow that path and mandate automatic data roaming similar to voice. Data roaming is the fundamental building block to bringing ubiquitous broadband to rural America. RCA members explained how they have limited options to obtain nationwide mobile devices, but their customers still expect nationwide coverage and comparable services to their urban counterparts. Larger carriers have the ability to block rural and regional carriers from obtaining data roaming with reasonable terms and conditions because there is no regulatory mandate and consolidation in the wireless market has reduced the number of roaming partners. Voluntary data roaming is not enough. RCA representatives encouraged the FCC to mandate automatic data roaming.

In addition to a data roaming mandate, RCA members described their slow moving progress toward eliminating the competitive obstacles created by handset exclusivity. Just under a year ago, Chairman Genachowski stated in his Senate confirmation hearing that the FCC would investigate the competitive effects of handset exclusivity. RCA representatives described their continued effort to reach an industry consensus on exclusivity arrangements and asked the FCC to continue to support

this effort. Absent an industry solution, RCA encouraged the FCC to move forward with a regulatory solution.

RCA representatives also described how interoperability throughout the 700 MHz band is crucial for public safety and consumers alike to reap the benefits of roaming and access to the latest handsets. Lack of interoperability in the 700 MHz band will impose significant costs and burdens upon A Block licensees which will competitively disadvantage smaller and regional carriers, public safety and consumers. RCA requested that the FCC act quickly on the 700 MHz Block A Good Faith Purchasers Alliance Petition to prevent balkanization of the 700 MHz spectrum. RCA representatives also encouraged the FCC to proceed with the D block auction and to provide auction incentives for smaller and regional carriers.

Finally, RCA representatives expressed concern over the FCC's universal service reform outlined in the National Broadband Plan. The FCC's current proposal to phase out CETC support over only five years as opposed to the ten-year proposed phase out of the high-cost program is inequitable and technologically discriminatory. RCA representatives suggested that there should be a ten-year phase out for both wireless and wireline companies. RCA representatives urged the Commission to refrain from moving forward with changes to the current fund until the FCC and Congress fully develop and implement a new USF program.

This *ex parte* notification is being filed electronically with your office pursuant to Section 1.1206 of the Commission's Rules.

Sincerely,

A handwritten signature in blue ink, appearing to read "Rebecca Murphy Thompson". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Rebecca Murphy Thompson  
General Counsel

cc: Mr. Bruce Gottlieb  
Ms. Ruth Milkman