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September 22, 2010

**By Electronic Filing**

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

Re: *In The Matter of Reexamination of Roaming Obligations of Commercial Mobile Radio Service Providers and Other Providers of Mobile Data Services, WT Docket No. 05-265.*

Dear Ms. Dortch:

As AT&T has previously demonstrated in this proceeding, the Communications Act prohibits the Commission from imposing common carrier data roaming obligations on wireless broadband data providers. Section 332 of the Act establishes two statutory categories of mobile wireless services: (1) commercial mobile radio services (“CMRS”), which are defined as services that make available “interconnection” to the “public switched network” and are offered indiscriminately “to the public,” and (2) “private mobile services” (“PMRS”), which are defined as mobile wireless services that are not CMRS or its functional equivalent. Data roaming is clearly PMRS. As virtually all commenters here concede – and as the Commission has already recognized – data roaming does not make available interconnection to the PSTN. Data roaming is also an individually negotiated provider-to-provider service that is not offered indiscriminately to the public, and it is in no respect the functional equivalent of any CMRS service. Section 332(c)(2) expressly provides that “insofar as” a person provides a “service that is a private mobile service,” that person “shall not . . . be treated as a common carrier for *any purpose under this Act.*”<sup>1</sup> The statute therefore prohibits the proposed data roaming rules, which would impose quintessential common carrier obligations on wireless broadband providers to offer data roaming to all comers on rates and terms governed by Sections 201 and 202 of the Communications Act.

In their opening comments, the proponents of common carrier regulation offered a wide variety of possible sources of authority for new data roaming rules, based on seemingly every provision of the Communications Act except the only one that actually addresses the issue, Section 332. Now that AT&T and others have pointed out that Section 332(c)(2) unequivocally prohibits their proposals, the regulation proponents in their reply comments have offered an equally wide variety of theories for how the Commission could evade the statutory ban – theories that are every bit as meritless and mutually contradictory as their original theories.

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<sup>1</sup> 47 U.S.C. §§ 332(c)(2) & (d) (emphasis added).

The regulation proponents new theories fall into four broad categories: (1) attempts to re-characterize what are plainly common carrier obligations as something else that could be authorized by other sections of the Act; (2) attempts to argue that, regardless of what Section 332 says, Congress did not intend for the prohibition in Section 332(c) to apply to services like data roaming; (3) arguments that data roaming is not PMRS, because it is the “functional equivalent” of a CMRS service; and (4) attempts to show that giving effect to the plain language of Section 332(c) may have unwanted consequences in other contexts. Not a single one of these arguments provides a credible legal basis for a data roaming mandate.

*First*, a number of commenters press ahead with their original theories, and claim that the Commission has authority under other sections of Title III, or under Title II, or using ancillary Title I jurisdiction. All of these theories boil down to the assertion that the Commission could simply reverse itself and call common carrier obligations “something else” and then say it was exercising authority for that “something else” under other sections of the Act.<sup>2</sup> Section 332(c)(2) cannot be so easily evaded. Common carriage by any other name is still common carriage, and the statute unambiguously prohibits such obligations “for any purpose under this Act.”

For example, Cellular South argues (at 41) that, although Section 332(c)(2) does prohibit common carriage, the Commission could still impose “common carrier-type requirements” under Title III as conditions on licenses: “That is, the Commission would prescribe the duty to provide service upon reasonable request; the provision of service with reasonable rates and on reasonable terms; the provision of service free from any unreasonable discrimination,” and that it could do so “without treating host carriers as Title II common carriers.” Similarly, Leap (at 10-11) argues that the Commission could avoid Section 332 by imposing data roaming requirements under Title III “as a condition of a license,” and explains that such regulation would not be “a ‘common carrier’ obligation, but simply an obligation.”<sup>3</sup>

These fabricated “distinctions” would be soundly rejected by any reviewing court; indeed, courts have consistently reversed similar attempts to impose common carriage by another name.<sup>4</sup> The Supreme Court’s decision in *Midwest Video* is instructive. There, the Commission mandated open and nondiscriminatory access to cable public access channels. Like the commenters here, the Commission acknowledged in its brief that the “rules ‘can be viewed as a limited form of common carriage-type obligation,’” but it argued that it had the power to adopt the regulation regardless of this “characterization” as long as it “promote[d] statutory objectives.”<sup>5</sup> The Supreme Court had no

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<sup>2</sup> Cf. Report and Order and Further Notice of Proposed Rulemaking, *Reexamination Of Roaming Obligations Of Commercial Mobile Radio Service Providers*, 22 FCC Rcd. 15817, ¶ 23 (2007) (“2007 Roaming Order”) (“[w]e clarify that automatic roaming is a common carrier service, subject to the protections outlined in Sections 201 and 202 of the Communications Act”).

