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September 28, 2007

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Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: Service Rules for the 700 MHz Bands, WT Docket Nos. 06-150, 96-86; PS Docket No. 06-229; AU Docket No. 07-157

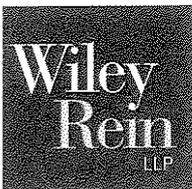
Dear Ms. Dortch:

Verizon Wireless hereby responds to the September 27, 2007 letter of Frontline Wireless, LLC, alleging *ex parte* rule violations by Verizon Wireless.¹ Contrary to Frontline's accusations, Verizon Wireless has provided full and public disclosure of its September 17, 2007 meeting with Chairman Martin and his staff, as required by the *ex parte* rules. Indeed, Frontline's mischaracterization of Verizon Wireless's disclosure as "opaque" and "translucent" is belied by Frontline's own filing which responds in great detail to the positions advanced in the September 17 meeting. While Verizon Wireless strongly disagrees with the substance of Frontline's letter, Frontline was only able to respond to the points raised at the meeting at such a granular level because Verizon Wireless provided a detailed, public summary of the meeting, as the Commission's rules require.

Verizon Wireless fully and forthrightly disclosed the substance of the September 17 meeting. Officials from Verizon and Verizon Wireless met with Chairman Martin and his staff to discuss Verizon Wireless's positions in the 700 MHz proceeding. The subjects and positions discussed are documented in Verizon Wireless's *ex parte* filing;² a second, even more detailed, filing submitted at the

¹ See Letter from Gerard Waldron, Counsel to Frontline Wireless, LLC, to Marlene H. Dortch, Secretary, FCC, WT Docket Nos. 96-86, 06-150; PS Docket No. 06-229; AU Docket No. 07-157 (filed Sept. 27, 2007) ("*Frontline Ex Parte*").

² See Letter from Ann D. Berkowitz, Verizon, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 06-150 (filed Sept. 19, 2007).



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request of the Wireless Telecommunications Bureau,³ and, indeed, in Frontline's own filing.⁴ Those topics included:

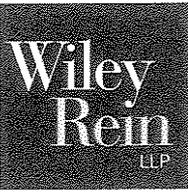
- Verizon Wireless's opposition to "open access" rules;
- Verizon Wireless's position that "open access" rules should not interfere with the rights of subscribers who choose to obtain wireless devices from the licensee to select among the same service plans, applications and devices they currently enjoy, nor with the licensee's right to configure the services and applications it provides over its own devices;
- Verizon Wireless's position that the Commission should not adopt any pricing rules;
- Verizon Wireless's position that the Commission should not (1) force C-block licensees to allow any and all lawful applications to be downloaded to any devices that licensees provide, including devices that are not configured to accommodate any and all applications; and (2) inhibit C-block licensees from differentially pricing a package of benefits, features and services (including customer service) made available with devices they provide, as compared to a package of services provided with non-licensee-supplied devices, and thus fail to recognize the different value propositions these different packages of services offer to customers.

The purpose of the Commission's *ex parte* rules is full and public disclosure of *ex parte* communications with the agency. Frontline's letter itself demonstrates that the content and substance of Verizon Wireless's September 17 meeting have been fully and publicly ventilated, as the Commission's rules require.⁵ Indeed,

³ See Letter from John T. Scott III, Verizon Wireless, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 06-150 (filed Sept. 25, 2007).

⁴ See *Frontline Ex Parte*, at 2-3.

⁵ Indeed, Verizon Wireless's disclosures go beyond what the rules require. See 47 C.F.R. § 1.1206(b)(2) (only requiring parties to file "a summary of the substance of the *ex parte* presentation" when they "present[] data or arguments *not already reflected in that parties' written comments*, memoranda, or other filings in



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while the *Frontline Ex Parte* contains two paragraphs alleging violations of the *ex parte* rules, it includes two pages characterizing Verizon Wireless's positions and Frontline's views on the underlying policy issues. Such a response, however misguided, would not have been possible without Verizon Wireless's disclosure of its *ex parte* communications consistent with the Commission's rules.

Moreover, as further evidence that it acted in full compliance with the substantive requirements of the Commission's rules, Verizon Wireless notes that its filing comports with industry practice, including the practice routinely adopted by Frontline in its own filings. *See, e.g.*, Letter from Jonathan Blake, Counsel to Frontline Wireless, LLC to Marlene H. Dortch, Secretary, FCC, WT Docket Nos. 96-86, 06-150; PS Docket No. 06-229 (filed Sept. 12, 2007) (providing a two sentence summary of an *ex parte* meeting).⁶ In addition, Frontline's unfounded complaint about another party's compliance with FCC procedures is somewhat remarkable given Frontline's concurrent and continuing track record of filing requests and proposals with the FCC without any regard for Commission requirements. *See, e.g.*, Supplemental Comments of Frontline, AU Dkt. No. 07-157 (filed Sept. 21, 2007) ("Supplement Comments").⁷

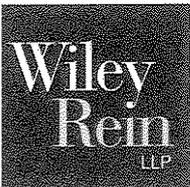
Finally, Frontline's assertion that Verizon Wireless's September 17 meeting "is in essence a petition for reconsideration," *Frontline Ex Parte*, at 2, hardly dignifies a response. If Frontline's interpretation of FCC rules were correct—and, once again, it is not—any position taken in an *ex parte* meeting with Commission staff regarding an adopted order would be tantamount to a petition for reconsideration. Frontline's construction of the FCC's rules has absolutely no support in law or fact.

(Continued . . .)

that proceeding") (emphasis added). As the memoranda noted, matters discussed at the September 17 meeting were previously raised in the docket filings.

⁶ In addition, there is no precedent for the sanctions sought by Frontline. Verizon Wireless makes no concession as to the legality or availability of the relief sought by Frontline.

⁷ Frontline's "Supplemental Comments" are late-filed, without explanation or a request for leave to file, and seek relief beyond the scope of the proceeding and the Wireless Telecommunications Bureau's delegated authority. *See* Supplemental Comments (requesting revision of the Commission's "case-by-case" competitive review standard in the Bureau's 700 MHz auction procedures docket).



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Please feel free to contact the undersigned if you have any questions about this letter.

Sincerely,

A handwritten signature in cursive script that reads "R. Michael Senkowski".

R. Michael Senkowski
Counsel for Verizon Wireless

cc: Chairman Kevin Martin
Commissioner Michael Copps
Commissioner Jonathan Adelstein
Commissioner Robert McDowell
Commissioner Deborah Taylor Tate
Aaron Goldberger
Bruce Gottlieb
Wayne Leighton
Angela Giancarlo
Rene Crittenden