

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of  
Wireless Telecommunications Bureau                      WT Docket No.12-332  
seeks comment on requests for waiver  
and extension of time to construct  
700 MHz A and B block licenses.

**COMMENTS OF  
MCBRIDE SPECTRUM PARTNERS, LLC  
(A Small Business)**

McBride Spectrum Partners, LLC (“McBride”) submits these Comments in response to the Commission’s Public Notice in the above-referenced docket seeking comment on multiple requests for an extension of time and for a waiver of Section 27.14(g) of the Commission’s Rules filed by ten licensees (4 Small Business) for their lower 700 MHz band economic area (EA) and cellular market area (CMA) licenses.

## **SUMMARY**

### **The Perfect Storm**

McBride Spectrum Partners, LLC ( McBride) a small wireless provider, ask the Commission to carefully consider the perfect storm of unusual circumstances that is now face by McBride, and other 700 MHz. A and B block license holders. These small businesses face serious disadvantages and injuries caused by a failure to mandate interoperability in the 700MHz. spectrum band. Interoperability has prevented small wireless carries from competing with the AT&T / Verizon oligopoly, without having the ability to offer nationwide roaming at reasonable prices and economies of scale. The 700 MHz. A and B block license holders face a multitude of uncertainties in their attempted use of the 700MHz. spectrum band, caused by the perpetual failure of the FCC to mandate interoperability. The high cost for small business in Auction No. 78 (\$19 billion Net bids.) after bidding on a level playing field with AT&T and Verizon is an absolute barrier to entry. After adding the problems of interoperability and Ch 51, to the mix the odds of successfully competing with AT&T and Verizon becomes the same as winning the lottery. The longer we wait for interoperability the worst the odds get. These uncertainties have created insurmountable barriers and risk for small businesses. Without the ability to offer voice & data roaming outside

a limited network footprint the small competitive service providers can't survive. Flexibility in the Commission rules is necessary if small business is expected to grow and bring new competition to the wireless market . The uncertainties of interoperability that has been thrown in front of us is extremely unfortunate and was an unexpected event that should've never been allowed to happen. A waiver of the rules in this situation is consistent with the public interest, convenience, and necessity given the number of unusual circumstances. A waiver of the rules by granting an extension of the time to meet our build-out requirements will help ensure small business can survive the eye of the storm.

Our, request for a waiver for an extension of the construction obligations applicable to our lower 700 MHz A Block license covering the Pittsburgh, PA metro area (the "Market") should be granted as soon as possible. Our waiver request, including the factual circumstances specific to CH 51 and the A block license, makes it a compelling case for a waiver and specifically outlines the substantial extent to which the license is impacted by the 60-mile exclusion zone that must be afforded to Channel 51 broadcaster, WTAE. not only does exclusion zone cover approximately 60 percent of the geography in the Market, but also it covers approximately 70 percent of the market's population. The exclusion of the most densely-populated area of the market presents unique challenges to our business model, which is

premised on first serving the urban the core in our market, and later expanding outward as its customer base grows. Meaning that satisfying the our construction obligation at this date and time may would force us to undertake an uneconomic greenfield build-out in a sparsely populated area of our license market. We, have undertaken many efforts in an attempt to resolve the interference issues. We have pointed out the challenges present in reaching a resolution with station WTAE. In addition, WTAE, is a ABC network affiliated station that is part of the Hearst Television Inc. We urged the Commission to act on our Waiver Request, it and many other carriers who filed waiver requests, face long lead times with respect to zoning, equipment procurement and network construction. We are concerned that, without a decision on its waiver request, it will be forced to make the unpleasant choice between not constructing the spectrum and seeing its license term shortened, or wasting significant resources constructing facilities that will have no commercial utility, solely to meet its interim construction obligations and avoid losing two years off of the license term. Channel 51 problems has been exacerbated by unintended, intervening circumstances, a fact that further justifies the grant of our waiver request. Specifically, the unwillingness of Channel 51 broadcasters to voluntarily relocate to non-interfering channels. (ii) the Commission's upcoming broadcast incentive auction appears to have entrenched many Channel 51 broadcasters in their positions, lest by voluntarily relocating they lose the

opportunity to receive incentive auction revenue; (iii) the Commission continued to process Channel 51 applications for nearly two years after the 700 MHz auction, creating substantial additional uncertainty, which served to stifle development of an A Block equipment ecosystem; and (iv) the lack of technical solutions to effectively resolve the interference issue. McBride, ask that Channel 51 be moved from its current location as promptly as possible, under the FCC channel repacking plan associated with the upcoming incentive auction. McBride, additionally emphasized the very large role that a lack of Lower 700 MHz interoperability has played in delaying A Block deployment. The intervening creation of Band Class 17 a private band class in 700 MHz band class that excludes the A Block has significantly delayed equipment availability and increased equipment costs to A Block licensees and curtailed the ability of A Block licensees to offer 700 MHz roaming capabilities to their customers.

