



**advocate for rural wireless telecommunications providers
Washington, DC**

March 8, 2011

Via ECFS

Marlene H. Dortch, Secretary
Office of the Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

**Re: Petition for Rulemaking to Impose a Spectrum Aggregation Limit on all
Commercial Terrestrial Wireless Spectrum Below 2.3 GHz (RM No. 11498)
Ex Parte Notice**

Dear Ms. Dortch:

The Rural Telecommunications Group, Inc. (“RTG”) hereby responds to the *ex parte* letters submitted by the Telecommunications Industry Association (“TIA”) on February 18, 2011¹ and March 2, 2011 in the above-referenced proceeding. In its letters, TIA notes its opposition to RTG’s spectrum cap proposal, stating that “[b]ecause carriers must aggregate spectrum to make the most efficient use of this highly valued real estate, it still remains unclear as to how the American public would benefit from placing limitations on the ability of carriers to meet demand.” Even a cursory review of RTG’s above-captioned petition for rulemaking and the numerous supporting comments makes very clear the many benefits to the American public that would follow from imposition of the cap requested by RTG.

A spectrum cap will serve the public interest by limiting the ability of carriers with large concentrations of spectrum to use their market power to impede competition or to simply allow their spectrum in rural areas of the country to lie fallow when there are carriers willing to develop such spectrum. Unprecedented consolidation of wireless licenses over the last ten years has harmed smaller, rural wireless carriers, resulting in the inability of many such carriers to effectively compete. This in turn has harmed consumers living in rural America by driving their costs for roaming service higher and giving them fewer options for service.

As the petition demonstrated, larger carriers have abused their market power in rural markets by forcing smaller carriers into unreasonable roaming arrangements and denying them 3G data roaming outright. The inability to reach reasonable roaming arrangements or enter into

¹ The letter is dated February 18, 2010, but provides notice of an *ex parte* meeting that took place on February 17, 2011, and was presumably submitted on February 18, 2011

3G data roaming agreements is forcing some smaller carriers out of the market as is evidenced by recent transactions that have been approved by the FCC.² A spectrum cap will prevent such abuse and allow small, rural carriers to access spectrum that can be used to provide service to remote areas that larger carriers have been unwilling to serve as well as to provide innovative niche services that offer compelling alternatives to the large nationwide carriers.

Should you have any questions or require additional information, please do not hesitate to contact me.

Respectfully submitted,

/s/ Caressa D. Bennet

Caressa D. Bennet
General Counsel

ND: 4841-0227-5080, v. 1

² See, e.g., File Nos. 0004284198 (sale of wireless assets of Caprock Cellular Limited Partnership to New Cingular Wireless PCS, LLC) and 0004340280 (sale of wireless assets of Texas RSA 1 Limited Partnership d/b/a XIT Wireless to New Cingular).