

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, DC 20554**

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In the Matter of )

Flat Wireless, LLC, for and on behalf )  
of its Operating Subsidiaries, )

Complainant, )

v. )

Cellco Partnership d/b/a Verizon Wireless, )  
and its Operating Subsidiaries, )

Defendant. )

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EB Docket No. 15-147  
File No. EB-15-MD-005

**VERIZON'S OBJECTIONS AND RESPONSE TO  
AMENDED INTERROGATORY NO. 8**

At the request of Commission Staff, Verizon submits the following objections and response to amended Interrogatory No. 8 of Flat Wireless, LLC ("Flat").<sup>1</sup>

Flat's amended Interrogatory No. 8 seeks, for the most current 12 months, "the number of roaming calls initiated on the Verizon network by Flat subscribers that failed to connect because of the non-implementation of the existing roaming agreement between Flat and Verizon, including, if available, logs listing the time and approximate location of origin of the call."<sup>2</sup>

First, the interrogatory is vague and ambiguous. It asks Verizon to provide "the number" of attempted roaming calls by Flat customers that failed to connect to Verizon's network,

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<sup>1</sup> E-mail from J. Adam Suppes, FCC Market Disputes Resolution Division, to Donald Evans and Jonathan Markman, Counsel to Flat, and Chris M. Miller, Tamara Preiss, and Andre Lachance, Counsel to Verizon, EB Docket No. 15-147, File No. EB-15-MD-005 (July 27, 2016).

<sup>2</sup> Interrogatory No. 8, Amended Interrogatories of Flat Wireless, LLC (filed Sept. 1, 2015) (footnote omitted).

“including” “logs listing the time and location” of each attempted call. Verizon objects to Interrogatory No. 8 because the “number” of calls attempted cannot “include” logs or other records. Moreover, the term “including” raises the implication that Flat may believe that other types of information could be responsive to the interrogatory, but Verizon has no basis to identify any other information that Flat may believe it is requesting. To the extent Interrogatory No. 8 seeks copies of logs, or other written documents, such a request for documents is improper as part of an interrogatory.

Second, as explained in the accompanying Declaration of Miguel A. Carames, the information sought in Interrogatory No. 8 is not available from business records maintained by Verizon in the ordinary course. Verizon does not have documents or information identifying “Flat subscribers” nor does Verizon compile records identifying roamers who have attempted to register on its network where Verizon does not have such roamer’s home carrier identifier loaded as a roaming partner in its systems. It would be unreasonably burdensome for Verizon to attempt to generate such information, and doing so would require information not in Verizon’s possession or control. Furthermore, any suggestion that Verizon should be required to compile the requested information would be particularly unfair, since it is Flat’s own decision, not any action by Verizon, that prevents Flat’s customers from roaming on Verizon’s network.<sup>3</sup>

Third, the discovery Flat seeks in Interrogatory No. 8 is not relevant to a material issue in this proceeding and is not necessary to the resolution of the dispute, as required by 47 CFR § 1.729(a) & (b). Flat asserts that this discovery is needed “to verify that there are significant

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<sup>3</sup> In a footnote to Interrogatory No. 8, Flat acknowledges that the roaming agreement between the parties “has never been implemented by Flat” because of Flat’s rejection of the roaming rates set forth in the agreement, *id.* n.3; accordingly, any inability of Flat’s customers to connect roaming calls on the Verizon network is the result of voluntary actions taken *by Flat*, not the actions of Verizon.

areas where Verizon is the sole source provider of roaming to Flat's customer's [sic],"<sup>4</sup> but the availability of alternative providers of roaming services in particular areas can be shown from public information readily available to Flat. At the same time, Flat concedes that "[t]he precise call details [sought in Interrogatory No. 8] are not required now" and would only be relevant, if ever, "at the damages phase of the case."<sup>5</sup> Thus, by Flat's own acknowledgement, there is no need for the Commission to entertain discovery of the call details sought by Flat unless and until this proceeding were to reach a damages phase, which is unlikely ever to happen.

For the reasons set forth above, Verizon requests that the Commission deny the discovery sought in Flat's amended Interrogatory No. 8.

Respectfully submitted,



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*Counsel for Verizon*

August 2, 2016

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<sup>4</sup> Supplement to Joint Statement of Flat and Verizon at 4 (filed Feb. 5, 2016).

<sup>5</sup> *Id.*

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Complainant,	)	
	)	
v.	)	
	)	
Cellco Partnership d/b/a Verizon Wireless,	)	
and its Operating Subsidiaries,	)	
	)	
Defendant.	)	
_____	)	

**DECLARATION OF MIGUEL A. CARAMES**

1. My name is Miguel A. Carames, and I work for Verizon. In my current position as a Director in Network Engineering and Operations, my responsibilities include nationwide network translations, network database management, roaming operations, and numbering management. My roaming operations team is responsible for implementing, certifying, and testing all Verizon roaming agreements from a network perspective.
2. I have reviewed the information request contained in amended Interrogatory No. 8 of Flat Wireless, LLC, filed in this matter.
3. The information sought in Interrogatory No. 8 is not available from business records maintained by Verizon in the ordinary course. Verizon does not have documents or information identifying "Flat subscribers," nor does Verizon compile records identifying roamers who have attempted to register on its network where Verizon does not have such roamer's home carrier identifier loaded as a roaming partner on its systems. It would be

burdensome for Verizon to generate such information, and generating the information would require information not in Verizon's possession or control.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: August 2, 2016

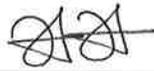
A handwritten signature in black ink, appearing to read 'Miguel A. Carames', written over a horizontal line.

Miguel A. Carames

**CERTIFICATE OF SERVICE**

I hereby certify that on this 2nd day of August, 2016, copies of the foregoing filing and declaration attached thereto were delivered by courier and electronic mail to the following individual:

Donald J. Evans  
Fletcher, Heald & Hildreth, P.L.C.  
1300 N. 17th Street,  
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Hrishikesh N. Hari