### **Interoperability**

Although we stressed that Channel 51 interference issues alone is a sound foundation which to grant its waiver request, we also would like to state that the lack of the interoperability problem constitutes an even stronger reason, on independent grounds for granting this waiver request.

Because of the bad-faith conduct of AT&T in the 3GPP standard-setting process which created an artificial band class 17 that was never part of the original band class plan when we first bid on the Pittsburgh, PA 700 MHz. A

block licenses in Auction 78. It was only post Auction did AT&T create it's own exclusive band class 17 without notice to other A block license holders or the Commission. The A block license winners are left holding an empty bag, after paying for licenses that we can not use. AT&T has decided it was going to turn the A block licenses into their own private guard band at our real cost. We have been abandoned by the Commission, left swimming in a sea of uncertainty. Its has been more than four years since the "Good Faith Coalition", has asked the commission to correct the wrongs and remove the shackles of interoperability. This unlawful imprisonment created by interoperability is a real barrier a that must be removed before we can be risking more capital that we already have invested in the acquisition of spectrum licenses. We must have interoperability across all of the 700MHz. band including the upper open access 700 MHz upper C Block of spectrum that Verizon operates its LTE network on.

### **Barriers to Entry**

Government regulations or non-regulations in this case makes entry more difficult or impossible. In theories of competition in economics, barriers to entry, also known as barrier to entry, are obstacles that make it difficult to enter a given market. The term can refer to hindrances a firm faces in trying to enter a market or industry - such as government regulation, or a

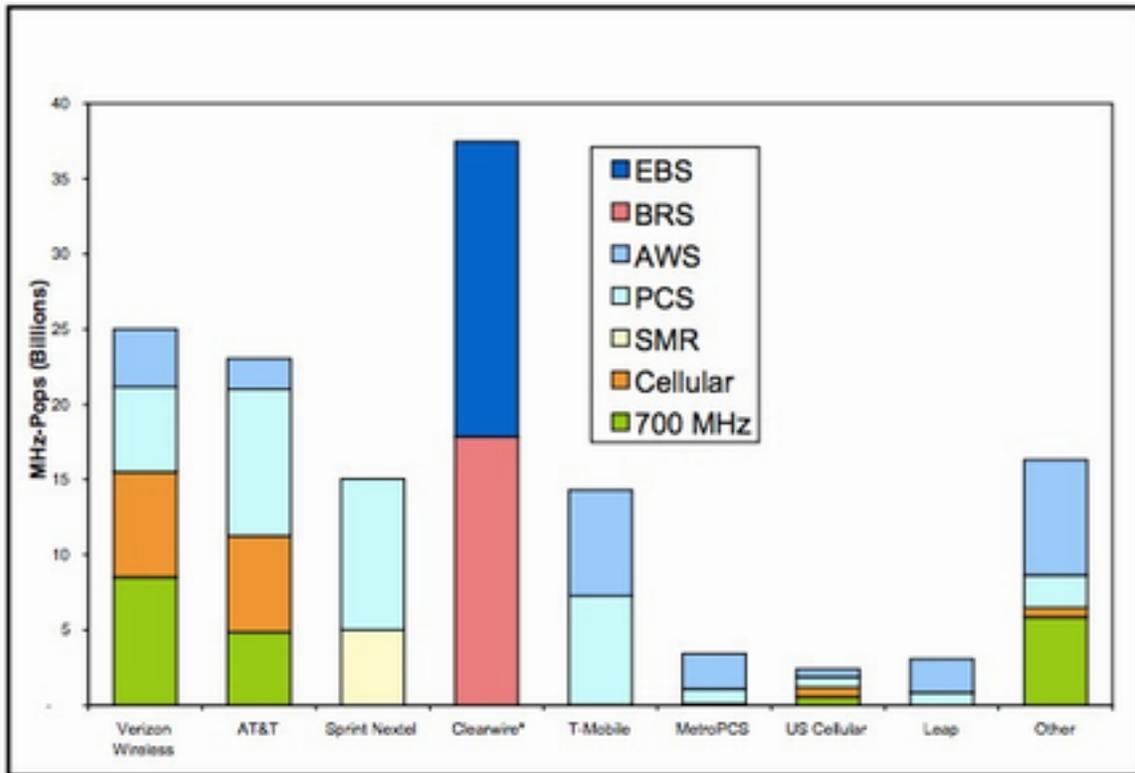
large, established firm taking advantage of economies of scale - or those an individual faces in trying to gain entrance to a profession - such as education or licensing requirements. Because barriers to entry protect incumbent firms and restrict competition in a market, they can contribute to distortionary prices. The existence of monopolies or market power is often aided by barriers to entry. In the extreme case, a government may make competition illegal and establish a statutory monopoly. Requirements for licenses and permits may raise the investment needed to enter a market, creating an effective barrier to entry. *"Surely, the FCC does not intend to completely ignore the 1996 Telecommunications Act.<sup>1</sup>"*

