

In its complaint, the company C-Spire (formerly Cellular South) asserts that it has been unable to use 700MHz spectrum it bought in a 2008 FCC auction, because AT&T, through the 3GPP standards-setting process, created a separate "band class" for spectrum it bought during the same 700MHz auction, thus making it incompatible with spectrum that Cellular South planned to use.

As a result, Cellular South, which has roughly 900,000 customers, has been unable to obtain smartphones and other devices that will work on its spectrum for a new 4G LTE network it plans to build. Meanwhile, AT&T with 103 million customers, has deployed its LTE network in 39 markets so far. Cellular South alleges that Qualcomm and Motorola helped AT&T push through its special spectrum "band plan" in the 3GPP standards working group. The company also said in its complaint that Qualcomm and Motorola representatives threatened the company when it decided to file a petition requiring interoperability between the various bands in 700MHz with the FCC.

"C Spire Wireless filed a federal anti-trust lawsuit against AT&T and others who conspired to assist AT&T in creating and maintaining a private, discriminatory spectrum band for AT&T devices," said Eric Graham, C Spire Wireless' senior vice president for strategic relations. "This anti-competitive scheme has prevented C Spire Wireless from utilizing \$192 Million worth of Lower 700MHz A block spectrum licenses acquired from the FCC at auction in 2008. Cellular South claims it never stood a chance against AT&T, which is the second largest wireless carrier in the U.S. In its complaint, Cellular South says that a Qualcomm representative, named Michael Chard, told Cellular South that it would delay the roll-out of devices supporting Cellular South's spectrum as retribution for Cellular South and other carriers filing a petition with the FCC to require that would require all devices used on 700 MHz spectrum to be compatible.