<sup>3</sup> See also, e.g., RCA at 15 (Commission could “prescribe the duty to provide service upon reasonable request; the provision of service with reasonable rates and on reasonable terms; the provision of service free from any unreasonable discrimination” without running afoul of the common carriage prohibition so long as it grounds those rules in Title III, rather than Title II).

<sup>4</sup> See, e.g., *FCC v. Midwest Video Corp.*, 440 U.S. 689, 703-05 (1979).

<sup>5</sup> *Id.* at 703.

trouble concluding, however, that “the access rules plainly impose common-carrier obligations.”<sup>6</sup> As here, “the language of [the statute was] unequivocal” – “[t]he Commission is directed explicitly . . . not to treat persons engaged in broadcasting as common carriers.” Moreover, the Commission’s attempts to call it “something else” were rejected, because clearly “Congress . . . did not regard the *character* of regulatory obligations as irrelevant to the determination of whether they might permissibly be imposed.”<sup>7</sup> So too here: if the Commission were to require a wireless broadband provider to offer roaming on reasonable request, on reasonable terms and rates, and free from unreasonable discrimination, it clearly would be “treat[ing]” a PMRS provider “as a common carrier” in violation of Section 332(c)(2), whether it calls such regulation common carriage or not.

For similar reasons, MetroPCS’s argument (at 34) that the Commission could impose these regulations under Title III because Section 332(c) merely means that a PMRS provider cannot be subjected to “the entire panoply of Title II common carrier regulation” fails. MetroPCS is asking the Commission to require wireless broadband providers to offer data roaming indiscriminately to all comers on a “just and reasonable basis” – the precise attributes that the courts have identified as the quintessential features of common carriage. Section 332(c)(2) prohibits the Commission from “treat[ing]” a PMRS provider as “a common carrier for any purpose under this Act”; it does not say that the Commission may apply common carrier obligations as long as it stops short of applying the “full panoply” of those requirements. Requiring broadband providers to offer data roaming indiscriminately to all other providers would unquestionably “treat” PMRS providers as common carriers, and thus would violate the Act.

MetroPCS also repeats its meritless argument that if a service meets the definition of a “telecommunications service,” it can be regulated as common carriage regardless of Section 332. As AT&T has previously explained, MetroPCS has things backwards: with respect to the question whether mobile wireless services can be treated as common carriage, Congress has specified in Section 332(c) that it is the CMRS/PMRS dichotomy that is controlling, not the telecommunications service definition.<sup>8</sup> MetroPCS claims that, in the *Wireless Broadband Classification Order*, the Commission found that “a mobile wireless Internet access provider that chooses to offer the telecommunications component as a telecommunications service may also be subject to the ‘commercial mobile service’ provisions of the Act,” but it leaves out that the Commission expressly qualified that statement by emphasizing that it would “depend[] upon whether the transmission service falls within the definition of CMRS in the Act.”<sup>9</sup> Data roaming does not.<sup>10</sup>

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<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> See AT&T Reply Comments at 8-9.

<sup>9</sup> *Appropriate Regulatory Treatment for Broadband Access to the Internet over Wireless Networks*, WT Docket No. 07-53, Declaratory Ruling, 22 FCC Rcd. 5901, ¶ 33 (2007) (“*Wireless Broadband Classification Order*”).

<sup>10</sup> *2007 Roaming Order* ¶ 60 (“we decline at this time to extend the scope of the automatic roaming services definition to include non-interconnected services . . . such as wireless broadband Internet access,” because “[w]e find that automatic roaming, as a common carrier service, does not extend to

*Second*, other commenters acknowledge that the language of Section 332(c) bars common carrier obligations but claim that Congress did not *mean* for it to apply here. These arguments are misguided as well.