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<sup>1</sup> **257. MARKET ENTRY BARRIERS PROCEEDING.**

**(a) ELIMINATION OF BARRIERS-** Within 15 months after the date of enactment of the Telecommunications Act of 1996, the Commission shall complete a proceeding for the purpose of identifying and eliminating, by regulations pursuant to its authority under this Act (other than this section), market entry barriers for entrepreneurs and other small businesses in the provision and ownership of telecommunications services and information services, or in the provision of parts or services to providers of telecommunications services and information services. **(b) NATIONAL POLICY-** In carrying out subsection (a), the Commission shall seek to promote the policies and purposes of this Act favoring diversity of media voices, vigorous economic competition, technological advancement, and promotion of the public interest, convenience, and necessity. (2) the statutory barriers identified under subsection (a) that the Commission recommends be eliminated, consistent with the public interest, convenience, and necessity.

**Chart 38**  
**Mobile Wireless Provider Spectrum Holdings by Band, Weighted by Population**



Note: The 700 MHz. **Other Spectrum in Green on the Chart** is 700MHz. A Block spectrum. Wasted spectrum not being used, since the end of the auction in 2008

**U.S. Cellular**

*"Interoperability is essential to promoting economies of scale and alleviating inequities among Lower 700 MHz licensees by enabling the formation of a robust device ecosystem serving all Lower 700 MHz licensees and their customers."*

**YaknChat Wireless**

*"Anti-competitive tactics of spreading uncertainty and doubt to deceive and encourage fragmentation of the 700 MHz spectrum band with unsubstantiated claims of harmful interference from band class 12. Behavior that has substantially contributed to licensees difficulties of meeting the upcoming four year interim construction benchmark despite very meaningful efforts"*

*to put the lower A block 700 MHz. spectrum to use in unserved areas of rural america.*

### **Vulcan Wireless**

*"Never before has a common band specification contracted to exclude a portion of the band from those benefits. In this unique situation, the Commission can and should act to remedy the competitive and consumer harms resulting from the use of a carrier-specific band plan."*

### **New America Foundation**

*"The Public Interest Organizations have emphasized that any failure to ensure interoperability and roaming across the 700 MHz band would be a radical departure from longstanding FCC competition policy, dating back to the original PCS auctions, that ensures interoperability as new bands are auctioned. Without interoperability, competitive carriers that are A Block licensees would face enormous additional obstacles to deploying LTE and acquiring popular devices in an economic fashion."*

### **United Wireless**

*"United Wireless has an LTE network, but it doesn't have any handsets. That's because it can't find any phones compatible with its portion of band 12 A block in the 700 MHz band. "No one is making handsets," says Mike Laskowsky, wireless network manager at United Wireless. "We've been hitting every possible vendor group to try to find out if they've got handsets, but we haven't gotten one yet." Like many rural providers, United Wireless holds spectrum in the lower 700 MHz band that is only compatible with band class 12 devices. Phones running on its LTE network won't work on AT&T and Verizon's network, which use band 17 and band 13, respectively."*

### **Competitive Carriers Association**

*"In addition, CCA also made the unrelated argument that the Commission should restore interoperability to the Lower 700 MHz band by the end of the year. The record in the interoperability proceeding supports prompt resolution. "*

### **King Street Wireless,**

*"Without interoperability, competition and small carrier involvement will go the way of the CLECs. That is a legacy no administration should want."*

### **V-Comm**

*V-COMM continues to stand behind its findings, based on the testing of multiple Band 12 and multiple Band 17 devices, of various form factors and vendors. The quantity and quality of our device testing is well beyond any other Band 12 testing submitted for the record. Further, our testing is the only testing which included laboratory testing, field testing, and analysis utilizing multiple practices favored by the FCC's OET. In view of the above, there is no question but that there is no technical reason not to reinstate interoperability.*

