



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

March 18, 2011

The Honorable Amy Klobuchar
United States Senate
302 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Klobuchar:

Thank you for your recent letter urging the Commission to move forward with its rulemaking on the data roaming obligations of commercial wireless providers. I am pleased to report that, based on an extensive record and the recommendation of the FCC staff, today I am circulating to my colleagues a draft order for their consideration that puts in place an obligation on providers of commercial mobile data services to offer roaming arrangements to other such providers on commercially reasonable terms and conditions, subject to certain limitations intended to protect the legitimate interests of the companies that would be providing roaming. Such an approach would stimulate constructive private commercial negotiations, unleash investment in networks, and ultimately foster competition and benefit consumers.

For nearly 30 years, the Commission has, on a bipartisan basis, required roaming in one form or another to “continue to foster the development of seamless automatic roaming services for all [] subscribers in the nation.”¹ As you are likely aware, the National Broadband Plan identified data roaming as a key element of a healthy broadband ecosystem. The Plan explained that “[d]ata roaming is important to entry and competition for mobile broadband services and would enable customers to obtain access to e-mail, the Internet and other mobile broadband services outside the geographic regions served by their providers.” In April 2010, the Commission unanimously adopted a Notice of Proposed Rulemaking that sought further comment on whether to implement a data roaming requirement for wireless providers in order to ensure that Americans had access to multiple competitive providers that offer seamless nationwide voice and data coverage.

Through the record in this proceeding, it has become clear that a data roaming rule is necessary to ensure vibrant competition in the mobile marketplace, to unleash billions of dollars of investment that is currently sidelined, to create thousands of new jobs and to meet the consumer demand for seamless nationwide coverage, be it for voice or data. The record contains abundant evidence from both national and rural businesses that a data roaming rule is necessary to achieve these important goals because some providers have been unwilling to negotiate either 3G or 4G data roaming agreements or have created long delays or taken other steps to impede healthy competition and roaming for consumers. Moreover, as the mobile world moves to LTE,

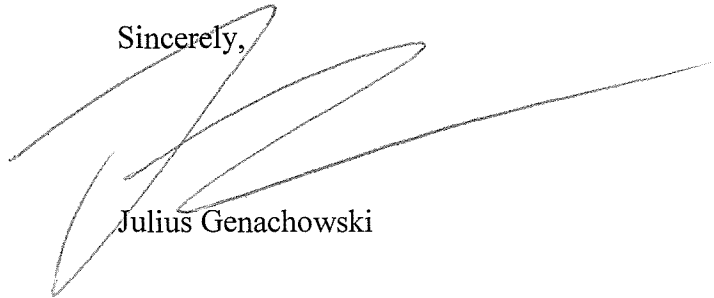
¹ Reexamination of Roaming Obligations of Commercial Mobile Radio Service Providers, WT Docket No. 05-265, *Report and Order and Further Notice of Proposed Rulemaking*, 22 FCC Rcd 15817, 15831 ¶ 35 (2007).

the Commission's basic bipartisan voice roaming rules will be in jeopardy, as they will no longer ensure automatic voice roaming.

To address these issues, I have proposed data roaming rules that incent potential roaming partners to come to the bargaining table to negotiate private commercial deals. These rules also balance the need for commercial roaming agreements with the legitimate challenges posed by network congestion. Moreover, it ensures that the Commission is merely a backstop in the process, and that it is in the best interest of all parties to work out private deals without relying on the Commission.

Thank you again for taking the time to express your views on this very important matter. I am happy to answer any further questions you may have.

Sincerely,

A handwritten signature in black ink, appearing to read 'Julius Genachowski', written over a long horizontal line that extends across the page.

Julius Genachowski



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WASHINGTON

March 18, 2011

The Honorable John F. Kerry
Chairman
Subcommittee on Communications, Technology,
and the Internet
Committee on Commerce, Science, and Transportation
United States Senate
218 Russell Senate Office Building
Washington, D.C. 20510

Dear Chairman Kerry:

Thank you for your recent letter urging the Commission to move forward with its rulemaking on the data roaming obligations of commercial wireless providers. I am pleased to report that, based on an extensive record and the recommendation of the FCC staff, today I am circulating to my colleagues a draft order for their consideration that puts in place an obligation on providers of commercial mobile data services to offer roaming arrangements to other such providers on commercially reasonable terms and conditions, subject to certain limitations intended to protect the legitimate interests of the companies that would be providing roaming. Such an approach would stimulate constructive private commercial negotiations, unleash investment in networks, and ultimately foster competition and benefit consumers.

For nearly 30 years, the Commission has, on a bipartisan basis, required roaming in one form or another to “continue to foster the development of seamless automatic roaming services for all [] subscribers in the nation.”¹ As you are likely aware, the National Broadband Plan identified data roaming as a key element of a healthy broadband ecosystem. The Plan explained that “[d]ata roaming is important to entry and competition for mobile broadband services and would enable customers to obtain access to e-mail, the Internet and other mobile broadband services outside the geographic regions served by their providers.” In April 2010, the Commission unanimously adopted a Notice of Proposed Rulemaking that sought further comment on whether to implement a data roaming requirement for wireless providers in order to ensure that Americans had access to multiple competitive providers that offer seamless nationwide voice and data coverage.

Through the record in this proceeding, it has become clear that a data roaming rule is necessary to ensure vibrant competition in the mobile marketplace, to unleash billions of dollars of investment that is currently sidelined, to create thousands of new jobs and to meet the consumer demand for seamless nationwide coverage, be it for voice or data. The record contains abundant evidence from both national and rural businesses that a data roaming rule is necessary

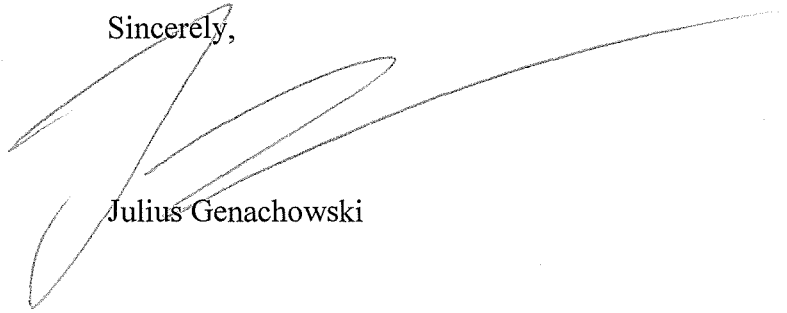
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to achieve these important goals because some providers have been unwilling to negotiate either 3G or 4G data roaming agreements or have created long delays or taken other steps to impede healthy competition and roaming for consumers. Moreover, as the mobile world moves to LTE, the Commission's basic bipartisan voice roaming rules will be in jeopardy, as they will no longer ensure automatic voice roaming.

To address these issues, I have proposed data roaming rules that incent potential roaming partners to come to the bargaining table to negotiate private commercial deals. These rules also balance the need for commercial roaming agreements with the legitimate challenges posed by network congestion. Moreover, it ensures that the Commission is merely a backstop in the process, and that it is in the best interest of all parties to work out private deals without relying on the Commission.

Thank you again for taking the time to express your views on this very important matter. I am happy to answer any further questions you may have.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'Julius Genachowski', is written over the printed name below it.

Julius Genachowski