

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of	)	
	)	
Skype Communications S.A.R.L.	)	RM – 11361
	)	
Petition to Confirm A Consumer’s Right to	)	
Use Internet Communications Software and	)	
Attach Devices to Wireless Networks	)	

**COMMENTS OF VERIZON WIRELESS**

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be an “innocuous ‘presence’ service” that would indicate the network status of individuals in a user-defined “buddy list.”<sup>84</sup> However, Verizon Wireless ultimately decided not to support the service after it was determined that the feature would disrupt the network by causing an unusually high number of dormant to active transitions on push-to-talk enabled phones, which not only severely impacted Verizon Wireless’ cellular data network but also upset the normal operating model for its voice network.<sup>85</sup> If wireless handsets are dissociated from the network and unapproved devices and applications are deployed on a large scale, a similar result could occur that would impede the operation of the network and consumers’ use of wireless services.

**B. Skype’s Regime Would Undermine the Communications Act’s Model for Wireless Services.**

The technical differences carry through to the statutory framework for wireless service, which is built on the basic concept that wireless licensees are responsible for all equipment and operations that use radio spectrum. In order to comply with a variety of Commission rules – including both technical rules and public interest obligations – wireless carriers must be able to manage all aspects of their network. Title III of the Communications Act requires every device that transmits radio energy to be licensed or otherwise authorized by the Commission.<sup>86</sup> A CMRS license authorizes not only base station operations, but also all handsets and other devices used by customers on the CMRS provider’s network, which are regulated as “mobile stations” under that license.

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<sup>84</sup> Higgins Statement, at 8-10.

<sup>85</sup> *Id.*

<sup>86</sup> 47 U.S.C. § 301 (“No person shall use or operate any apparatus for the transmission of energy or communications or signals by radio... except under and in accordance with this chapter and with a license in that behalf granted under the provisions of this chapter.”).

Under Title III of the Communications Act and the Commission’s “exclusive use” licensing regime, carriers are responsible for ensuring that the equipment utilizing their assigned spectrum satisfies Commission regulations designed to avoid harmful interference. These requirements are imposed on both base and mobile stations.

Title III licensees are responsible for compliance with technical specifications that limit the potential for interference with adjacent licensees. These include limits on effective radiated power for mobile stations<sup>87</sup> and limits on spurious emissions.<sup>88</sup> In addition, all devices used on a CMRS network must be “certificated” by the Commission pursuant to Parts 2 and 15 of the Commission’s rules.<sup>89</sup> The reason for this certification process is to guarantee that devices meet the technical requirements for a given service and do not interfere with or otherwise disrupt wireless networks. Though manufacturers are initially responsible for ensuring that equipment complies with the applicable standards, the licensee violates the technical interference rules if it places a non-certificated device (or a non-compliant certificated device) on the network that causes harmful interference to another operator.

The Commission’s rules are clear that CMRS providers are accountable for all devices on their networks. Section 22.3 of the Commission’s rules states that “[a]uthority for subscribers to operate mobile or fixed stations in the Public Mobile Services ... is included in

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<sup>87</sup> See e.g., 47 C.F.R. § 22.913(2) (establishing an effective radiated power limit of 7 Watts for cellular mobile transmitters); *id.* § 24.232(c) (limiting Broadband PCS mobile/portable stations to “2 watts EIRP peak power” and requiring that “the equipment must employ means to limit the power to the minimum necessary for successful communications”).

<sup>88</sup> See e.g., 47 C.F.R. § 22.917 (establishing limits on out of band emissions for cellular equipment); *id.* § 24.238 (establishing limits on out of band emissions for Broadband PCS).

<sup>89</sup> See 47 C.F.R. § 2.901 *et seq.*; *id.* § 24.51 (requiring that “each transmitter utilized for operation under this part and each transmitter marketed, as set forth in § 2.803 of this chapter, must be of a type that has been authorized by the Commission under its certification procedure for use under this part”).

the authorization held by the licensee providing service to them.”<sup>90</sup> Section 22.305 in turn states that “[s]tation licensees are responsible for the proper operation and maintenance of their stations and for compliance with FCC rules.”<sup>91</sup> Under Section 312 of the Communications Act, the Commission may revoke an authorization or impose sanctions on licensees that violate provisions of the Act or the Commission’s rules.<sup>92</sup> In order to ensure that their networks operate in compliance with all Commission mandates, CMRS providers must be able to manage all of the stations on their networks, including handsets. Skype’s proposals ignore this critical fact.

**C. Skype’s Regime Would Prevent Wireless Carriers from Managing Their Network to Minimize Interference and Optimize Customer Experience.**

In addition to ensuring devices satisfy Commission requirements, Verizon Wireless has rigorous internal procedures designed to ensure that all devices function properly on its network.<sup>93</sup> This process ensures that devices placed on Verizon Wireless’s network do not harm the network or degrade the experience of other users, do not interfere with adjacent users, and function as intended by delivering high quality service and functionality to customers.

Skype’s Petition seeks to dissociate handsets and other devices from the wireless network operator, which would deprive carriers of the means to ensure that those devices comply with Commission rules. It would also undermine the proper functioning of wireless

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<sup>90</sup> 47 C.F.R. § 22.3(b).

<sup>91</sup> 47 C.F.R. § 22.305. Similarly, Section 22.927 of the Commission’s rules notes that “[c]ellular system licensees are responsible for exercising effective operational control over mobile stations receiving service through their cellular systems.”

<sup>92</sup> 47 U.S.C. § 312.

<sup>93</sup> See Higgins Statement, at 3-7 (describing in detail Verizon Wireless’s process for ensuring that handsets are compatible with its network and meet FCC specifications).