For example, Clearwire argues (at 5-6) that “Congress’s underlying purpose in distinguishing between ‘commercial’ and ‘private’ mobile services was to protect isolated, private networks from the full set of common carrier obligations that are associated with utilizing a public network for private profit.” Under this theory, Congress intended to exclude “only those services that had a non-public character such as a cab company’s wireless dispatch service, private business radio services or private paging systems.”<sup>11</sup> The language of Section 332(c)(2), however, unambiguously prohibits common carrier regulation of *any* service that is not CMRS or its functional equivalent, and the Commission is not free to ignore the plain language of a statute based on surmises about what Congress “really meant” to say. Even if Clearwire were correct about particular legislators’ concerns at the time, the Supreme Court has made clear that “statutory prohibitions often go beyond the principal evil to cover reasonably comparable evils, and it is ultimately the provisions of our laws rather than the principal concerns of our legislators by which we are governed.”<sup>12</sup>

Similarly, MetroPCS argues (at 27-28) that Section 332 was not “meant” to apply to wholesale carrier-to-carrier services.<sup>13</sup> This is so, they claim, because the statutory category of PMRS was “adopted to replace, and intended to apply to,” the pre-existing statutory category of “private land mobile service,” which MetroPCS claims was provided by definition only to “eligible users,” which it defines as retail users. This argument fails on several grounds. Most importantly, MetroPCS is simply ignoring the statutory language. Data roaming is unquestionably a “mobile service” as defined in Section 3(27), which makes no distinction between retail or wholesale services.<sup>14</sup> PMRS is defined as “any mobile service” that is not CMRS or the functional equivalent, and given that data roaming does not fall into either of the latter two categories, data roaming is PMRS – regardless of whether it is a retail or wholesale service.<sup>15</sup>

Moreover, MetroPCS has its history and precedents wrong. The new PMRS definition was not meant to map to the old “private land mobile service” definition; to the contrary, the definition of that term, and its use of the phrase “eligible users,” is what led to the competitive imbalances that caused Congress to scrap the “private land mobile service” definition altogether and to replace it

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wireless services that are classified as information services or to other wireless services *that are not CMRS*” (emphasis added)).

<sup>11</sup> Clearwire at 5.

<sup>12</sup> *Oncala v. Sundowner Offshore Services, Inc.*, 523 U.S. 75, 79 (1998); *NCTA v. FCC*, 567 F.3d 659, 663-66 (D.C. Cir. 2009).

<sup>13</sup> See also T-Mobile at 10 (arguing that wholesale services fall outside of the CMRS/PMRS dichotomy).

<sup>14</sup> See 47 U.S.C. § 3(27).

<sup>15</sup> See also MetroPCS at 32 (conceding that the statutory categories of CMRS, the functional equivalent of CMRS, and PMRS “occupy the field of mobile service”).

with the completely different CMRS/PMRS dichotomy, with completely different statutory language.<sup>16</sup> MetroPCS also claims that the Enforcement Bureau recently issued a decision “interpret[ing]” Section 332 as applying only to retail services, but MetroPCS misreads the decision. The Bureau there held merely that Section 332(c)(3)(A), which prohibits local regulation of CMRS rates, did not govern *wireline* local access services provided by a *CLEC* to a CMRS provider.<sup>17</sup> There is nothing in that decision that remotely suggests that the statutory terms “mobile services,” CMRS, or PMRS could be limited to retail services.

*Third*, several carriers argue that data roaming is not PMRS because it is the “functional equivalent” of CMRS. None of these commenters, however, grapples with the statutory language or the Commission’s precedents applying that language, which necessarily establish a stringent standard for determining whether a service is the “functional equivalent” of a CMRS service. The Commission has explained that, to be the “functional equivalent” of CMRS, a service must be a substitute (in the strict economic sense) for a CMRS service, and therefore the Commission has properly insisted on rigorous, empirical evidence that changes in price “would prompt customers to change from one service to the other.”<sup>18</sup> The Commission has emphasized that “very few mobile services that do not meet the definition of CMRS will be a close substitute for a commercial mobile radio service” and thus qualify as a functional equivalent.<sup>19</sup> No commenter even attempts to show that data roaming is an economic substitute for any CMRS service, such that an increase in the rates for data roaming would drive customers to substitute the CMRS service.

