Tamara Preiss
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December 6, 2010

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Ex Parte

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Preserving the Open Internet, GN Docket No. 09-191; 700 MHz Mobile Equipment Capability, RM-11592; Empowering Consumers to Avoid Bill Shock, GC Docket No. 10-207; Innovation in the Broadcast Television Bands, ET Docket No. 10-235

Dear Ms. Dortch:

On December 3, 2010, Daniel Mead, President and Chief Executive Officer of Verizon Wireless, met with Chairman Julius Genachowski; Edward Lazarus, Chief of Staff; Josh Gottheimer, Senior Counselor; and Rick Kaplan, Chief Counsel and Senior Legal Advisor. Also present were Kathleen Grillo of Verizon and John Scott of Verizon Wireless.

Mr. Mead discussed Verizon Wireless' plans to launch LTE service beginning December 5, as well as its work with rural wireless carriers to deploy LTE in rural areas. With respect to the Commission's open Internet rulemaking proceeding, Mr. Mead reiterated the company's position, consistent with its prior filings, that new rules are not warranted, and that if the Commission decides to act, it should consider the framework proposed by Chairman Waxman, including the sunset provision. Regarding the petition for rulemaking to require wireless devices to include all commercial 700 MHz spectrum bands, we reiterated our opposition to any such requirement, as set forth in our prior filings. We also noted that one company claiming that devices would not be developed without regulation had recently announced it was obtaining two such devices from an equipment suppler. (A copy of Verizon's December 1, 2010 letter informing the Commission of this announcement is attached to this letter.)

On the pending rulemaking in which the Commission proposes mandatory alerts to wireless customers, Mr. Mead discussed Verizon Wireless' new 150 MB data package, which provides customers with alerts as they approach and exceed the 150 MB limit. On the pending rulemaking to examine the rules governing broadcast television spectrum, Mr. Mead stated that the company supports the Commission's efforts to identify additional spectrum to meet the growing demand for wireless services, including its effort to develop voluntary incentive auctions.

This letter is being filed electronically pursuant to Section 1.1206 of the Commission's Rules. Please contact me if you have any questions.

Respectfully submitted,

Attachment

cc: Chairman Julius Genachowski
Edward Lazarus
Josh Gottheimer
Rick Kaplan

ATTACHMENT

Tamara Preiss
Vice President
Federal Regulatory Affairs

December 1, 2010

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Ex Parte

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

Re: Petition for Rulemaking Regarding the Need for 700 MHz Mobile Equipment to be Capable of Operating on All Paired Commercial 700 MHz Frequency Blocks, RM-11592

Dear Ms. Dortch:

On November 17, 2010, Cellular South announced a "strategic alliance" with Samsung to build a 4G mobile broadband network using Cellular South's 700 MHz A Block spectrum. Samsung will supply to Cellular South two 4G smartphones operating on LTE Band Class 12, which incorporates Lower 700 MHz Blocks A, B and C. (See attached press release.)

For over a year, Cellular South, both individually and as a member of the 700 MHz Block A Good Faith Purchasers Alliance and the Rural Cellular Association (RCA), repeatedly asserted that it and other Lower A Block licensees would not be able to deploy a 700 MHz network or obtain devices operating on Band Class 12 for consumers, unless the Commission mandated interoperability among all 700 MHz spectrum bands.

The claimed inability of A Block licensees to do precisely what Cellular South is now doing – deploying 700 MHz spectrum using Band 12 devices – was the entire premise for the Alliance's Petition for Rulemaking seeking a Commission-imposed interoperability standard: "Without Commission action that assures inclusion of Block A spectrum in mobile equipment there will be no affordable mobile equipment useful for that spectrum and no business case for Block A licensees to invest in facilities to serve rural areas."[1] And counsel for the Alliance told the Commission that it would be "economically impossible" for Cellular South to obtain Band 12 devices:

> On behalf of Cellular South the undersigned mentioned that a manufacturer was willing to supply Cellular South with devices that included, at a minimum, Band Class 12 frequencies. However, Cellular South determined that the cost of obtaining such devices without the economies of scale available based upon