### **Vincent D. McBride**

*"Interoperability is the gear that ensures competition in the wireless industry."*

### **Maneesh Pangasa**

*"The Telecommunications Act of 1996 was originally designed to open the telecommunications marketplace to increased competition, but also ensure a level playing field for competitors by charging the FCC to implement and enforce strong rules to keep incumbent telecommunications companies from steamrolling new competitors."*

### **Information Age Economics**

*"Absent prompt and decisive action by the FCC to stem this tide, along the lines suggested in the IAE filing of July 10, non-interoperability will become an irreversible characteristic of the U.S. LTE environment to the detriment of both customers and effective competition in the mobile broadband market."*

### **SouthernLINC Wireless**

*"Swift action to restore interoperability to the Lower 700 MHz band is also necessary to ensure continued confidence in the spectrum market going forward. Otherwise, the Commission risks allowing the situation that has*

*developed in this band to establish a precedent that will negatively affect the future valuation of spectrum, both in the secondary market and in any future offerings of spectrum that may become available through incentive auctions or future spectrum reallocations.”*

### **Gara Capital**

*“Isolated or unique band classes creates issues for device ecosystem – raising cost of service and potentially adoption rates Lack of interoperability raises cost of service by requiring roaming on other network.”*

### **Economics and Technology**

*“The largest carriers gain little from interoperability which, were it to arise, could actually weaken their own formidable competitive edge. Under these circumstances, the possibility of a voluntary “industry solution” is a good deal closer to science fiction than to any reality.”*

### **T- Mobile**

*“Given the significant benefits delivered by interoperability and the fact that the 700 MHz band is “the only non-interoperable commercial mobile service band,”many commenters agree with T-Mobile that the Commission should take action to achieve interoperability throughout the entire 700 MHz band, not just in the lower portion.”*

### **McBride Spectrum Partners**

*“The Commission has an obligation as regulators of the industry to enforce policies that protect small business from the harmful side effects of such unfairness like non- interoperability in the 700MHz. band which undermines the very principles and objectives of the Commission to promote competitiveness in the mobile industry.”*

### **Consumers Union, Free Press, New America Foundation and Public Knowledge**

*“Public Interest Commenters support full 700 MHz Band interoperability because it will*

*mean more competition, more choice, and more consumer convenience in a wireless marketplace that currently has very little of these things. Accordingly, in this proceeding we strongly urge the Commission to intervene swiftly to ensure interoperability in the Lower 700 MHz Band. Comments from smaller, rural, and greenfield operators demonstrate that the harms of the Band 12/Band 17 barrier—the first segregated Band Classes in 3GPP history, created at AT&T’s insistence—are real and substantial, and no industry solution is likely to emerge in time for many A Block bidders to remain in business. ”*

**Cellular South, Inc.**

*“It is time for the Commission to act on this issue and require interoperability in the Lower 700 MHz paired spectrum through the use of an existing, inclusive LTE Band: Band 12. The transition to Band 12 should begin no later than January 1, 2013 and should be completed no later than January 1, 2014. With this solution, the Commission can begin to restore competition and allow the public to have access to portions of their wireless spectrum that they have been prevented from using.”*

**CTIA**

*“The record makes clear that interference from Channel 51 broadcast licensees and Lower 700 MHz E Block is a major concern, and CTIA urges the Commission to take actions to resolve this interference to facilitate and enhance wireless broadband deployment in the Lower 700 MHz band.”*

**Consumers Union**

*“Additionally, I stated the importance of interoperability for competition and consumer choice and urged the Commission to require interoperability in the Lower 700 MHz Band.”*

**AT&T**

*“Finding a path to clearing the Channel 5 I spectrum early without prejudicing the rights of Channel 51 broadcasters to fully participate in the*

*incentive auctions could unlock the value and usefulness of the A Block spectrum in the near term."*

### **Verizon Wireless**

*"As the Commission recognizes, if broadcast operations on television station Channel 51 were eliminated, there would be virtually no barrier to achieving universal interoperability among Lower 700 MHz mobile stations. Accordingly, the Commission can best assist in industry efforts to promote interoperability at Lower 700 MHz by providing incentives for licensees of Channel 51 to relocate to other channels as soon as possible."*

### **Utilities Telecom Council**

*"The Commission should consider expanding its efforts and promote interoperability across the entire 700 MHz band, because it should promote economies of scale and attract investment which will in turn promote equipment development and availability. This will be critically important for the deployment of 700 MHz PSBN which will benefit from increased interoperability with commercial networks and competition among equipment providers. "*

