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June 14, 2013

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: WT Docket 12-69

Dear Ms. Dortch:

This will provide notice of a meeting, held yesterday, with Commissioner Pai and Courtney Reinhard of his staff. Licensee principals in attendance were Allison Cryor DiNardo of King Street Wireless, L.P. and Clark Akers and William Mounger of Continuum 700 LLC. Also in the meeting, and representing both King Street and Continuum, were Marcus Mason of the Madison Group and the undersigned.

At the meeting, King Street and Continuum discussed the substance of both of the enclosed presentations, and provided a copy of the LAE presentation. We also explained the need for the Commission to act quickly on interoperability, which has languished for far too long, and explained that there are no technical or other impediments to requiring interoperability.

For the reasons set forth above, KSW renews its request for a ruling that interoperability is needed now.

Sincerely,

CONTINUUM 700, LLC

By: /s/ Thomas Gutierrez
Thomas Gutierrez, its counsel

KING STREET WIRELESS, L.P.

By: /s/ Thomas Gutierrez
Thomas Gutierrez, its counsel

Enclosures

cc: C. Reinhard

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May 28, 2013

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: WT Docket 12-69

Dear Ms. Dortch:

As the Commission's records in this proceeding properly reflect, King Street Wireless, L.P. ("KSW") has been an ardent supporter of interoperability since the inception of this proceeding. Among other things, KSW has:

- commenced the proceeding (as one of a core group of four licensees) by filing a Petition for Rulemaking in what is now the referenced proceeding.
- retained several consulting engineering firms to assess the need and appropriateness of interoperability, and to conduct on-point empirical testing on the issue.
- participated in the referenced rulemaking by filing formal reply comments as well as ex parte submissions.
- conducted a number of meetings at multiple levels with commission personnel to advocate for interoperability.
- negotiated with the major carrier opponent of interoperability, in an (unsuccessful) effort to obtain a voluntary industry solution.
- participated actively with a coalition of licensees that, while urging interoperability, responded to a number of staff inquiries, thereby removing impediments to a pro-interoperability ruling.

Notwithstanding all of the above, and the efforts of the vast majority of the 700 MHz licensee community, no decision has been forthcoming in the more-than-3 ½ years since the proceeding was initiated. One reason for such in action may be that the principal opponent of

interoperability has argued extensively that there is a lack of any need for interoperability, as evidenced by the fact that KSW (in conjunction with its partner United States Cellular Corporation ("USCC")) is already providing 4G LTE service over a substantial portion of the KSW 700 MHz spectrum.

KSW has already demonstrated that its build out and operational activities demonstrate the need for interoperability, rather than suggest that there is no need. In support, KSW has shown that, given the lack of interoperability, it efforts to provide service using its 700 MHz spectrum have been severely restricted. Specifically, KSW has explained that it cannot get access to some of the most cutting edge consumer equipment and cannot offer nationwide roaming. Each of these presents an independent basis justifying a reason to support an interoperability mandate.

Now, yet additional facts exist that vividly demonstrate why interoperability is needed: both KSW and USCC want to offer the iPhone; Apple will not offer any Band 12 products, so KSW cannot offer the iPhone over its 700 MHz spectrum; and the only way that USCC can access the iPhone is over 850 MHz spectrum, for which it is independently licensed. When all of these factors are put together, it is absolutely clear that due to a lack of interoperability, KSW has no opportunity to provide service to customers who want the iPhone. The only positive aspect of this situation is that it clearly demonstrates the need for interoperability relief.

For the reasons set forth above, KSW renews its request for a ruling that interoperability is needed now.

Sincerely,

KING STREET WIRELESS, L.P.

by: /s/ Thomas Gutierrez
Thomas Gutierrez, its counsel

The FCC Must Stop the Spread of Non-Interoperability in the U.S. Mobile Market

By
Martyn Roetter, D.Phil. & Alan Pearce, Ph.D.

June 3rd 2013

Non-interoperability of mobile devices, i.e., in its ultimate form their exclusive connectivity to only one operator's network, is moving rapidly and inexorably along a path to become an exceptional[1] and widespread feature of the mobile broadband market in the U.S. If this outcome is allowed to happen it will violate the principle embedded in the U.S. telecommunications environment since the Communications Act of 1934 that customers should be able to connect any device to any network, universally and ubiquitously, subject ONLY to limitations specifically designed to avoid harm to the network or to other users. Non-interoperability, currently being promoted and deployed by AT&T and Verizon Wireless rolls back time to before the FCC's Carterfone decision in 1968 that confirmed and reinforced the right of customers to attach any compatible device to any network. This right supports two indispensable values:

1. *Creativity* in terms of the devices and the applications and services available to customers through the use of innovative network connected devices developed by multiple entrepreneurs not controlled by the network operators themselves; and

2. *Sharing* as result of customers' guaranteed freedom to share information and ideas freely with other customers, and third parties, independently of the networks they are connected to and the devices they are using.

