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April 21, 2017

VIA ECFS

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
TWA-325
Washington, D.C. 20554

Re: *In the Matter of Alex Nguyen v. Cellco Partnership d/b/a Verizon Wireless*
Proceeding Number: 16-242; Bureau ID Number: EB-16-MD-003

Dear Ms. Dortch:

Enclosed please find Verizon's Responses to Complainant's First Set of Interrogatories in the above-referenced proceeding. These responses are being filed and courtesy copies are being provided pursuant to the Commission's March 22, 2017 Protective Order in this proceeding.

Please contact the undersigned if you have any questions.

Respectfully submitted,

David Haga

Encl.

cc: Alex Nguyen
Rosemary H. McEnery
Lisa Saks
Michael Engel
Sandra Gray-Fields

REDACTED - FOR PUBLIC DISCLOSURE

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

Alex Nguyen

Complainant,

v.

Cellco Partnership d/b/a Verizon Wireless,

Defendant.

Proceeding Number 16-242

Bureau ID Number EB-16-MD-003

**VERIZON'S RESPONSES TO
COMPLAINANT'S FIRST SET OF INTERROGATORIES**

Pursuant to 47 C.F.R. § 1.729(c) and the Enforcement Bureau's March 22, 2017 letter order ("Letter Order"), Defendant Cellco Partnership d/b/a Verizon Wireless ("Verizon") hereby provides its responses to the First Set of Interrogatories served by Complainant Alex Nguyen. In accordance with the Letter Order, Verizon is providing responses to Interrogatory Nos. 2-5 and 9, as modified by the Letter Order.

General Objections

Verizon reserves and incorporates herein any of the general and specific objections from its initial September 22, 2016 opposition and objections to Complainant's interrogatories that were not specifically addressed by the Letter Order. Subject to and without waiving those objections, Verizon responds to Complainant's interrogatories as follows:

REDACTED - FOR PUBLIC DISCLOSURE

Responses to Interrogatories

Interrogatory No. 2: When did Verizon begin to work with Apple to obtain the IMEI ranges of iPhone 6 and iPhone 6 Plus devices sold by sources other than Verizon? Explain why Verizon took until August 13, 2015 to allow customers to order SIM cards for third-party devices even though they sought approval to do so at least as early as September 22, 2014 and identify all communications (including but not limited to communications with Apple and communications within Verizon) related to efforts to obtain the IMEI ranges of iPhone 6 and iPhone 6 Plus devices sold by sources other than Verizon.

Verizon's Response:

Verizon requested that Apple provide the International Mobile Equipment Identity ("IMEI") ranges for iPhone 6 and iPhone 6 Plus devices that would be sold by sources other than Verizon beginning [BEGIN CONFIDENTIAL]

[END CONFIDENTIAL]

Prior to the launch of the iPhone 6 and iPhone 6 Plus devices, versions of the Apple iPhone that were sold by other carriers were not the same as those sold by Verizon and were not compatible with the Verizon network. The Apple iPhone 5s and earlier generations of iPhones that were designed for Global System for Mobiles ("GSM") networks did not support Code Division Multiple Access ("CDMA") and, therefore, could not be used on Verizon's CDMA-based network. *See Answer of Cellco Partnership d/b/a Verizon Wireless ("Answer") ¶ 50.*

Verizon had an incentive to want customers who purchased iPhones from other carriers to be able to use those devices on the Verizon network: allowing those customers to bring their existing devices would help Verizon gain those customers' business. [BEGIN CONFIDENTIAL]

[END CONFIDENTIAL]

In addition, Verizon had to put in new processes and make other system modifications that would accommodate the use of iPhone 6 and iPhone 6 Plus devices purchased from other sources on the Verizon network. There was no existing “Bring Your Own Device” (“BYOD”) process for iPhones. As noted above, the previous versions of the Apple iPhones made for other networks could not be used on Verizon’s CDMA network, so new steps were necessary to accommodate customers bringing their own iPhones to the network for the first time. Once those steps were completed, Verizon provided Verizon-specific SIM cards to customers to allow them to use iPhone 6 and iPhone 6 Plus devices purchased from other sources on the Verizon network.

As Verizon advised Mr. Nguyen before he filed the formal complaint, customers have been able to use iPhone 6 and iPhone 6 Plus devices purchased from sources other than Verizon on the Verizon wireless network since 2015. This issue therefore was resolved long before Mr. Nguyen filed his formal complaint and served this interrogatory.

Interrogatory No. 3: Identify all “Verizon Wireless software” installed on Nexus 6 smartphones sold by Verizon, and indicate which software, if any, are necessary for connectivity with the Verizon Wireless network. In addition, describe what information, if any, Verizon

possessed regarding whether such software was installed on the same hardware sold by competing sources before Verizon started selling the Nexus 6.

Verizon's Response:

Mr. Nguyen's allegations regarding the Nexus 6 smartphones were the subject of a prior informal complaint that Mr. Nguyen filed with the Commission on May 20, 2015. Verizon responded to that informal complaint in July 2015, advising Mr. Nguyen that he could use the Nexus 6 smartphone he purchased from a source other than Verizon on the Verizon Wireless network at that time. Thus, this issue was resolved nearly two years ago – and approximately a year before Mr. Nguyen included it his formal complaint and served this interrogatory.

