

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington D.C. 20554**

---

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

**OPPOSITION OF AT&T TO PETITION FOR RECONSIDERATION**

AT&T Inc., on behalf of itself and its affiliates, hereby opposes the Petition for Reconsideration filed by Blanca Telephone Company (“Blanca”)<sup>1</sup> seeking to amend the rules recently adopted in the Federal Communications Commission’s (“Commission”) *Data Roaming Order*.<sup>2</sup> In the Petition, Blanca seeks the imposition of a 60 day time limit on data roaming negotiations between the parties, a proposal that was specifically rejected by the Commission. AT&T opposes the Petition both substantively, because a strict time limit is not appropriate for roaming negotiations, and procedurally, because the Petition raises no new facts or arguments.

**I. A UNIFORM TIME LIMIT ON NEGOTIATIONS WOULD BE INAPPROPRIATE.**

Blanca’s request to adopt a 60 day “shot clock” for roaming negotiations should be rejected for the reasons the Commission set forth in the *Data Roaming Order*.<sup>3</sup> Specifically, as the Commission noted, “some data roaming negotiations may be more complex or fact-intensive

---

<sup>1</sup> See Petition for Reconsideration of Blanca Telephone Company, WT Docket No. 05-265 (filed June 6, 2011) (“Petition”).

<sup>2</sup> See Reexamination of Roaming Obligations Of Commercial Mobile Radio Service Providers and Other Providers of Mobile Data Services, WT Docket No. 05-265, *Second Report and Order*, 26 FCC Rcd 5411 (2011) (“*Data Roaming Order*”).

<sup>3</sup> *Id.*, ¶ 84.

than others and are likely to require more time.”<sup>4</sup> Therefore, “[a] single time limit for all negotiations would not be appropriate in such cases.”<sup>5</sup> Blanca asserts that a time limit is necessary to limit the opportunity for carriers “to stonewall or delay negotiations.”<sup>6</sup> However, the Commission assured carriers in the *Data Roaming Order* that if another provider were to delay negotiations unduly, a carrier “may ask the Commission to set a time limit,” and that such requests would be considered on a case by case basis.<sup>7</sup> Moreover, the Commission promised to “move expeditiously” to prevent any stonewalling behavior.<sup>8</sup> Finally, there is no reason to believe that the lack of a uniform shot clock will lead to additional delays in negotiations. Under the rules established by the Commission, carriers who seek the Commission’s help in obtaining data roaming need not negotiate for 60 days before filing a complaint with the Commission but can do so at any time upon forming a belief that the other party is delaying negotiations unduly. As such, there are ample protections built into the new data roaming mandate to ensure that negotiations are productive and proceed at a pace that is appropriate to the particular circumstances.

## **II. THE PETITION RAISES NO NEW ARGUMENTS NOT ALREADY ADDRESSED BY THE COMMISSION.**

Blanca’s petition should also be rejected as procedurally defective under the newly revised rules governing petitions for reconsideration.<sup>9</sup> In revising its reconsideration rules, the

---

<sup>4</sup> *Id.*

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

<sup>6</sup> Petition at 8.

<sup>7</sup> *Data Roaming Order*, ¶ 84.

<sup>8</sup> *Id.*, ¶ 80.

<sup>9</sup> See 47 C.F.R. § 1.429; Amendment of Certain of the Commission’s Part 1 Rules of Practice and Procedure and Part 0 Rules of Commission Organization, GC Docket No. 10.44, *Report and Order*, 26 FCC Rcd 1594 (2011) (“*Part 1 Order*”).

Commission made it clear that petitions “plainly do not warrant consideration by the Commission” if they rely solely “on arguments that have been fully considered and rejected by the Commission in the same proceeding.”<sup>10</sup> As Blanca notes in the Petition, four parties raised the same request for a negotiation “shot clock” and offered the same justifications for it during the notice and comment period in this proceeding.<sup>11</sup> The arguments in favor of a negotiation time limit were fully considered by the Commission in the *Data Roaming Order*, but the Commission decided instead to handle such requests on a case by case basis. As no new arguments were raised by Blanca, the Petition does not warrant further consideration.

### III. CONCLUSION

For the foregoing reasons, AT&T requests that Blanca’s petition be denied.

Respectfully submitted,

/s/ Michael P. Goggin

Michael P. Goggin

Gary L. Phillips

Paul K. Mancini

AT&T INC.  
1120 20<sup>th</sup> Street, N.W.  
Washington, D.C. 20036  
202-457-2055

December 16, 2011

---

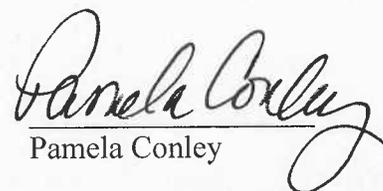
<sup>10</sup> See 47 C.F.R. § 1.429 (1)(3); *Part 1 Order*, ¶ 28.

<sup>11</sup> See Petition at 5.

Certificate of Service

I, Pamela Conley hereby certify that on this 16<sup>th</sup> day of December 2011, a copy of the foregoing Opposition Of AT&T To Petition For Reconsideration is being sent via first class mail, postage paid, to the following.

Todd B. Lantor  
John Cimko  
Lukas, Nace, Gutierrez & Sachs, LLP  
8300 Greensboro Drive, Suite 1200  
McLean, Virginia 22102

  
Pamela Conley