Currently, interoperability is under attack from the two major mobile (and fixed) operators in the U.S., beginning with their exploitation of non-interoperable LTE-based wireless networks in the 700 MHz Band (Band classes 17 and 13 respectively). We will not relate here the history and events behind the introduction of this non-interoperability. They have already been amply exposed in the course of this Docket. They have led to an estimated 30 million or so non-interoperable (predominantly iOS- and Android-based) devices in service as of end-2012.

At this point, absent prompt and decisive action by the Commission, it is clear that non-interoperability is on the verge of becoming a permanent, inescapable, widespread and exceptional characteristic of the U.S. wireless market over the next few years to the detriment of the interests of customers, the effectiveness of market competition, and the stimulation of innovation by new companies. Non-interoperability has, and will have, increasingly adverse consequences for the prices customers are

[1] Unique to the U.S. among major markets (Canada and the Caribbean are being dragged into a comparable situation by their proximity to, and dependence on, U.S. spectrum allocations).

charged, the eventual economies of scale and timeliness of device development and supply for the U.S. market, and national and international roaming arrangements.

The trend toward non-interoperability is embedded in and being pushed by the mid- and long-term plans of Verizon and AT&T. In this brief Comment we will refer specifically to Verizon's initiatives. Verizon's steps to expanding the scope and impact of non-interoperability include its announced intention to offer LTE-only devices[2] and to exploit carrier aggregation in future LTE investments as specified in LTE-Advanced[3]. Carrier aggregation, for example between Band Class 13 (or 17 in the case of AT&T), and the AWS band, will extend the effects of non-interoperability into the latter band which is itself interoperable. Multiple operators in the Americas, including the U.S., have deployed and will deploy LTE in the AWS band, creating a healthy environment for competition and roaming possibilities. But none[4] will offer carrier aggregation with Band Class 17 or 13 and its accompanying increases in performance, such as the average and peak speeds customers will enjoy.

For their part, LTE-only devices will not even offer the fall-back compatibility that multi-mode devices, e.g., LTE/HSPA designed for AT&T's networks or LTE/CDMA designed for Verizon's networks, can provide to customers who may be attracted to a device because of its special features, and are willing to use it with a competing operator even if its full communications capabilities are not then available.[5]

Both AT&T and Verizon are championing versions of carrier aggregation in the global LTE standards body 3GPP that apply only to them, i.e., are not even U.S- but single carrier-specific[6], since they include their respective Band Classes 17 and 13. These efforts represent a continuation of the spirit of AT&T's original initiative to use this global standards body to introduce a standard (Band Class 17) that only applied to the U.S., without involving other key U.S. stakeholders, including the Commission itself at that time (2008).

Through their pursuit and planned expansion of non-interoperability, the two major U.S. mobile operators are mounting a concerted attack on one of the most precious and fundamental values and

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[2] "Verizon hints at LTE-only phones in 2014 to lower subsidies," http://news.cnet.com/8301-1035_3-57572505-94/verizon-hints-at-lte-only-phones-in-2014-to-lower-subsidies/

[3] Mike Haberman, Vice President Network Engineering, Verizon Wireless, "...in 2014 the carrier will use carrier aggregation technology to combine data transmissions over its AWS and 700 MHz spectrum to improve speeds and capacity," http://www.fiercewireless.com/story/verizon-almost-50-data-traffic-now-goes-over-lte-network/2013-01-09?utm_campaign=TwitterEditor-FierceWireless

[4] There may be minor exceptions in Canada depending on the outcome of its 700 MHz auction which as of this writing is unclear – this auction has just been postponed from November 2013 until January 2014

[5] For example T-Mobile reported that there were 1.7 million unlocked iPhones on its network before it offered iPhones itself even though T-Mobile did not offer HSPA services on the same frequencies as AT&T so its customers could only exploit its Wi-Fi hot spots or slow 2G data services - "T-Mobile could get iPhone in 2013," http://www.bizjournals.com/atlanta/blog/atlantech/2012/12/t-mobile-could-get-iphone-in-2013.html

[6] They may also eventually include much smaller operators then either of them in Canada and the Caribbean depending on the outcomes of spectrum awards in the 700 MHz band in these countries; Latin America is following the Asian 700 MHz band plan, not the U.S. plan.

principles that have guided and sustained the growth and development of U.S. telecommunications for the benefit of consumers, businesses and other users of network services and the U.S. economy since the days of voice-dominated communications to today's era of the broadband Internet.

Only the Commission can reverse this momentum toward an increasingly non-competitive market environment in which the freedom of choice of customers and the ability of innovators to bring new devices, applications and services to commercial reality, will become subject to the unchallengeable vetoes and decisions of the largest U.S. operators.