



OFFICE OF
THE CHAIRMAN

Federal Communications Commission
Washington, D.C.

December 13, 2010

The Honorable Edward J. Markey
U.S. House of Representatives
2108 Rayburn House Office Building
Washington D.C. 20515

Dear Congressman Markey:

Thank you for your letter supporting the adoption of a data roaming rule. Your views are very important and will be included in the record of the proceeding and considered as part of the Commission's review.

Earlier this year, the Commission sought comment on data roaming and the extent of its authority to impose data roaming obligations on wireless service providers. The Commission received a substantial record with respect to its statutory authority. Proponents of data roaming, such as Clearwire, SouthernLINC, T-Mobile USA, and U.S. Cellular, assert that the Commission's legal authority under Title III of the Communications Act to regulate radio spectrum provides the Commission with a sufficient legal basis to require any entity utilizing radio spectrum to make available data roaming to other wireless service providers. Some proponents, including Cellular South, Leap Wireless, and MetroPCS, argue that the Commission also has authority under Title I and II of the Act. In contrast, AT&T and Verizon Wireless argue that the Commission lacks the legal authority to require data roaming under any provision of the Communications Act. There is also a dispute over the application of Section 332 of the Communications Act to data roaming.

The data roaming proceeding remains pending, and the staff is still in the process of reviewing the record and analyzing the arguments and options. I appreciate your interest in this matter. Please do not hesitate to contact me if I can be of further assistance with this or any other matter.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Genachowski", is written over the typed name.

Julius Genachowski



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THE CHAIRMAN

Federal Communications Commission
Washington, D.C.

December 13, 2010

The Honorable Anna G. Eshoo
U.S. House of Representatives
205 Cannon House Office Building
Washington D.C. 20515

Dear Congresswoman Eshoo:

Thank you for your letter supporting the adoption of a data roaming rule. Your views are very important and will be included in the record of the proceeding and considered as part of the Commission's review.

Earlier this year, the Commission sought comment on data roaming and the extent of its authority to impose data roaming obligations on wireless service providers. The Commission received a substantial record with respect to its statutory authority. Proponents of data roaming, such as Clearwire, SouthernLINC, T-Mobile USA, and U.S. Cellular, assert that the Commission's legal authority under Title III of the Communications Act to regulate radio spectrum provides the Commission with a sufficient legal basis to require any entity utilizing radio spectrum to make available data roaming to other wireless service providers. Some proponents, including Cellular South, Leap Wireless, and MetroPCS, argue that the Commission also has authority under Title I and II of the Act. In contrast, AT&T and Verizon Wireless argue that the Commission lacks the legal authority to require data roaming under any provision of the Communications Act. There is also a dispute over the application of Section 332 of the Communications Act to data roaming.

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Julius Genachowski