



**advocate for rural wireless telecommunications providers
Washington, DC**

July 19, 2012

Via Electronic Delivery

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW, TW-A325
Washington, DC 20554

**Re: Applications of Cellco Partnership d/b/a Verizon Wireless, Cox TMI
Wireless, LLC and SpectrumCo LLC for Consent to Assign Licenses
WT Docket No. 12-4**

**Cellco Partnership d/b/a Verizon Wireless and T-Mobile License LLC Seek
FCC Consent to the Assignment of Advanced Wireless Service Licenses
WT Docket No. 12-175**

**Reexamination of Roaming Obligations of Commercial Mobile Radio Service
Providers and Other Providers of Mobile Data Services
WT Docket No. 05-265**

Dear Ms. Dortch:

On Tuesday, July 10, 2012, the Rural Telecommunications Group, Inc. (“RTG”) filed with the Federal Communications Commission (“FCC” or “Commission”) both a petition to deny¹ the proposed transaction between Verizon Wireless and T-Mobile License LLC (T-Mobile) as well as comments² voicing its concerns over the impact that deal would have on the earlier announced transactions between Verizon Wireless, Cox TMI Wireless, LLC (“Cox”) and SpectrumCo LLC (“SpectrumCo”). Also on July 10, 2012, MetroPCS Communications, Inc. (“MetroPCS”) filed comments in WT Docket No. 12-4 stating that while “the proposed divestiture of spectrum licenses from Verizon to T-Mobile is a step in the right direction, it is not sufficient to permit the Commission to make the requisite public interest findings” necessary to

¹ *In re Applications of Cellco Partnership d/b/a Verizon Wireless and T-Mobile License, LLC Seek FCC Consent to the Assignment of Advanced Wireless Service Licenses*, Petition to Deny of the Rural Telecommunications Group, Inc., WT Docket No. 12-175 (filed July 10, 2012) (“*Petition to Deny*”).

² *In re Applications of SpectrumCo, LLC, Transferor, Cox TMI Wireless, LLC Transferor and Cellco Partnership d/b/a Verizon Wireless, Transferee for Consent to the Assignment of AWS-1 Licenses*, Comments of the Rural Telecommunications Group, Inc., WT Docket No. 12-4 (filed July 10, 2012) (“*RTG Comments*”).



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approve the transaction and that “[f]urther conditions are necessary.”³ MetroPCS notes that spectrum divestitures alone do nothing to mitigate or address the issue of roaming. To that point, MetroPCS proposes that the Commission impose a condition on this transaction that would “ensure that the cable companies make their WiFi offload networks available on commercially reasonable terms to any requesting carrier as is currently required under the Commission’s data roaming rules for any mobile data service.”⁴

While RTG believes that numerous issues may frustrate the real-world efficacy of such a condition imposed on the cable companies – such as questions regarding the ease with which WiFi-enabled mobile devices used by consumers can authenticate onto the “CableWiFi” network and the commercial reasonableness of the wholesale rates ultimately paid by CableWiFi’s roaming partners - such a proposed condition is both fully supported by the Commission’s existing data roaming rules and fully justified given the cable companies’ lack of a track record in the commercial roaming marketplace.

The recent proliferation of WiFi-enabled mobile devices, including smartphones and tablets, is a testament to the fact that American consumers value easy-to-use data connections wherever they travel. The launching of CableWiFi’s 50,000 hotspot network is akin to the launching of a large mobile wireless competitor in the various markets it serves. It would be antithetical to the public interest if SpectrumCo and Cox were allowed to sell all of their AWS licenses to Verizon Wireless (and thus preempt the emergence of a facilities-based mobile wireless competitor) only to turn around and offer Wi-Fi offload roaming only to select carriers such as Verizon Wireless and not offer those same data connectivity roaming services to other providers at commercially reasonable rates, terms and conditions.

RTG remains opposed to the sale of spectrum from SpectrumCo and Cox to Verizon Wireless, and continues to believe that the T-Mobile and Verizon Wireless “sale-and-swap” does not adequately address the anticompetitive harms posed by the earlier-proposed transactions. However, if the sale of AWS spectrum from the cable companies to Verizon Wireless is approved by the Commission, it must be conditioned on the requirement that those same cable companies offer their WiFi offload roaming on CableWiFi to all requesting parties at commercially reasonable rates, terms and conditions. Furthermore, any roaming condition must be buttressed by the Commission with additional requirements that do not allow the cable companies to deny access to WiFi offload roaming by making device authentication, network testing or billing file transfers overly complex so as to frustrate the end-user’s access to seamless roaming or otherwise delay the launch of these data roaming services.

³ *In re Applications of SpectrumCo, LLC, Transferor, Cox TMI Wireless, LLC Transferor and Cellco Partnership d/b/a Verizon Wireless, Transferee for Consent to the Assignment of AWS-1 Licenses*, Comments of MetroPCS Communications, Inc., WT Docket No. 12-4 (filed July 10, 2012) (“*MetroPCS Comments*”) at p. 23.

⁴ *MetroPCS Comments* at p. 21.



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Should you have any questions or require additional information, please do not hesitate to contact me.

Respectfully submitted,

Rural Telecommunications Group, Inc.

By: /s/ Caressa D. Bennet
Caressa D. Bennet
General Counsel

cc: Chairman, Hon. Julius Genachowski
Commissioner Robert McDowell
Commissioner Mignon Clyburn
Commissioner Jessica Rosenworcel
Commissioner Ajit Pai
Charles Mathias, Senior Legal Advisor to Chairman Genachowski
Angela Giancarlo, Senior Legal Advisor to Comm. McDowell
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