Most commenters founder immediately by focusing on *retail* services, and whether VoIP offerings have caused retail Internet services to become functionally equivalent to retail voice services.<sup>20</sup> As MetroPCS and others recognize,<sup>21</sup> however, data roaming is a provider-to-provider wholesale service, not a retail service, and therefore arguments that retail voice and data services have become functionally equivalent are irrelevant. Moreover, the Commission has already rejected arguments that VoIP applications that may be used in conjunction with wireless broadband Internet access services may be considered in determining the appropriate classification of the broadband Internet access services themselves, ruling that the mere fact that VoIP applications provide connectivity to the public switched network does not transform wireless broadband Internet access

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<sup>16</sup> See Report and Order, *Implementation of Sections 3(n) and 332 of the Commc’ns Act; Regulatory Treatment of Mobile Servs.*, 9 FCC Rcd. 1411, ¶¶ 3-12 (1994) (“1994 Regulatory Treatment Order”).

<sup>17</sup> *North County Communications Corp. v. MetroPCS California, LLC*, 24 FCC Rcd. 3807, ¶ 11 (2009).

<sup>18</sup> 1994 Regulatory Treatment Order ¶ 12; see also, e.g., Memorandum Opinion and Order, *Application of Brookfield Development, Inc. and Colorado Callcom*, 19 FCC Rcd. 14385, ¶ 13 (2004).

<sup>19</sup> 1994 Regulatory Treatment Order ¶ 79.

<sup>20</sup> MetroPCS at 21-22; RTG at 6-7; RCA at 13-14; Cellular South at 38-39.

<sup>21</sup> See, e.g., MetroPCS at 19-20.

service into an interconnected, CMRS service.<sup>22</sup> Since VoIP applications do not make retail Internet access into a CMRS service or the functional equivalent of CMRS, they could not logically turn *roaming* for Internet access – a service one step further removed from the PSTN – into a functional equivalent service either.

MetroPCS and Leap suggest that data roaming is functionally equivalent to voice roaming, but that contention makes no sense. For example, in support of this claim, MetroPCS asserts (at 25-26) that the roaming provider uses the same facilities and transmission paths to provide both services. That is not correct. In data roaming, as AT&T and others have explained, the roaming carrier typically creates a “tunnel” and, together with DNS enhancements and the creation of other stored profiles, transmits the communications back to the home provider, which then completes the connection to non-interconnected Internet networks and servers. In voice roaming, by contrast, the roaming carrier simply completes the call itself on the public switched telephone network – the call is not carried back to the home carrier for completion (unless, of course, the roaming customer is calling someone in the home carrier’s service area). The two services are not “functionally equivalent” at all.

Moreover, none of these commenters even tries to apply the Commission’s economic substitute test to voice and data roaming, because they obviously are not substitutes. If anything, the two services are mutually exclusive: one service provides a connection to the PSTN, while the other provides non-PSTN transmissions to other computer networks. If a host provider raised the price of data roaming, do these commenters seriously contend that a home provider or its customers would simply switch to voice roaming? Indeed, if voice and data roaming were economic substitutes, then wireless providers could use voice roaming *today* to offer data roaming to their customers.

Clearwire argues (at 6 & n.15) that the Commission could simply define away the Section 332 problem, by “updat[ing]” its regulations defining CMRS to “to capture the post-1996 migration of traffic from the traditional, circuit-switched PSTN to the packet-switched Internet.” Stated differently, it asks the Commission to include the Internet in the definition of the “public switched network.”<sup>23</sup> That is untenable, to put it mildly. The term “public switched network” has a longstanding meaning in the industry, and it has never included the Internet. Indeed, Clearwire’s remarkable proposal would, in one fell swoop, subject the entire Internet ecosystem to common carriage regulation – a radical outcome that is directly contrary to Congress’ clear direction in section 230(b)(2) that the Internet remain “unfettered by Federal or State regulation.” Moreover, even if the Commission adopted such a rule, data roaming would still be PMRS, because AT&T and other providers do not offer data roaming indifferently “to the public.”

*Finally*, a number of commenters attempt to argue that giving effect to the plain language of the statute would have various types of unintended consequences in other regulatory contexts. But

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<sup>22</sup> *Wireless Broadband Classification Order* ¶ 45.

<sup>23</sup> See Clearwire at 6 n.15 (“the Commission is free to update its definitions to capture the post-1996 migration of traffic from the traditional, circuit-switched PSTN to the packet-switched Internet, curing the claimed deficiency barring the automatic data roaming requirement”).

even if true, none of these arguments would permit the Commission to construe Section 332 contrary to its plain terms, and each of these arguments fails on its own terms in all events.

