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June 14, 2011

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Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: GN Docket No. 09-191 (Preserving the Open Internet); WC Docket No. 07-52 (Broadband Industry Practices); Notice of *Ex Parte* Communication

Dear Ms. Dortch:

On June 10, 2011, Mark A. Stachiw (Vice Chairman, General Counsel and Secretary) of MetroPCS Communications, Inc. (“MetroPCS”), along with Carl Northrop of Paul Hastings, Janofsky & Walker LLP (“Paul Hastings”), attended a meeting at the invitation of the Commission staff with Zachary Katz from the Office of Chairman Genachowski, Lynn Ratnavale from the Consumer and Governmental Affairs Bureau and Henning Schulzrinne from the Public Safety and Homeland Security Bureau. Messrs. Stachiw and Schulzrinne participated in the discussion by conference telephone.

The topic of the meeting was the open internet transparency rules as applied to wireless service providers that were adopted in the above-referenced docket and are under comment in the related Paperwork Reduction Act proceeding. The discussion focused primarily on whether the Bureau should issue guidance to carriers regarding possible means of complying with the transparency requirements and, if so, the substance of any such guidance. MetroPCS expressed the view that, as a general rule, staff guidance can be helpful so that carriers understand the nature and the scope of the applicable regulatory obligations and to assist carriers in meeting the requirements of new rules. However, MetroPCS cautioned that even non-binding guidance intended to set forth only one of many ways companies might comply with a regulatory mandate might tend to become a minimum threshold. As such, it could reduce the flexibility that was mentioned in the *Open Internet Order* as being important.

MetroPCS pointed out that, since its customers are not subject to long term contract commitments, the company will promptly lose any customers who do not consider the MetroPCS disclosures to be adequate, thus making regulatory involvement and oversight unnecessary.

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One further areas of discussion concerned a carrier's obligations to make these disclosures at the point of sale. The Commission staff asked whether MetroPCS could provide access to on-line terms and conditions and disclosure in its retail locations. MetroPCS mentioned that it did not generally have terminals available for customers, but customers could view terms and conditions and disclosures via their wireless handset.

Respectfully submitted,



Carl W. Northrop
of PAUL, HASTINGS, JANOFSKY & WALKER LLP

cc: (via email) Zachary Katz
Lynn Ratnavale
Henning Schulzrinne

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