### **Research In Motion**

*"As explained above, this should be done by first reducing the interference caused by high power broadcasts in Channel 51 and in the 700 MHz Lower D and E blocks."*

### **Nick Dunklee**

*"I believe it would be in the best interest of all US citizens and consumers to require all 700 MHz band equipment be interoperable."*

### **National Telecommunications Cooperative Association**

*"When it licensed cellular spectrum in 1981, the Commission pointed out that consumer equipment should be capable of operating over the entire range of cellular spectrum to "insure full coverage in all markets and compatibility on a nationwide basis." It has consistently encouraged interoperability standards to achieve objectives of universality, competitive delivery of service, the ability of consumers to switch between systems at*

*low cost, and competitive markets for CMRS equipment.”*

**NTCH, INC.**

*“As the movement toward a powerful and non-benign duopoly in the wireless market continues, the Commission must be doubly vigilant to guard against maneuvers like the Band Class certification process attempted by the Big Two outside the Commission’s usual purview. Regulatory intervention is necessary to prevent from the competitive damage and consumer abuse that will surely occur if nothing is done to correct the situation.”*

**Motorola Mobility**

*“Motorola Mobility asks the Commission to carefully consider the issues presented in these comments to develop a full understanding of the costs and benefits of requiring interoperability in the Lower 700 MHz band.”*

**Cavalier Wireless,**

*“The simple fact is that the longer it takes to implement interoperability, the better the competitive position of the largest two carriers. This is because a combination of some or all of the disadvantages noted in and significantly weaken the operational capabilities of their competitors. And this certainly appears to be why they have rejected interoperability to date, and why they can be expected to either continue to do so or to set unrealistic conditions or timeframes for implementation of interoperability.”*

**Blooston Rural Carriers**

*“The sooner that interoperability is the norm in the Lower 700 MHz band, the sooner small and independent service providers will be able to complete construction of their interoperable 700 MHz mobility networks.”*

## **Verizon Wireless**

Verizon Wireless and Cox Wireless have both publicly announced they will be selling their A block spectrum which together amounts to more than 70% of the total net winning bids in the auction 78 for all A block spectrum. Verizon is also culpable in this conspiracy scheme to kill the competition. Verizon, purchased 25 "A" Block licenses in the FCC auction and controls 17 of the 25 largest metropolitan "A" Block license markets. Verizon is now dumping these licenses at fire sale prices in preparation to torpedo the same "A" Block ship on which they were previously the captain. Verizon is abandoning the rest of us on this sinking ship causing us to drown with "A" Block licenses that have minimal remaining value without the ability of interoperability and national roaming. Verizon also owns a nationwide license in the upper "C" Block built a LTE network that is not interoperable and is closed to the "A" Block licenses and the AT&T network using licenses in the lower B and C Block bands. This is a unique, and unusual set of factual circumstances together with interoperability, and Channel 51 interference concerns has turned this one time waterfront property into a radioactive dump site. The A & B Block licensees face a number of other difficulties that have developed after they obtained the licenses. They could not have been expected to know and all of the complications associated with

interoperability which all happened after the auction was over. The deconstruction of the lower 700 MHz. A block licenses by design. Lack of interoperability in the 700 MHz. spectrum band and other perpetual uncertainties like Verizon Wireless jumping the A Block ship with the blessings of the Commission after bidding up the prices of all the A block licenses and winning 25 A Block licenses that cover 50% of the total U.S. population. The winning bids for the 25 A Block licenses is 65% of the total amount bid for all of the A Block licenses total amount bid for A block licenses in Auction 78. \$3,939,186,000. This about face by Verizon to dump all of it's A Block licenses into a market of uncertainty is not helping small business gain confidence from investors or the banks or the equipment providers. All of this uncertainty of not knowing when if Verizon is going to be able to sell it's A Block licenses and who will be the buyer and how much are people willing to pay for the A block licenses that worthless without interoperability. AT&T, have conspired with others to turn the competing A block licenses into a private guard band at our real cost of small business, and successfully making the A block spectrum unusable and worthless . AT&T and Verizon caused the leading chipmakers in the world to design specific equipment that will only work in their proprietary 700 MHz spectrum holdings. Their denial of "Interoperability" makes it cost prohibitive for smaller companies to compete. Even if medium sized

companies could afford to design specific equipment to operate on competing spectrum bands, they would still be unable to offer national roaming. This is because AT&T and Verizon already dominate and control the large majority of U.S. markets. AT&T, Verizon and their co-conspirators have blatantly targeted all of the holders of A block licenses for extinction. A refusal to offer roaming which is essential for all small businesses attempting to compete constitutes abuse and without a recent court order forcing data roaming, the competition in the mobile industry may be all but eliminated, as the American wireless industry falls further and further behind the rest of the world. If a company has a dominant position, like " AT&T and Verizon then there is a special responsibility not to allow its conduct to impair competition on the common market. Banning abusive behavior by a company dominating a market, or anti-competitive practices that tend to lead to such a dominant position. Practices controlled in this way may include predatory pricing, tying, price gouging, refusal to deal, and many others.<sup>2</sup>