First, SouthernLINC argues (at 13-15) that Section 332(c)(2) would undermine the Commission's legal authority to impose time frames on state/local tower siting decisions. SouthernLINC asserts that the Commission's authority to issue its recent Declaratory Ruling on tower siting is based on Section 332(c)(7)(B), which requires local authorities to act on applications within a reasonable period of time. Section 332(c)(7) applies only to "personal wireless services," however, which are defined as "commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services." SouthernLINC therefore claims (at 15) that if data roaming is not a CMRS service, then AT&T and Verizon supposedly would be "unable to avail themselves of the protections of Section 332(c)(7) for the construction of facilities used to provide their mobile data services."

This is nonsense. Under SouthernLINC's logic, Section 332(c)(7) protections would also be unavailable to providers of wireless broadband Internet access services, which likewise are not CMRS, but the Commission has already rejected an identical argument in that context. In the *Wireless Broadband Classification Order* (¶ 65), the Commission found that "section 332 (c)(7)(B) would continue to apply to wireless broadband Internet access service that is classified as an 'information service' where a wireless service provider uses the same infrastructure to provide its 'personal wireless services' and wireless broadband Internet access service." As the Commission noted (*id.*), Section 332(c)(7) is triggered as long as the provider is offering "personal wireless services," and "when a wireless provider's infrastructure is used to provide [Internet] services commingled with 'personal wireless service,'" the "[c]ommingling of services does not change the fact that the facilities are being used for the provisioning of personal wireless services." *Id.* Accordingly, the standards of Section 332(c)(7) would still apply even when a provider is offering data roaming as one of its services, as long as it is going to use the facilities at issue to offer common carrier services as well.

Moreover, SouthernLINC misperceives the nature of Section 332(c)(7). The purpose of that provision – which is entitled "Preservation of Local Zoning Authority" – is to protect the jurisdiction of local authorities; it is an anti-pre-emption provision. Accordingly, to the extent that Section 332(c)(7) does not apply to data services because they are not "personal wireless services," that simply means that local authorities are *not* protected from Commission pre-emption – and the Commission would arguably have *greater* authority to pre-empt harmful local regulation.

United States Cellular suggests (at 9) that if data roaming is not a CMRS service because it is not interconnected with the PSTN, then mobile-to-mobile calling would not be CMRS either, because it is also "not interconnected through the PSTN." That is not so. As the Commission explained in the *CMRS Regulatory Treatment Order*, the Commission has always defined the PSTN as including "the local exchange and interexchange common carrier switched network, whether by wire *or* radio."<sup>24</sup> The Commission noted that since "the purpose of the public switched network is to allow the public to send or receive messages to or from anywhere in the nation, . . . any switched common carrier service that is interconnected with the traditional local exchange or interexchange

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<sup>24</sup> 1994 *Regulatory Treatment Order*, ¶ 59 (emphasis added).

switched network will be defined as part of that network for purposes of our definition of [CMRS].”<sup>25</sup> Accordingly, mobile-to-mobile calls are CMRS, because the wireless carriers’ switched mobile voice networks are part of the PSTN, whereas – as the Commission has expressly held – wireless Internet access services do *not* offer interconnection with the PSTN (as U.S. Cellular recognizes at 9).

SouthernLINC also argues (at 16) that “if AT&T and Verizon are correct that the mobile data services – including data roaming services – they have been providing are actually private mobile radio services, then AT&T and Verizon have been providing these services in direct violation” of Rule 20.9, which establishes a rebuttable presumption that PCS services will be regulated as common carriage CMRS services. SouthernLINC claims (*id.*) that if AT&T or any other PCS licensee wants to use PCS spectrum to provide mobile data services that are not CMRS, it must first seek permission to modify its authorization. This argument is meritless on several levels.

