

Information Age Economics
4530 Dexter Street, N.W.
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September 12, 2013

VIA ECFS

The Hon. Mignon Clyburn
Chairwoman
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: In the Matter of Promoting Interoperability in the 700 MHz Commercial Spectrum,
WT Docket No. 12-69

Dear Chairwoman Clyburn,

This letter outlines a proposal for overcoming the major deficiencies that we have already identified¹ that are embedded in the proposed 700 MHz interoperability deal recently announced by AT&T.

We congratulate you, and express our appreciation for your efforts, with respect to the importance of interoperability. Your initiative followed several years of inaction in the face of AT&T's resistance to actions aimed at reducing and then eliminate the unauthorized non-interoperability it introduced in its deployments of LTE networks after the conclusion of the 2008 700 MHz Auction 73.

However, AT&T's proposal still leaves steps toward interoperability at its "sole discretion." Meanwhile, major plans to expand the "non-interoperability" territory are being actively pursued, with no provisions or rules in place to prevent or reverse them.

Furthermore, as we point out in our Comment of September 11, there are no incentives or penalties envisaged to encourage AT&T to live up to its commitments.

As you and your staff know, interoperability is a principle enshrined in U.S. communications policy, and is a matter that affects ALL users of wireless services and applications, and ALL providers of wireless-based services and applications, including MVNOs and OTT (over-the-top) players, as well as facilities-based operators. It is inappropriate, and would set a dangerous, non-transparent

¹ Letter from AT&T to Chairwoman Mignon Clyburn, September 10, 2013, <http://apps.fcc.gov/ecfs/document/view?id=7520942822>; Information Age Economics (IAE) Comment in Docket 12-69, <http://apps.fcc.gov/ecfs/document/view?id=7520942933>

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precedent, if a deal to restore interoperability should be reached and imposed by a small group of stakeholders in the proverbial “back room,” however noble and honest the motivations of the participants.

This “back room” process is the antithesis of the open, transparent procedure that is required in reaching decisions on matters such as interoperability that are of vital importance to the future of the entire U.S. wireless market. Indeed, given the growing role of wireless/wireline convergence², interoperability is central to the broadband sector as a whole. The threat of continued non-interoperability will ultimately have repercussions on every member of U.S. society.

The impact of non-interoperability, and the issues it raises, are far broader and more fundamental than those involved in commercial disputes between network operators. These commercial disagreements may reasonably be resolved through negotiations in a process that involves the immediately affected parties only, with the FCC as referee if needed. But for the purpose of establishing a nationwide interoperability solution, such a limited process is not consistent with respecting and upholding the public interest.

The proposed AT&T interoperability deal, as it stands, will do nothing, or very little, to stop or slow down a foreseeable large scale expansion of non-interoperability during the remainder of 2013 and in 2014 and 2015. As a result, we are faced with an imminent existential threat to the integrity of competition in the U.S. wireless market and the interests of all of us as users of wireless services³.

We have been formulating ways in which the initial breakthrough to re-establishing interoperability in the fabric of U.S. wireless networks, thanks to your initiatives, can be used as a starting point. The goal is to establish a credible and enforceable path toward interoperability that will respect and protect the interests of all stakeholders.

We therefore respectfully urge the Commission to open the negotiating process for an Interoperability Mandate to participation by other interested parties, including inputs on the criteria that such a Mandate must satisfy, in terms of content and governance of its implementation, and specific proposals for the elements it should contain, and how it is to be practically enforceable.

²[McAdam: Verizon to Pursue Integrated Wireless-Wireline Apps Post-Vodafone,](http://www.telecompetitor.com/mcadam-verizon-pursue-integrated-wireless-wireline-apps-post-vodafone/)

<http://www.telecompetitor.com/mcadam-verizon-pursue-integrated-wireless-wireline-apps-post-vodafone/>

³ IAE Reply Comments FCC Docket 13-135, also filed in Docket 12-69, “The Erosion of Effective Competition Through Non-Interoperability,”

<http://apps.fcc.gov/ecfs/document/view?id=7520933725>

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Information Age Economics is ready to contribute to such negotiations and to make its ideas known for designing an effective and enforceable path towards interoperability and ensuring that competition, diversity and innovation in the U.S. wireless market are protected and stimulated for the foreseeable future.

In accordance with Commission rules, this letter is being filed electronically with your office for inclusion in the public record.

Sincerely,



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