

Reply to Joint Opposition

AT&T Mobility Inc. seeks to acquire more wireless spectrum now in the WCS band from NextWave Wireless. However, AT&T has already acquired a massive amount of wireless spectrum in the 700 MHz band through similar secondary market deals with Qualcomm and 700 MHz LLC that it is now sitting on. AT&T in their Joint Opposition dismiss any concerns I've raised in this proceeding about their business practices and their spectrum concentration as irrelevant to the proceeding. My initial comments about AT&T stockpiling spectrum, interoperability concerns, Net Neutrality issues including AT&T's restricting FaceTime over cellular something they are only able to get away with due to limited wireless competition were relevant to the proceeding in totality. If there are any comments irrelevant to the transaction that I or others made such statements can be ignored. However, the Competitive Carriers Association's (CCA's) comments regarding spectrum concentration and my initial comment that recent approval of an AT&T Sirius XM WCS spectrum sharing agreement/deal highlight that AT&T never needed T-Mobile and that the doomed merger AT&T fought for last year and abandoned due to government opposition was not in the public interest. Furthermore, I reassert the best way to protect Network Neutrality and ensure a free and open Internet continues for both wire-line and wireless users is to mandate broadband and mobile broadband competition. Therefore deals like AT&T T-Mobile that would have lessened such competition are bad for consumers and would further endanger the Open and Neutral Internet.

In an earlier filing I also included quotes from telecom executives proving that Net Neutrality advocates aren't wrong in supporting such policies we are taking companies like AT&T at their word when they say they want to discriminate online. If the FCC decides to approve anymore license transfers to AT&T it should impose reasonable build out requirements, data roaming mandates and require divestiture of some excess spectrum AT&T already has in the 700 MHz band (in exchange for approval of Cox Communications to AT&T 700 MHz license transfer) and/or to transfer some newly acquired licenses to a smaller wireless competitor be it Sprint Nextel, T-Mobile USA, Leap Wireless, C-Spire etc. The CCA's comments hold even more merit than my own and they should not be ignored. Allowing AT&T to stockpile more spectrum -- sitting on unused spectrum to deprive smaller carriers access to vital new spectrum is not right. The FCC must require companies using the public airwaves by the way (spectrum from the government sold to companies in the TV business, radio business or even the wireless market) to comply with certain public interest obligations. Thank you for taking my reply comments into consideration.