

LAUREN J. COPPOLA  
617 859 2736 TEL  
LCOPPOLA@ROBINSKAPLAN.COM

October 18, 2018

By ECFS

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, D.C. 20554Re: Applications of T-Mobile US, Inc. and Sprint Corporation for Consent to Transfer Control of Licenses and Authorizations, WT Docket No. 18-197

Dear Secretary Dortch:

CarrierX, LLC d/b/a freeconferencecall.com (“Free Conferencing”) hereby objects to T-Mobile US, Inc.’s (“T-Mobile”) request, through counsel, to access the Stamped Confidential Information Free Conferencing included in its Notice of *Ex Parte* Presentation dated October 12, 2018.

As detailed in Free Conferencing’s Petition to Deny, T-Mobile employs a deceptive pricing policy, referred to as the One-Cent Policy, and reckless routing practices and downstream carriers to reduce its customers’ calls to Free Conferencing.<sup>1</sup> Within its *Ex Parte* Notice, Free Conferencing designated four slides “Confidential” under the terms of the Protective Order.<sup>2</sup> These slides contain Free Conferencing’s proprietary testing data, including diagrams of actual test calls depicting how T-Mobile calls to Free Conferencing are fraudulently routed through sim boxes and hacked PBXs. The slides also provide a summary of the findings Free Conferencing has made since 2016 of all the methods T-Mobile uses to stifle calls to Free Conferencing.

T-Mobile requested a copy of Free Conferencing’s Confidential filing by email on October 15, 2018.<sup>3</sup> T-Mobile’s request, as shown in Exhibit A, was made not to Free Conferencing’s counsel of record, but to their colleague.<sup>4</sup> T-Mobile’s request further did

---

<sup>1</sup> Free Conferencing filed its Petition to Deny the applications of T-Mobile and Sprint on August 27, 2018.

<sup>2</sup> The slides were presented to members of the Commission during an *ex parte* presentation on October 10, 2018.

<sup>3</sup> See Exhibit A.

<sup>4</sup> Free Conferencing’s outside counsel of record is Stephen Wald and myself.

not include, as required by the terms of the Protective Order, a copy of any Acknowledgment of Confidentiality signed by T-Mobile's counsel.<sup>5</sup> Accordingly, T-Mobile's request is procedurally deficient and Free Conferencing's objection should be upheld on that basis alone.

To be certain, Free Conferencing is in favor of an open and transparent process where its concerns about the merger are substantively debated. However, Free Conferencing faces a great risk of further harm if its Confidential Information is improperly disclosed to T-Mobile. This is particularly true because Free Conferencing's Confidential Information contains T-Mobile telephone numbers Free Conferencing has used and continues to use to identify and track T-Mobile's efforts to suppress calls to Free Conferencing. If disclosed, T-Mobile can whitelist these telephone numbers from its fraudulent routing methods to hide its wrongdoing from Free Conferencing.

In addition, T-Mobile has demonstrated that it has no use in this proceeding for Free Conferencing's Confidential Information. T-Mobile and Sprint filed their opposition to Free Conferencing's petition on September 17, 2018. In it, T-Mobile (and Sprint) refused to address every concern raised in Free Conferencing's 28-page petition. T-Mobile did not provide a defense of its One-Cent Policy, nor did it address in any way the contention and specific examples that it uses reckless routing practices to cause calls to Free Conferencing to fail. Instead, T-Mobile challenged Free Conferencing's petition on standing grounds only. Free Conferencing's Confidential Information does not advance T-Mobile's standing claim.

It further bears highlighting that T-Mobile has objected to Free Conferencing's outside counsel having access to the Confidential and Highly Confidential Information T-Mobile has submitted to the Commission. T-Mobile is thus seeking access to Free Conferencing's Confidential Information while at the same time denying such access to Free Conferencing. T-Mobile should not be permitted to use the Protective Order in this fashion.

---

<sup>5</sup> Paragraph 7 of the Protective Order provides "[a] copy of the Acknowledgement also shall be delivered to the relevant Submitting Party through its Counsel of Record . . . so that it is received at least five business days prior to such person's reviewing or having access to the Submitting Party's Confidential Information or Highly Confidential Information." *See* Applications of T-Mobile US, Inc. and Sprint Corporation for Consent to Transfer Control of Licenses and Authorizations, Protective Order, WT Docket No. 18-197, DA 18-624 (June 15, 2018). At no time during this proceeding has T-Mobile's counsel provided copies of their Acknowledgments of Confidentiality to Free Conferencing's counsel of record.

For these reasons, the Commission should uphold Free Conferencing's objection.

Sincerely,



Lauren J. Coppola  
*Counsel to CarrierX, LLC*

cc: Kathy Harris  
Joel Rabinovitz  
Linda Ray  
Kate Matraves  
Jim Bird  
David Krech  
Nancy J. Victory

# EXHIBIT A

---

**From:** Forbes, Ian <Ian.Forbes@dlapiper.com>  
**Sent:** Monday, October 15, 2018 3:44 PM  
**To:** Wenger, Timothy D.  
**Subject:** [EXTERNAL] CarrierX Oct. 12 Ex Parte Filing

Timothy,

Could you send us a confidential version of the ex parte filed by CarrierX on Friday, October 12? Thanks very much in advance.

Regards,  
Ian

Please consider the environment before printing this email.

The information contained in this email may be confidential and/or legally privileged. It has been sent for the sole use of the intended recipient(s). If the reader of this message is not an intended recipient, you are hereby notified that any unauthorized review, use, disclosure, dissemination, distribution, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please reply to the sender and destroy all copies of the message. To contact us directly, send to [postmaster@dlapiper.com](mailto:postmaster@dlapiper.com). Thank you.