After Mr. Nguyen served this interrogatory, Verizon further addressed his allegations and the relevant facts relating to the Nexus 6 smartphones in its answer to Mr. Nguyen's formal complaint. *See, e.g.*, Answer ¶¶ 52-54. Verizon hereby refers to and incorporates that portion of its Answer in response to this Interrogatory.

In addition to the information already provided, Verizon further states that **[BEGIN CONFIDENTIAL]**

[END CONFIDENTIAL]

Interrogatory No. 4: When did Verizon begin to work with Google to deliver "Verizon Wireless software" to Nexus 6 devices sold by sources other than Verizon? Identify all test results and communications (including but not limited to communications with Google and communications within Verizon) that demonstrate Verizon "worked with Google" to deliver this software and explain why third-party device owners couldn't get this software (A) when Google started selling the Nexus 6 on October 29, 2014 or (B) when Verizon started selling the Nexus 6 on March 12, 2015.

Verizon's Response:

Please see the response to Interrogatory No. 3, above.

Interrogatory No. 5: Explain why any Apple SIMs embedded in iPads Verizon markets are disabled, including, but not limited to, describing Verizon's specific technical requirements that justify the disabling of embedded Apple SIMs.

Verizon's Response:

In order for devices to connect properly and safely with the Verizon Wireless network, Verizon requires that those devices utilize a Verizon-specific SIM card. *See generally* <https://opennetwork.verizonwireless.com/content/open-development/get-certified.html>, LTE 3GPP Band 13 Network Access (Requirement ID: VZ_REQ_LTEB13NAC_6267)(§ 1.2.1.1.1). Using a Verizon-specific SIM ensures proper connectivity and functionality, and helps avoid interference or other issues with the user experience.

The Commission's rules allow for this approach, as Verizon is permitted to set reasonable technical requirements for accessing its network (*see, e.g.*, 47 C.F.R. §§ 8.5, 8.11, 27.16(b)) –

which undoubtedly would include setting requirements for SIM cards to protect network security and integrity and ensure that devices connect to and function properly on the network.

The requirement to use a Verizon-specific SIM applies to all devices. **[BEGIN CONFIDENTIAL]**

[END CONFIDENTIAL] Likewise, the GSMA industry standards for smartphones and tablets that Verizon follows do not provide for accommodation and support of a nonstandard, proprietary, embedded SIM like that built in to at least some versions of the 9.7-inch iPad Pro.

The Commission's rules allow Verizon and other carriers the flexibility to choose what devices they wish to sell on a retail basis. **[BEGIN CONFIDENTIAL]**

[END CONFIDENTIAL]

However, whether purchased directly from Verizon or from a different source, the Apple 9.7-inch iPad Pro can connect with the Verizon network with a Verizon-specific SIM – just like any other device. And, just like any other device, customers can take an Apple 9.7-inch iPad Pro they purchase from Verizon and use it on another carrier's network, using a SIM that works on that carrier's network (assuming the device otherwise is compatible with and supported by that carrier's network).

Interrogatory No. 9: Did Verizon communicate with HTC about FM radio capabilities in its One M8 or One M9 smartphones or with LG about FM radio capabilities in its G4 or G5 smartphones? Identify all communications (including but not limited to communications with

HTC and LG and communications within Verizon) related to these devices and FM radio capabilities.

Verizon's Response:

After Mr. Nguyen served this interrogatory, Verizon addressed his allegations with respect to FM radio capabilities in its Answer. *See Answer ¶¶ 70-78.* Verizon otherwise is not aware of any communications with HTC or LG regarding FM radio capabilities in the referenced devices. Should Verizon discover any such communications, it will supplement this response accordingly.

Respectfully submitted,



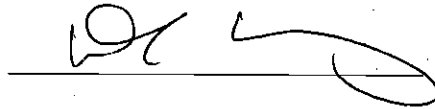
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*Attorneys for Cellco Partnership
d/b/a Verizon Wireless*

April 21, 2017

CERTIFICATION REGARDING INTERROGATORY NO. 2

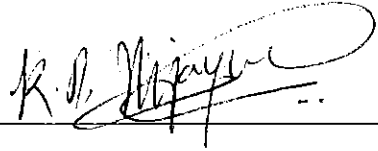
I, David Murray, Director – Technology for Verizon, hereby certify that the foregoing response to Interrogatory No. 2 is true and correct to the best of my knowledge, information, and belief.

A handwritten signature in black ink, appearing to read "DM", is written above a horizontal line.

April 21, 2017

CERTIFICATION REGARDING INTERROGATORY NOS. 3-4, 9

I, Vijayanand K. Paulrajan, Director – Product Management and Development for Verizon, hereby certify that the foregoing responses to Interrogatory Nos. 3, 4, and 9 are true and correct to the best of my knowledge, information, and belief.



A handwritten signature in black ink, appearing to read "K. V. Vijayanand", is written over a horizontal line. The signature is stylized and cursive.

April 21, 2017

CERTIFICATION REGARDING INTERROGATORY NO. 5

I, Samir Vaidya, Executive Director – Technology for Verizon, hereby certify that the foregoing response to Interrogatory No. 5 is true and correct to the best of my knowledge, information, and belief.



April 20, 2017

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of April, 2017 the foregoing “Verizon’s Responses to Complainant’s Interrogatories” was served on the following people in the manner indicated below:

Via Hand Delivery and ECFS*

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Washington, DC 20554

Via Email and Overnight Mail

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* Redacted version only filed on ECFS.

/s/ David Haga

David Haga