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October 6, 2010

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



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*Re: Reexamination of Roaming Obligations of Commercial Mobile Radio Service Providers and Other Providers of Mobile Data Services, WT Docket No. 05-265; Notice of Ex Parte Presentation*

Dear Ms. Dortch:

On October 5, 2010, Holly Henderson of Southern Communications Services, Inc. d/b/a SouthernLINC Wireless (“SouthernLINC Wireless”) and David Rines of Fish & Richardson P.C. met with Paul Murray, Nese Guendelsberger, Peter Trachtenberg, Weiran Wang, Ziad Sleem, Sharif Sharier, and Jessica Elder of the Wireless Telecommunications Bureau to discuss the above captioned proceeding.

In this meeting, SouthernLINC Wireless urged the Commission to adopt a simple, straightforward, technology-neutral rule requiring the provision of automatic roaming for data services upon reasonable request to any technologically compatible service provider. SouthernLINC Wireless further recommended that specific issues regarding the reasonableness or technical feasibility of a request for data roaming be addressed on an individual basis, with consideration given to a non-exclusive, non-exhaustive list of factors similar to those enunciated by the Commission for automatic voice, SMS, and push-to-talk roaming.<sup>1</sup>

This approach would provide the industry and the public with certainty regarding the availability of automatic roaming for data services, while at the same time discouraging regulatory gamesmanship and promoting innovation in and deployment of new wireless technologies and services by ensuring that a service provider’s roaming obligations do not drive its technology decisions, and vice versa.

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<sup>1</sup> / See *Reexamination of Roaming Obligations of Commercial Mobile Service Providers and Other Providers of Mobile Data Services*, WT Docket No. 05-265, Order on Reconsideration, FCC 10-59 (rel. April 21, 2010), ¶¶ 36-40.

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SouthernLINC Wireless summarized its position, set forth in detail in its filings in this proceeding, that the Commission possesses ample legal authority to adopt an automatic roaming obligation for data services pursuant to its plenary authority over wireless services under Title III of the Communications Act, and furthermore possesses separate and independent authority to take action on data roaming pursuant to Titles I and II of the Communications Act. SouthernLINC Wireless challenged AT&T's claim that data roaming is a "private mobile service" under Section 332 of the Communications Act and agreed to follow up with Bureau staff with additional analysis and discussion regarding this point.

Consistent with its filings in this proceeding, SouthernLINC Wireless described how the availability of data roaming is essential to regional and rural carriers' investment in new wireless technologies, services, and infrastructure. SouthernLINC Wireless also explained that, in its experience, wireless consumers expect and demand the same access to data services when roaming as they currently enjoy for voice services.

With respect to technical and implementation issues that may arise in connection with data roaming, SouthernLINC Wireless stated that network congestion is unlikely to occur as a result of data roaming, given that the number of roamers on a host carrier's network in any one market at any given time would likely be *de minimus* in proportion to the host carrier's own subscribers utilizing the network at that time. Nevertheless, if network congestion issues should arise, SouthernLINC Wireless believes that such issues could be appropriately addressed by allowing the host carrier to apply the same network management and acceptable use policies to roamers as it applies to its own subscribers.

Finally, SouthernLINC Wireless described for the Bureau how automatic roaming for voice, push-to-talk, and data services are or may be implemented on iDEN networks from a technical standpoint.

In accordance with the Commission's rules, one copy of this *ex parte* notice is being filed electronically for inclusion in the record of the above-captioned proceeding.

If you should have any questions, please do not hesitate to contact the undersigned.

Very truly yours,

/s/ David D. Rines

David D. Rines

Counsel for SouthernLINC Wireless

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cc: Paul Murray  
Nese Guendelsberger  
Peter Trachtenberg  
Weiran Wang  
Ziad Sleem  
Sharif Sharier  
Jessica Elder