First, SouthernLINC’s claim has nothing to do with the statute. Section 332(c)(2) clearly prohibits common carriage regulation for data roaming, and Rule 20.9 does not (and could not) change the plain terms of Section 332(c)(2) or its effect. But SouthernLINC’s interpretation of the Commission’s rules is incorrect in any event. A different rule actually governs what services PCS licensees may provide. Rule 24.3 expressly provides that “PCS licensees may provide *any* mobile communications service on their assigned spectrum,” including services that are not CMRS services.<sup>26</sup> Rule 20.9 merely creates a presumption that a PCS provider’s core services will be regulated as common carriage (to ensure regulatory parity with prior incumbents’ common carrier services). Rule 20.9 does not and was never intended to prohibit PCS licensees from offering *additional* services that are clearly PMRS in competition with non-PCS providers’ PMRS offerings. The Commission and the industry have consistently interpreted the rules in this manner: for example, the Commission’s Fourteenth Annual Competition Report lists PCS spectrum as “Flexible Use Spectrum Usable for Mobile Wireless Services.”

Moreover, the Commission itself has already rebutted any CMRS presumption with respect to mobile data services. The Commission expressly held in the *Wireless Broadband Internet Access Order* that wireless Internet access services were not CMRS, but it never suggested that PCS licensees were therefore barred from offering such services without a modification of their authorizations or that mobile broadband Internet access services would be subject to common carriage obligations unless and until licensees sought modifications of their licenses.<sup>27</sup> Indeed, if SouthernLINC’s misguided understanding of the rules were correct, all PCS licensees today, including all major carriers and scores of smaller ones, would be operating in violation of Rule 20.9, because all of those providers today offer wireless Internet access (and data roaming) services.<sup>28</sup>

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<sup>25</sup> *Id.*

<sup>26</sup> 47 C.F.R. § 24.3 (emphasis added).

<sup>27</sup> *Wireless Broadband Classification Order* ¶¶ 37-56.

<sup>28</sup> Furthermore, if SouthernLINC were correct, its interpretation of Rule 20.9 would not help its cause, because under its view of the rule PCS licensees would not even be allowed to offer data

RTG's alternative argument (at 9) under Rule 20.9 is also meritless. It argues that Rule 20.9 treats data roaming as CMRS because retail broadband Internet services are "hybrid" services within the meaning of Rule 20.9(a), which includes any mobile service "offered as a hybrid service . . . or offered as an auxiliary or ancillary service" as among the services that are presumptively to be regulated as CMRS. RTG's use of an ellipsis, however, hides the dispositive phrase in Rule 20.9(a): "to the extent it meets the definition of commercial mobile radio service." And even if the rule did not contain that language, Rule 20.9 cannot override the statutory definitions.

Finally, MetroPCS argues (at 28-29) that AT&T and Verizon are "estopped" from raising Section 332(c)(2), because both companies checked only "common carrier" under the "Regulatory Status" section of their 700 MHz spectrum applications. MetroPCS claims that, since the form asks applicants to check all service offerings that apply, AT&T and Verizon should have indicated that they intended to offer non-CMRS services. AT&T checked the correct box. The form explains that "[a]ll *entities* that are telecommunications carriers should select common carrier on this form" – and AT&T is a carrier – even though "a telecommunications carrier shall be treated as a common carrier under the Communications Act and the Commission's Rules . . . only to the extent that it is engaged in providing telecommunications services."<sup>29</sup> There is no box for CMRS, PMRS or anything else of relevance to this proceeding, and the other categories listed on the form are not applicable by the plain terms of their definitions provided on the form. As the form explains, the category "non-common carrier" applies to "entities" that "do not hold themselves out indiscriminately for hire" such as "radio broadcasters," and "private" refers to "those entities that utilize telecommunications services purely for internal business purposes or public safety communications and not on a for hire or for profit basis."<sup>30</sup> In all events, MetroPCS cannot seriously believe that whatever boxes AT&T may have checked on an application for a particular block of spectrum could have any bearing on how the Commission is to interpret the plain language of Section 332(c)(2).<sup>31</sup>

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roaming, even on a private carriage basis, unless they affirmatively asked for permission to do so (which providers could, of course, decline to do).

<sup>29</sup> <http://www.fcc.gov/Forms/Form601/601main.pdf> (Instructions for FCC Form 601 at 16) (emphasis added).

<sup>30</sup> *Id.*

<sup>31</sup> *See also* 47 C.F.R. § 27.10(b)(2) ((2) ("Applications to change, or add to, the carrier status in a license are modifications not requiring prior Commission authorization. The licensee must notify the Commission within 30 days of the change.")).

Sincerely,

/s/ Michael Goggin

cc: Christina Clearwater  
Nese Guendelsberger  
David Horowitz  
Andrea Kearney  
Paul Murray  
Julie Veach