

**STATEMENT OF
COMMISSIONER MICHAEL J. COPPS**

Re: Reexamination of Roaming Obligations of Commercial Mobile Radio Service Providers, WT Docket No. 05-265, Report and Order and Second Further Notice of Proposed Rulemaking, FCC 10-59.

Saint Augustine wisely taught us that, “[i]t is human to err, but it is devilish to remain willfully in error.” Based on several years of experience and an extensive record, we now correct the error made in 2007 to exclude wireless roaming in a requesting carrier’s home market from the automatic roaming requirement. In our decision at the time, we clarified that technologically compatible carriers must deal with each other in good faith and without discrimination when negotiating voice roaming outside the requesting carrier’s home market. Although we encouraged similar arrangements for home-market roaming, we did not require it in the belief that not doing so would help promote facilities-based competition and foster build-out in those markets where the requesting carrier had spectrum rights. We were wrong. The record clearly shows that the 2007 home-market exclusion discouraged competition, hampered innovation and investment and harmed consumers.

So today we establish a clear and strong presumption in favor of automatic roaming, regardless of whether the request is for areas inside or outside of the requesting carrier’s home market. We continue to encourage carriers to negotiate roaming agreements based on reasonable terms and conditions. For those cases where commercial negotiations fail, roaming requests from carriers—small and large—will be viewed as presumptively reasonable and enjoy the protections of Title II of the Communications Act—and that’s always a good place to be, isn’t it? This item is very good news indeed for consumers who want to use their mobile phones as they are traveling across the county or across the country. After all, it is consumers who pay the price when their carriers have to accept inflated roaming rates or cannot reach a roaming agreement at all.

We also move forward with a further examination of the critical issue of access to data roaming. Not many of us buy a mobile phone these days only for the voice service. Consumers rely upon their mobile handsets to provide a dizzying array of data services. The National Broadband Plan makes it clear that consumer demand for mobile connectivity grows stronger by the day. So what good is your smartphone if you can roam for voice but not for any of the other services you bought it for? What kind of real competitive choice does that give consumers, especially those who live in rural America? Consumers should not have to be engineers or industry lobbyists to figure out which mobile services they can expect to work when they travel. They should be able to count on their phones working to the fullest extent that technology permits, wherever they happen to be. And carriers should have the right to negotiate roaming agreements at just and reasonable rates for their subscribers.

Although I would have gone further than we do here, because I believe we already have an adequate record to act on the issue of an automatic data-roaming obligation, I welcome a thorough review of the wireless data market, provided it is accomplished in a timely and expeditious manner. Consumers want data now and we need to open this door for them just as quickly as we can.

Lastly, let me say that—as we raise questions about the legal framework for an automatic data-roaming requirement—I remain fully confident that we have the authority we need to protect American wireless consumers. Previous Commissions have taken consumers on a dangerous deregulatory ride by moving broadband—including mobile broadband Internet access—outside of the statutory framework that applies to telecommunications carriers. The Commission abdicated its consumer protection responsibilities in favor of a “no touch” regulatory approach that benefitted primarily big companies. Remember when we used to treat telephones as telephones and the telecommunications that enabled them as telecommunications services? We need to do that again.