[1] *See, e.g.*, Petition for Rulemaking, RM-11592, at 5 (filed Sept. 29, 2009).

demand for similar devices by a nationwide carrier made pursuing the opportunity not economically feasible.[2]

Similarly, the economic analysis of Peter Cramton, submitted by RCA in support of the Petition, is equally flawed because it too was based on the same false premise: "[L]ower A Block spectrum winners have insufficient scale to develop affordable end user devices that would work on the A Block."[3]

The record in response to the Alliance's rulemaking petition on 700 MHz devices already provides ample technical and other grounds not to grant the petition.[4] Cellular South's launch of its LTE network and procurement of Band 12 devices only further confirms that the interoperability mandate lacks any factual justification.

The Cellular South-Samsung alliance shows that the intensely competitive wireless market is driving carriers and equipment manufacturers to provide consumers and businesses with increasing choices to meet their wireless broadband needs. As Cellular South's CEO stated, "This network will deliver a first-class LTE experience to our customers who want the freedom to access content and services and to communicate in new and innovative ways." The Commission should continue to allow the wireless device market to develop in response to competitive pressures and customer demands – not new, intrusive, and unwarranted regulatory intervention.

Accordingly, Verizon Wireless respectfully requests that the Commission dismiss the Good Faith Purchasers Alliance Petition for Rulemaking. Grant of the Petition would be arbitrary and capricious on its face, given that one of its members has demonstrated that its underlying factual premise is incorrect.

This letter is being filed electronically pursuant to Section 1.1206 of the Commission's rules. Should you have any questions, please contact the undersigned.

Sincerely,

Attachment

cc: Ruth Milkman
Tom Peters
David Goldman

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[2] *Ex Parte* Letter from David L. Nace, Attorney for 700 MHz Block A Good Faith Purchasers Alliance, to Marlene H. Dortch, Secretary, FCC, RM-11592 (filed June 8, 2010).

[3] Peter Cramton, "700 MHz Device Flexibility Promotes Competition," at 7 (Aug. 9, 2010), attached to *Ex Parte* Letter from Rebecca Murphy Thompson, RCA, to Marlene H. Dortch, Secretary, FCC, RM-11592 (filed Aug. 10, 2010).

[4] Advocates for the rulemaking have also never established a legal basis for the Commission to require 700 MHz licensees or device manufacturers to include particular spectrum bands in wireless devices.

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Cellular South announces strategic alliance with Samsung Telecommunications to build LTE 4G high-speed wireless broadband data network infrastructure

Hu Meena, Cellular South president and CEO, at Samsung LTE commercial launch agreement ceremony, along with (far right, standing), Wade Creekmore, Jr. and Wesley Goings, and (seated far right), Jimmy Creekmore

Cellular South and Samsung Telecommunications America (Samsung Mobile) announced a strategic alliance today, November 17, to build a fourth generation (4G) mobile broadband network for the nation's largest privately owned wireless communications provider using Long Term Evolution (LTE) technology.

The alliance also calls for Samsung Mobile, the No. 1 mobile phone provider in the U.S., to supply Cellular South with two LTE Band Class 12 4G smartphone handsets as well as other new and innovative network solutions operating in the 700 MHz spectrum. The devices and the network will be ready for launch in the fourth quarter of 2011.

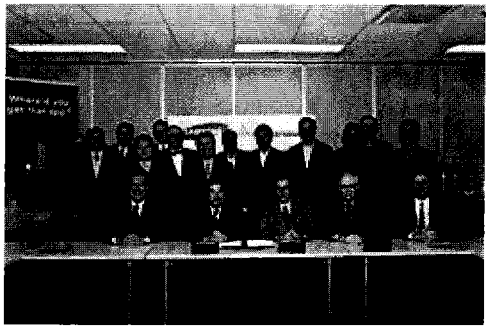
LTE technology enables delivery of unprecedented wireless broadband service for higher performance mobile computing, multimedia and consumer electronic devices and applications. The technology is designed to deliver mobile data networks with higher speed and throughput performance, lower latency, roaming and improved efficiencies.

