



PUBLIC NOTICE

Federal Communications Commission
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WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON PETITION FOR EXPEDITED DECLARATORY RULING FILED BY T-MOBILE USA, INC. REGARDING DATA ROAMING OBLIGATIONS

WT Docket No. 05-265

Comments Due: July 10, 2014

Reply Comments Due: August 11, 2014

On May 27, 2014, T-Mobile USA, Inc. (“T-Mobile”) filed a petition for an expedited declaratory ruling that would provide guidance on the criteria used for determining whether the terms of a data roaming agreement meet the “commercially reasonable” standard set forth in the data roaming rule in Section 20.12(e) of the Commission’s rules.¹ Section 20.12(e) requires facilities-based providers of commercial mobile data services to offer roaming arrangements to other such providers on “commercially reasonable terms and conditions.”² T-Mobile contends that providers need this guidance to evaluate the commercial reasonableness of terms offered in individual negotiations and to reach agreements. In this public notice, we seek comment on the Petition.

Interested parties may file comments and reply comments on the above Petition on or before the dates listed on the first page of this Public Notice. All pleadings must reference WT Docket No. 05-265. Parties may file comments using (1) the Commission’s Electronic Comment Filing System (ECFS), (2) the Federal Government’s eRulemaking Portal, or (3) by filing paper copies.³

- *Electronic Filers:* File comments electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.

¹ 47 C.F.R. § 20.12(e); see T-Mobile USA, Inc., Petition for Expedited Declaratory Ruling Regarding Reexamination of Roaming Obligations of Commercial Mobile Radio Service Providers and Other Providers of Mobile Data Services, WT Docket No. 05-265 (filed May 27, 2014) (“Petition”).

² 47 C.F.R. § 20.12(e).

³ See Electronic Filing of Documents in Rulemaking Proceedings, *Report and Order*, GC Docket No. 97-113, 13 FCC Rcd 11322 (1998).

- When completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by e-mail. To get filing instructions, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, “get form.” A sample form and directions will be sent in response.
- *Paper Filers*: Parties who choose to file by paper must file an original and one copy of each filing.

Send filings by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. Address filings to the Commission’s Secretary, Office of the Secretary, Federal Communications Commission.

- Deliver hand-delivered or messenger-delivered paper filings to FCC Headquarters at 445 12th St., S.W., Room TW-A325, Washington, D.C. 20554 between 8:00 AM and 7:00 PM. Use rubber bands or fasteners to hold deliveries together. Dispose of all envelopes before entering the building.
- Send commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) to 9300 East Hampton Drive, Capitol Heights, M.D. 20743.
- Send U.S. Postal Service first-class, Express, and Priority mail to 445 12th Street, S.W., Washington, D.C. 20554.

Parties are requested to send one copy of their comments and reply comments to Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, (800) 378-3160, e-mail FCC@BCPIWEB.com.

The Petition, and comments and reply comments filed in response to this Public Notice are available for viewing via the ECFS, <http://www.fcc.gov/cgb/ecfs>, by entering WT Docket No. 05-265. The documents also will be available for public inspection and copying during business hours in the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. They may also be purchased from Best Copy and Printing, Inc., telephone (800) 378-3160, facsimile (202) 488-5563, TTY (202) 488-5562, e-mail FCC@BCPIWEB.com.

Alternate formats of this Public Notice (computer diskette, large print, audio recording, and Braille) are available to persons with disabilities by contacting the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY), or send an e-mail to fcc504@fcc.gov.

This proceeding has been designated as a “permit-but-disclose” proceeding in accordance with the Commission's *ex parte* rules.⁴ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant

⁴ See 47 C.F.R. §§ 1.1200(a), 1.1206.

page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

For further information, contact Jennifer Salhus of the Wireless Telecommunications Bureau, Spectrum & Competition Policy Division, (202) 418-2823, Jennifer.Salhus@fcc.gov.

Action by the Wireless Telecommunications Bureau.

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