## **US Wireless Market**

The U.S. is officially nowhere near the best in mobile communications.

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<sup>2</sup> The **Sherman Antitrust Act (Sherman Act)**, [1] July 2, 1890, ch. 647, 26 Stat. 209, 15 U.S.C. §§ 1–7) is a landmark federal statute on competition law passed by Congress in 1890.

looking at the bigger picture, the telecoms systems in the U.S. aren't in any way considered "excellent." The country that invented the telephone and spent decades dominating nationwide (and worldwide) communication is now losing out to not only countries like South Korea and Japan but also European countries like Sweden, Norway and Finland. One of the biggest problems facing the U.S. telecommunication industry is the lack of competition. The two companies that hold the lion's share of mobile subscribers –Verizon with 108.7 million subscribers and AT&T with 108.3 million — each hold more than the next three biggest carriers combined. As a result, the lack of competition means that there's less push to offer more to the customers. Verizon has put delays on VoLTE deployment already until at least 2013, indicating that there's "no rush" to begin the process. In contrast, the 40% of the EU market that has HD voice reported to GSA that competition is one of the biggest reasons why new technology was implemented.

***"Verizon CEO Lowell McAdam isn't afraid of his competitors' efforts to raise their game; he welcomes the moves. "My view is, bring that stuff on," he said during an investor conference today. "I mean, we have got a great network, and I think it will be good for consumers and so it is good for the industry." McAdam touted the large lead Verizon enjoys when it comes to its 4G LTE deployment, which he credits for the wireless business scooping up market share when it comes to lucrative contract customers. He believes the other national carriers are well behind and will take awhile to catch up. "Now, I have built networks my whole career, and you don't make up the kind of lead that we have got in a couple of quarters,"***

## **Channel 51**

Adding fuel to the fire the Channel 51 uncertainty and the uncertainty of future 700MHz. spectrum auctions. Will the auction be successful and will the broadcasters who now control the spectrum that was granted the spectrum for free play nice or will this whole auction end up in the courts for the next five years? Will the Commission ever be able to clear Channel 51 will the Commission give us interoperability in the 700MHz. band and will AT&T give in and offer us fair and reasonable 4G roaming agreements? A lot of uncertainty for a small business trying to build a greenfield LTE network. Channel 51 exclusion zones, areas where A block carriers simply cannot deploy. These no-fly zones gut any rational deployment plans and make efficient use of the A block virtually impossible. The exclusion zone problem is so significant that when a Verizon recently announced the sale of a significant A block footprint, 50% of the U.S. population T-Mobile, a carrier that alleges to be in dire need of spectrum, was quick to publicly proclaim the A block spectrum unusable. The A block has become known as beachfront property with an oil spill. The Commission must harmonize the lower E block to impose power limits on all E block licenses similar to the limits imposed on the E block licenses AT&T acquired from Qualcomm. Such a move would eliminate the potential for interference from the E block, but

it would harmonize operations in the E block with operations throughout the lower 700 MHz band a necessary goal for efficient deployment throughout the band. The Commission should adopt rules that will encourage the accelerated clearance of CH 51, while allowing CH 51 licensees to maintain the full right to participate as permitted in the upcoming broadcast TV incentive auction. Working together, I believe there are opportunities to clear CH 51.

