



FEDERAL COMMUNICATIONS COMMISSION

August 19, 2011

JULIUS GENACHOWSKI
CHAIRMAN

The Honorable Jim DeMint
United States Senate
340 Russell Senate Office Building
Washington D.C. 20510

Dear Senator DeMint:

Thank you for your letter expressing concerns about the Commission's decision to adopt data roaming requirements for the wireless industry. On April 7, 2011, the Commission adopted an Order requiring providers of commercial mobile data services to offer roaming arrangements to other such providers on commercially reasonable terms and conditions, subject to certain limitations.

After an extensive review of the record, the Commission determined 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 wireless 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.

Our data roaming rules are consistent with the Commission's authority under Section 303 of the Communications Act to establish operational obligations for licensees that further the goals and requirements of the Act and to prescribe, "as public convenience, interest, or necessity requires, the nature of the service to be rendered" by providers of mobile services and other authorized users of spectrum. At the same time, the Order avoids the concern raised in your letter regarding treating mobile data service providers as "common carriers" under the Communications Act. To the contrary, the Order rejects a common carriage approach and leaves mobile service providers free to negotiate and determine the commercially reasonable terms of data roaming agreements.

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

Sincerely,



Julius Genachowski



FEDERAL COMMUNICATIONS COMMISSION

August 19, 2011

JULIUS GENACHOWSKI
CHAIRMAN

The Honorable Patrick J. Toomey
United States Senate
711 Hart Senate Office Building
Washington D.C. 20510

Dear Senator Toomey:

Thank you for your letter expressing concerns about the Commission's decision to adopt data roaming requirements for the wireless industry. On April 7, 2011, the Commission adopted an Order requiring providers of commercial mobile data services to offer roaming arrangements to other such providers on commercially reasonable terms and conditions, subject to certain limitations.

After an extensive review of the record, the Commission determined 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 wireless 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.

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

Sincerely,

A handwritten signature in blue ink, appearing to be "J. Genachowski", is written over a horizontal line.

Julius Genachowski