



# PUBLIC NOTICE

Federal Communications Commission  
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## WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON PETITION FOR RULEMAKING REGARDING EXCLUSIVITY ARRANGEMENTS BETWEEN COMMERCIAL WIRELESS CARRIERS AND HANDSET MANUFACTURERS

**RM No. 11497**

**Comments Due: [40 days after publication in the Federal Register]**  
**Reply Comments Due: [60 days after publication in the Federal Register]**

On May 20, 2008, the Rural Cellular Association (“Petitioner”) filed a petition for rulemaking (“Petition”).<sup>1</sup> “Pursuant to Sections 1, 4(i), 201(b), 202(a), 303(r), and 307(b) of the Communications Act, and Section 1.401 of the Commission’s rules,”<sup>2</sup> the Petitioner asks the Commission to “initiate a rulemaking to investigate the widespread use and anticompetitive effects of exclusivity arrangements between commercial wireless carriers and handset manufacturers, and, as necessary, adopt rules that prohibit such arrangements when contrary to the public interest.”<sup>3</sup> The Wireless Telecommunications Bureau seeks comment on the Petition.

Interested parties may file comments on or before **[40 days after publication in the Federal Register]**, and reply comments on or before **[60 days after publication in the Federal Register]**. All filings should refer to **RM No. 11497**. Comments may be filed using: (1) the Commission’s Electronic Comment Filing System (ECFS), (2) the Federal Government’s eRulemaking Portal, or (3) by filing paper copies. *See* Electronic Filing of Documents in Rulemaking Proceedings, 63 FR 24121 (1998).

- **Electronic Filers:** Comments may be filed 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.
  - For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable

<sup>1</sup> In the Matter of Rural Cellular Association Petition for Rulemaking Regarding Exclusivity Arrangements Between Commercial Wireless Carriers and Handset Manufacturers, filed May, 20, 2008 (“Petition”).

<sup>2</sup> Petition at 1, citing 47 U.S.C. §§ 151, 154(i), 201(b), 202(a), 303(r), and 307(b); 47 C.F.R. § 1.401.

<sup>3</sup> *Id.*

docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to [ecfs@fcc.gov](mailto: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 four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, S.W., Washington D.C. 20554.

All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554. Parties should also send a copy of their filings to Monica DeLong, Wireless Telecommunications Bureau, Federal Communications Commission, Room 6407, 445 12th Street, S.W., Washington, D.C. 20554, or by e-mail to [Monica.DeLong@fcc.gov](mailto:Monica.DeLong@fcc.gov). Parties must also serve one copy with the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, (202) 488-5300, or via e-mail to [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com).

Documents in **RM No. 11497** are available for public inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. The documents may also be purchased from BCPI, telephone (202) 488-5300, facsimile (202) 488-5563, TTY (202) 488-5562, e-mail [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com). People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418- 0432 (TTY).

For further information regarding this proceeding, contact Wireless Telecommunications Bureau contact: Monica DeLong at [Monica.DeLong@fcc.gov](mailto:Monica.DeLong@fcc.gov) or 202-418-1337.

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