

## In the Matter of Competitive Bidding Procedures for Auction 901 (12-25)

During the FCC's proceeding on the proposed merger of AT&T Mobility with T-Mobile USA many facts disproving the need for the merger surfaced. One of AT&T's major arguments for the merger was that it faced a spectrum crunch and its lack of spectrum was to blame for reception problems on its cellular network. However, their proposal to sell spectrum after the Justice Department came out against the merger to smaller carriers like MetroPCS and Leap Wireless (Cricket) to buy some of their existing spectrum to save the T-Mobile merger discredited their need for more spectrum argument. Furthermore, their offer to give T-Mobile USA \$3 billion worth of cash and \$1 billion worth of spectrum in their breakup agreement should the deal fail further undercut AT&T's argument for the merger. That being said both AT&T and Verizon Wireless have sufficient spectrum already. Therefore the FCC should work to make more spectrum available to smaller competitors and require larger carriers should they get any spectrum to make their networks interoperable with the smaller carriers.

I urge the FCC in developing rules for Auction 901 and upcoming wireless auctions to disallow AT&T and Verizon from participating in said auctions or if the FCC does permit them to participate don't make spectrum awards winner takes all but proportional. Smaller carriers need a fighting chance to acquire more wireless spectrum to improve their networks. Unfortunately though if AT&T and Verizon are allowed to participate and if the auction is winner take all these Twin Cells will have enormous capital at their disposal and a higher likelihood of winning spectrum than the smaller carriers. If AT&T and Verizon are allowed to acquire any spectrum there should be interoperability and build-out requirements attached. I also urge the FCC to extend its Network Neutrality rules to wireless, reclassify broadband under Title II and investigate unfair data caps for violating Net Neutrality.

Effectively AT&T and Verizon could lock up the entire spectrum sold at auction for themselves thus denying smaller carriers who really need the spectrum from getting any of it. Then AT&T and Verizon will surely warehouse most of the spectrum instead of using it to build out their networks. Already in regard to interoperability the FCC has opened a proceeding on whether to require device interoperability between carriers using 700 MHz spectrum which I support.

I also encourage the FCC to adopt reasonable rules for carriers holding and using AWS spectrum like Verizon Wireless which already has 122 AWS spectrum licenses but now wants to acquire even more from SpectrumCo., a consortium of cable companies and Cox Communications. By the way the Verizon deal with the cable companies should also be denied for 2 reasons: 1) the massive amount of spectrum concentration in Verizon's hands that would develop as a result of the spectrum transfer is anti-competitive and contrary to the public interest and 2) the anti-competitive marketing agreements between Verizon Wireless and the cable cartel to resell each other's services is also anti-competitive and collusion at its worst.

Verizon and Big Cable have effectively decided to divide up the Internet in violation of the Telecom Act and antitrust law. Therefore I support the denial of these deals just as I opposed the dead AT&T T-Mobile merger. I urge the FCC to deny this awful deal between Verizon and the cable companies just as it did the disastrous AT&T T-Mobile merger and to implement rules for pending and upcoming wireless spectrum auctions like Auction 901 that foster and protect competition among wireless service providers.

Furthermore, the FCC should allocate and/or reallocate spectrum only in ways that serve the public interest by protecting and/or promoting competition in the wireless market. Any auctions held by the FCC must conform to these stated goals and allow for unlicensed spectrum to also be offered for WIFI usage. Thanks and hoping new spectrum auctions benefit consumers and competition.