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June 14, 2012

Ex Parte

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Room TW-A325
Washington, D.C. 20554

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

Dear Ms. Dortch:

On June 12, 2012, Kathleen Grillo and Mike Glover on behalf of Verizon Wireless met with Rick Kaplan, Chief of the Wireless Telecommunications Bureau, and Austin Schlick, General Counsel.

The Verizon representatives addressed several issues that have been the subject of ongoing written filings by various parties, and reiterated and elaborated on points made in previous filings in this proceeding.

First, the record in this proceeding demonstrates that Verizon needs this spectrum to meet its customers' near term needs. This is true both in the western portion of the country where Verizon generally holds no AWS spectrum, and in the eastern portion of the country where it does hold AWS spectrum in a number of markets. As Verizon previously demonstrated through a series of submissions, even after it brings its existing AWS spectrum into use, the rapidly growing traffic volumes it projects for its LTE network will still result in congestion in many eastern markets in 2013 and in others by 2015 or shortly thereafter.¹ And while Verizon has demonstrated that the

¹ See, e.g., Letter from Tamara L. Preiss, Verizon, to Marlene H. Dortch, FCC, WT Docket No. 12-4 (June 1, 2012) (updated traffic projections); Letter from Tamara L. Preiss, Verizon, to Marlene H. Dortch, FCC, WT Docket No. 12-4 (May 31, 2012) (*May 31 Ex Parte Letter*) (attaching presentation by Bill Stone, Executive Director – Technology, Verizon, “Verizon Wireless: Meeting Customers’ Broadband Needs”); Letter from Tamara L. Preiss, Verizon, to Marlene H. Dortch, FCC, WT Docket No. 12-4 (May 17, 2012) (discussing plans for PCS refarming and capacity constraints in two markets); Supplemental Declaration of William H. Stone, Verizon, attached as Exhibit 2 to Joint Opposition to Petitions to Deny and Comments, WT Docket No. 12-4 (Mar. 2, 2012) (*Joint Opposition*) (maps

need for additional spectrum is particularly pronounced in major markets such as Boston, Washington, DC, and New York, the need for additional spectrum extends to mid-sized and smaller markets as well.² In fact, Verizon has provided detailed maps for each of the 99 markets where LTE has been launched demonstrating on a sector by sector basis within individual cell sites where congestion is expected to adversely affect customers absent the AWS spectrum it is acquiring here.

Second, the record also demonstrates that, given customers' rapidly growing needs, Verizon intends to deploy the AWS spectrum promptly, beginning in 2013. These issues were addressed extensively in the May 30, 2012 presentation by Bill Stone previously submitted in the record of this proceeding.³ To the extent some parties nonetheless continue to claim that Verizon will warehouse this spectrum instead of using it to serve customers or that build out conditions should be imposed, those claims are baseless. As explained in Mr. Stone's presentation, Verizon already is working to put this spectrum to use in the near term,⁴ and it will have to do so in order to handle customers' rapidly growing traffic volumes. Given that the needs of customers and marketplace demands will compel Verizon to put this spectrum to use promptly, and in any event within the general time frames that the Commission has proposed with respect to other spectrum for which it is just now establishing rules (such as the AWS-4 band), there is no basis for other parties' warehousing claims and no reason for build out or related conditions.

Third, to the extent parties continue to raise roaming-related claims, Verizon has demonstrated that those issues are not transaction specific and should not be considered in the context of this proceeding. This transaction involves only the transfer of spectrum. It is not a merger, and does not involve the transfer of any network facilities or ongoing operations. As a result, it effects no change in the range of roaming options available in the market today and any claims relating to roaming issues should be addressed in the context of other proceedings.⁵ Verizon also reiterated that it has negotiated, continues to negotiate, and will continue to negotiate commercial data roaming agreements. Verizon has data roaming agreements with at least 49 roaming partners with whom it has a total of 68 data roaming agreements (some partners have more than one agreement), 42 of which pre-date the Commission's data roaming rules. Verizon also remains a net-payor for roaming and has every incentive to continue to negotiate in good faith over reasonable commercial roaming agreements going forward. As a result, to the extent parties continue to raise roaming-related issues or to propose conditions related to roaming, those are neither appropriate or necessary in the context of this proceeding.

depicting capacity constraints in 18 markets); Letter from John T. Scott, III, Verizon Wireless, to Marlene H. Dortch, FCC, WT Docket No. 12-4, at 2 (Apr. 30, 2012) (maps depicting capacity constraints in 81 additional markets).

² *Id.*

³ *See May 31 Ex Parte Letter.*

⁴ *See id.*, Attachment at slide 2.

⁵ *See Joint Opposition* at 64-65.

Marlene H. Dortch

June 14, 2012

Page 3

Finally, Verizon noted that prompt approval of these applications will benefit consumers by allowing Verizon Wireless to expand the capacity of its network to address accelerating customer demand and to continue to deliver our customers high quality, high-speed services.

This letter is being filed electronically pursuant to Section 1.1206 of the Commission's Rules. Please contact me if you have any questions.

Respectfully submitted,

A handwritten signature in black ink that reads "Kathleen Gilh". The signature is written in a cursive, slightly slanted style.

cc: (via e-mail)
Rick Kaplan
Austin Schlick