

July 20, 2010

Via Electronic Filing

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, DC 20554

Re: Written *Ex Parte* Presentation, GN Docket Nos. 10-127, 09-191.

Dear Ms. Dortch:

On July 19, 2010, Steve Largent, President and CEO, Christopher Guttman-McCabe, Vice President, Regulatory Affairs, and Scott Bergmann, Assistant Vice President, Regulatory Affairs, CTIA – The Wireless Association® (“CTIA”), met with Eddie Lazarus, FCC Chief of Staff. Consistent with CTIA’s past advocacy in these dockets, CTIA detailed for Mr. Lazarus the legal, technical and policy rationales that counsel against the Commission’s proposed action to reclassify mobile wireless broadband as a Title II service.

CTIA explained its view that mobile broadband Internet services should not be – and legally cannot be – brought under Title II, whether in whole or whether subject to some nominal forbearance. The FCC should instead continue with a regulatory model that has fostered exactly the sort of market the FCC is striving for in all of the services it regulates – one that is driven by competition, the hallmarks of which are investment, innovation and a diverse menu of services and products for consumers.

CTIA urged the Commission to reject claims that the proposed “Third Way” is somehow analogous to the treatment of wireless voice service under Section 332(c) of the Communications Act. The decision to deregulate wireless services under Section 332(c) was one made by Congress, not unilaterally by the FCC, and was deregulatory in nature. By contrast, Commission action to regulate wireless broadband as a common carrier service would actually be regulatory in nature and in contravention of the Act.

In addition, CTIA reiterated that there is no basis for the Commission to adopt proposed net neutrality rules and to apply them to mobile wireless broadband service providers. Instead, proposed net neutrality regulations would inject uncertainty and confusion into the wireless ecosystem, disrupting the virtuous cycle of innovation, investment, and customer satisfaction that is the industry’s trademark.

Pursuant to Section 1.1206 of the Commission's rules, a copy of this letter is being filed via ECFS with your office. Please do not hesitate to contact the undersigned with any questions.

Sincerely,

/s/ Christopher Guttman-McCabe

Christopher Guttman-McCabe

cc: Eddie Lazarus