The alliance with Samsung is designed to allow both companies to jointly pursue the integration of rich multi-media services and "three screen differentiation" across smartphones, laptops and netbooks and televisions, including access to Samsung Media Hub, a library of video and literary content powered by some of the biggest names in entertainment.

Samsung Mobile and Cellular South plan to launch LTE service by the end of 2011 using voice-over LTE (VoLTE) and continue to expand availability across its 700 MHz footprint in 2012.

The LTE announcement builds on Cellular South's technology leadership as one of the first wireless providers to launch high-speed wireless broadband service in its service area using CDMA Evolution-Data Optimized (EV-DO) technology. The company's data innovation and leadership have been marked by the introduction of new multimedia handsets and innovative applications such as games, e-mail, Internet access, picture and video messaging on a variety of devices, including handsets, PDAs, smartphones and netbooks.

"Our move to 4G is driven by our vision of creating an unmatched experience and enabling our customers to experience pervasive wireless Internet connectivity and mobility," said Hu Meena, president and CEO of Cellular South. "Cellular South is pleased to partner with Samsung Mobile on an LTE solution that uses our entire spectrum in the lower 700 MHz band. "This network will deliver a first-class LTE experience to our customers who want the freedom to access content and services and to communicate in new and innovative ways, whether it's viewing video, browsing the mobile web, listening to their favorite music, gaming or social media."



Meena said a number of factors are setting the stage for Cellular South's 4G network migration, including customers' evolving appetite for more information, entertainment and functionality along with expectations of immediate access, high speed, easy handling and seamless mobility. "With a host of new devices and applications and a focus on embedded wireless in virtually every piece of electronics you buy in any store, we believe LTE is the best technology with the scope and scale to deliver on our promise," he said.

"Samsung Mobile is excited to work with Cellular South to bring the speed and connectivity of LTE infrastructure and devices to consumers in the Southeastern U.S. along with two LTE-enabled handsets by the fourth quarter of 2011," said Omar Khan, chief strategy officer for Samsung Mobile. "The LTE network and upcoming handsets will enable Cellular South customers to stream videos, download music and improve overall productivity in their daily work and personal lives."

Samsung Mobile's commercial LTE network products leverage years of 4G orthogonal frequency division multiple access (OFDMA) experience and have flexible bandwidth support of 1.4 to 20 MHz standards. Network infrastructure features include:

- Support for a wide array of enhanced node B (eNB) products, including rack types, remote radio heads, picocells and distributed antenna system (DAS) hosts.
- A scalable, single rack, enhanced packet core (EPC) along with IP multimedia subsystem (IMS) products supporting rapid deployment and end-to-end device quality control
- An open architecture supporting multi-vendor inter-operation through initiatives such as the LTE Strategic Test Initiative (STI)
- Incorporation of high efficiency multimode amplifiers and energy saving mode

"Today's 4G announcement presents a major growth opportunity for Cellular South," Meena said. "Fourth generation's higher data speeds will usher in a new era of wireless applications and appliances, all of which can benefit from connecting to one of the industry's premier wireless broadband data networks."

For more information about Cellular South's LTE plans, go to www.cellularsouth.com or go to www.samsungusanews.com.

About Cellular South

Cellular South is a diversified mobile communications company passionately committed to helping customers get the most out of their wireless devices and services. The nation's largest privately owned wireless communications provider accomplishes this goal by optimizing customers' app experience through Discover Apps, providing the most reliable and advanced high-speed nationwide wireless voice and data network, offering industry-leading family and unlimited flat rate voice, text and mobile web plans, and through its online and in-store Discover Centers, which give customers easy, simple and convenient tools, tips, advice and information on how to get the most out of their mobile phone. For more information about Cellular South and its products and services, visit www.cellularsouth.com.

About Samsung Telecommunications America

Samsung Telecommunications America, LLC, a Dallas-based subsidiary of Samsung Electronics Co., Ltd., researches, develops and markets wireless handsets and telecommunications products throughout North America. For more information, please visit www.samsungwireless.com.

About Samsung Electronics Co., Ltd.

Samsung Electronics Co., Ltd. is a global leader in semiconductor, telecommunication, digital media and digital convergence