

**FEDERAL COMMUNICATIONS COMMISSION**  
**Enforcement Bureau**  
**Market Disputes Resolution Division**  
**445 12<sup>th</sup> St., S.W.**  
**Washington, D.C. 20554**

**May 21, 2018**

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Counsel for Defendant

Re: *Flat Wireless, LLC v. Cellco Partnership dba Verizon Wireless*, Proceeding Number 15-147, Bureau ID Number EB-15-MD-005

Dear Counsel:

Flat's formal complaint against Verizon is pending before the Commission.<sup>1</sup> A recent, publicly available news report states that Flat is ceasing to offer a facilities-based wireless network service under the ClearTalk brand.<sup>2</sup> Please let us know Flat's status as a CDMA-based carrier and whether Flat still seeks a data roaming agreement with Verizon.<sup>3</sup> If Flat has ceased offering facilities-based services, please explain why you contend Flat's claims are not moot. Please respond to this request by May 30, 2018.

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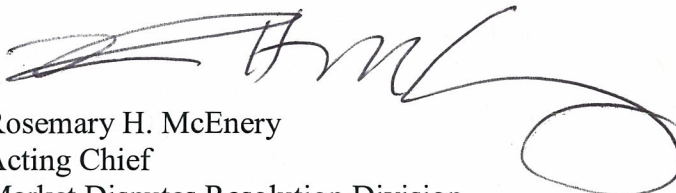
<sup>1</sup> See Complaint, File No. EB-15-MD-005 (filed June 12, 2015).

<sup>2</sup> See, e.g. <https://www.fiercewireless.com/wireless/another-small-wireless-network-operator-flat-wireless-calls-it-quits> (last visited May 17, 2018). Attached for your review is a copy of that report.

<sup>3</sup> See 47 C.F.R. § 1.720(g).

This letter is issued pursuant to sections 4(i), 4(j), and 208 of the Act, 47 U.S.C. §§ 154(i), 154(j), 208, sections 1.3, 20.12(e)(2), and 1.720-1.736 of the Commission's rules, 47 C.F.R. §§ 1.3, 20.12(e)(2), 1.720-1.736, and the authority delegated in sections 0.111 and 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111, 0.311.

FEDERAL COMMUNICATIONS COMMISSION

A handwritten signature in dark ink, appearing to read 'R. McEnery', with a large, stylized circular flourish at the end.

Rosemary H. McEnery  
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## Wireless

**Another small wireless network operator, Flat Wireless, calls it quits**by [Mike Dano](#) | Apr 6, 2018 9:46am

Flat Wireless is the latest small wireless network operator to exit its current wireless network business.

The company, which sells wireless services under the ClearTalk brand, said it will shut down its commercial wireless network in small markets across Texas, California and Arizona, and will instead become a Boost Mobile dealer.

"It is a giveaway in this prepaid space and you need very deep pockets and a light at the end of the tunnel. We had neither. We hope to transform ClearTalk into a different type of business and continue to remain viable. I have a lot of employees that I hope I can retain," said Kevin Beierschmitt, Flat Wireless' CEO.

Beierschmitt said the prepaid wireless space became increasingly competitive following AT&T's acquisition of prepaid Cricket provider Leap Wireless and T-Mobile's acquisition of prepaid operator MetroPCS.

"The elimination of those CDMA operators made handsets very difficult to get, difficult to program to our needs, and high cost," he said. "We also had challenges with the majors on fair and reasonable roaming rates. The FCC has not helped us much in this regard."

As a result, Beierschmitt said Flat has sold off much of its spectrum holdings (though he declined to provide details on those transactions, some of which haven't closed) and said that the company will transition its ClearTalk retail operations into retail stores selling Sprint's Boost Mobile prepaid service. He added that the company also plans to redeploy some of its network assets and spectrum in order to obtain roaming revenues.

5/21/2018

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As noted by Wave7 Research, **ClearTalk discontinued services on March 16** and is working to transition its customer base to Boost by offering switchers a \$49.99 iPhone 6 or free Android phones.

Flat Wireless is the latest small wireless network operator to exit the wireless business. Others that have shut down their networks include **Revol Wireless** and **Cincinnati Bell**.

The developments are further indications of a maturing and consolidating wireless industry, one that's rapidly coalescing around the four nationwide wireless network operators: Verizon, AT&T, T-Mobile and Sprint.

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