### **AT&T**

“AT&T has display absolute contempt for the Commission and the antitrust laws of this country and has exploited its undue market power to promote a fragmented band plan that has no practical value, but rather serves only to inhibit competition, circumvent FCC policies, and enable the incumbent carrier to exploit its market power. AT&T actions raises serious concerns about how a dominant wireless carrier can hijack the 3GPP process for its own purposes at the cost of small business . Override any FCC mandatory roaming rules the Commission has adopted requiring wireless carriers to provide voice and data roaming services to other carriers upon reasonable and nondiscriminatory terms. In adopting such rules, the Commission expressly acknowledged that roaming capabilities further the public interest and yield consumer benefits” The isolated A block has effectively been

turned it into a private guard band for the exclusive use of AT&T which comes at the real cost of the competition who is being asked to pay the auction bill on behalf of AT&T who obviously left it's wallet at home. AT&T along with Verizon and others have very successfully circumvented the data roaming rules of the Commission, the U.S. Courts, and the wish of Congress and the people. AT&T plans of building a closed network without interoperability across the entire 700 MHz. spectrum band will lock out the competition from offering nationwide roaming. Reducing their network to working only in their local license market. This kind of anticompetitive behavior will crush the competition and will make it impossible for any small company to stay in business without being able to offer its customers advanced 4G services nationwide. To end this exploitation, they were dismantled by the antitrust suit in 1984 by the U.S. government . AT&T is now trying to put **"Humpty Dumpty"** all back together again. Their nefarious plan is extremely "anti-consumer" oriented. A waiver in this case will promote more competition in the wireless industry plus promote investment and innovation which will help advance the Commission's efforts to unleash spectrum for mobile broadband to help meet skyrocketing consumer demand and delivers on the greatest public interest with more investment and more jobs at home. All of the uncertainties in regards to interoperability now makes this rocky road unsafe to navigate. The uncertainties of interoperability has caused us to deviated far from our

business plans and our promise of realizing the great american dream.

**"The Entrepreneurs' C Block"**  
**Auction 5 Rules**

*"In the long and tragic history of inequality between races and gender in America, today we are creating the greatest single opportunity ever made fairly available to small businesses, women and minorities. For the first time in our nation's history, the federal government is creating opportunities in a new industry in which all Americans will have a fair chance to compete from day one". "Entrepreneurs' C Block" is established, which is designed to fulfill the statutory mandate to ensure that small businesses, rural telephone companies and businesses owned by minorities and /or women ("referred to as "designated entities") have the opportunity to participate in providing broadband PCS".* **Chairman Reed E. Hundt,**

In the first Entrepreneurs PCS auction that the top five biggest bidders in the auction all jumped into a big black limousine and headed right to bankruptcy court's with companies like NextWave who bid \$4.2 billion for licenses and was allowed to keep them for ten cents on the dollar which it later sold to Verizon Wireless for billions and keep the money.

What the Commission is now allowing to happen with Auction 78 and interoperability in the 700MHz. A block spectrum band is making the blunders of **Chairman Reed E. Hundt** in PCS Auction 5 look like a summer vacation. Wait and see after all of the fireworks are over that are just getting started. No wonder we are having a changing of the guards. Who is

going to take the blame for this mess? Will the real Chairperson please stand up.

### **Fair Competition**

Fair competition based on the price and service not on the abuse of near monopoly powers and predatory pricing. "equal opportunity" or "equal chance" to compete. Antitrust violations constituting unfair competition occur when one competitor attempts to force others out of the market (or prevent others from entering the market) through tactics such as predatory pricing or obtaining exclusive purchase rights to raw materials needed to make a competing product. Trade libel, the spreading of false information various unfair business practices such as fraud, misrepresentation, and unconscionable contracts may be considered unfair competition, if they give one competitor an advantage over others. In the European Union, each member state must regulate unfair business practices in accordance with the principles laid down in the Unfair Commercial Practices Directive, subject to transitional periods. (See also trade regulation law.) Information about the quality or characteristics of a competitor's products, is prohibited at common law. Competition law, known in the United States as **antitrust law**, is law that promotes or maintains market competition by regulating anti-competitive conduct by companies like AT&T and Verizon Wireless.

## **Data Roaming (4G LTE Networks)**

Verizon Wireless must offer smaller competitors access to its nationwide networks for mobile Internet use, a federal court ruled, turning aside the company's challenge to a U.S. regulation requiring sharing agreements. A three-judge panel of the U.S. Court of Appeals in Washington today rejected Verizon's argument that the U.S. Federal Communications Commission exceeded limits on its power to regulate mobile-service providers when it approved the rule on so-called data roaming last year.

**The commission was well within its authority** to make a rule "requiring mobile-data providers to offer roaming agreements to other such providers on 'commercially reasonable' terms," U.S. Circuit Judge David Tatel wrote in the 30-page, unanimous opinion. The court rejected this argument and told Verizon that if it doesn't like these rules, it doesn't have to build a network using the government's licenses.<sup>3</sup>

## **C Spire: How AT&T conspired to squash our regional wireless firm**

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<sup>3</sup> Cellco Partnership v. Federal Communications Commission, 11-1135, U.S. Court of Appeals forCase: 3:12-cv-00036-DAS Doc #: 1 Filed: 04/02/12 1 of 155 PageID #: 1

The Mississippi-based wireless operator Cellular South, a.k.a. C Spire, says in a **lawsuit** that AT&T conspired with suppliers to run it out of business.

[http://news.cnet.com/8301-1035\\_3-57444856-94/c-spire-how-at-t-conspired-to-squash-our-regional-wireless-firm/](http://news.cnet.com/8301-1035_3-57444856-94/c-spire-how-at-t-conspired-to-squash-our-regional-wireless-firm/)

### **Greenfield Network**

For the foregoing reasons, we urge the Commission to adopt rules requiring that devices be interoperable across the entire 700 MHz Band. Commission action will ensure that a competitive market can evolve and provide consumers with more choices for wireless services and devices. Non-Interoperability Has Been Especially Problematic for Greenfield Operators. Absent interoperability, greenfield operators will simply be unable to compete—or even adequately plan how they could compete in a reasonably competitive market. In contrast to incumbent wireless carriers, greenfield operators do not have any existing devices, equipment, vendor relationships, roaming agreements, or other licensed spectrum on which they can deploy service. This, in turn, will prevent them from acquiring and retaining customers. Such a competitive posture will yield unmanageable negative feedback: without customers, greenfield operators will have no volume; without volume, greenfield operators will be unable to obtain reasonably priced devices and equipment; without reasonably priced devices and equipment, greenfield operators will be forced to charge higher service

prices; charging higher service prices will further reduce the ability of greenfield operators to attract customers. The absurdity and unsustainability of such a cycle is self-evident. Additionally, without interoperable devices and readily available device components, other carriers will not have the option

The true small business like McBride Spectrum Partners, a qualified small business start up company [www.yaknchat.com](http://www.yaknchat.com) with one employee bid \$6.3 million for one A block license. For 20 years I have been trying to fulfil this dream of building a greenfield mobile network and competing against the two headed serpent of the wireless industry. Like a small fish swimming in a shark tank.<sup>4</sup>

### **Mobile Democracy**

The smart phone is quickly becoming the new media of information. A democratic republic hinges on a well-informed public with access and means to real time news and information. The AT&T / Verizon oligopoly already rule the airwaves in america and now have the power to hijack public debate

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Wireless revenues reached nearly \$160 billion last year, according to CTIA-The Wireless Association. Yet, the number of jobs at U.S. wireless carriers is disappearing in the wireless industry, according to The Wall Street Journal's [analysis](#) of U.S. Department of Labor figures released this month. In May 2011

and bend free democracy at will. In today's world when you rule the air you control real time news and information. This could be more dangerous than any other kind of media monopoly of the past.

### **Propaganda**

AT&T's continued propaganda about interoperability and interference are full of manipulations and distortions. AT&T is glitzy and flashing like a green fish at the boat, like the monkey that is attracted to shiny objects, it's the monkey hand that controls the remote that stops the search when the glamour catches their attention. Notice the repetition behind the lies of AT&T's groupies who believe and repeat without thinking or question. The lie is created as 'truth' not because it's logical but because of the broken record technique. No matter how ridiculous the lie, it's repeated often enough that the brain doesn't know the difference between reality and nursery rhymes. This technique is underestimated in its ability to to hypnotize. "say it enough times, and you believe it." It's a tragic day when one company can monopolize on the imprisonment of it's competitors with a mix of disinformation about interoperability and call it the road to utopia. AT&T's interest lays with it's financial endeavors dictated by wall street bankers, not the interest of the **American People's Trust**, the true investors and stockholders of the american airwaves.

## The Magic Box

Once we come to the conclusion that the two headed serpent has been intentionally deceiving us by creating the problem and allowing it to happen. Painted with the brush by the master of fear. **"interference"** as AT&T poises with a halo around it's messiah status and only through AT&T will we reach the gates of interoperability. Only after we unplug the box and go cold turkey will we realize that there is a reality that exists outside of the controlled maze of AT&T and the Fox . Like Indiana Jones in the Last Crusade, he took that 'leap of faith' over the bridgeless canyon in an attempt to get to the other side. Once you wake up, it's as if a hypnotist snapped his fingers. You wake up and say to yourself, "Oh my god have I been perfectly groomed by this box my whole life with passive receptiveness and acceptance." For some the tranquillness can be a shock as the heart awakens to the beauty of the light and truth. Remember, the journey of a thousand miles begins with the first step.<sup>5</sup>

Respectfully submitted,

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*I am sober (cut the cable) for 2 years.*

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