



# Consumer Federation of America

1620 I Street, N.W., Suite 200 \* Washington, DC 20006

July 23, 2012

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

Re: Applications of Cellco Partnership d/b/a Verizon Wireless, SpectrumCo LLC, and Cox TMI Wireless, LLC, WT Docket No. 12-4.

## Notice of *Ex Parte* Meeting

On July 19, 2012 Dr. Mark Cooper, Director of Research of the Consumer Federation of America, had a phone conversation with Paul Murray of Commissioner Rosenwerchel's staff in regard to CFA's filing in the above captioned docket. Dr. Cooper emphasized the analysis in the CFA white paper which showed that the Verizon-Spectrum joint venture agreements pose a substantial threat to competition in the broadband access product space. He stated that three sets of conditions were necessary to address the immediate threat of harm to competition and to ensure that the joint venture was not used to undermine competition in the future.

Dr. Cooper stated that the purpose of the conditions is to allow the collaborators to produce and consumers to realize the projected benefits of the collaboration, while ensuring that federal authorities can prevent the significant potential anticompetitive and anti-consumer harms that the CFA White Paper demonstrated could result from the collaboration.

- The duration of the collaborative agreement should be much shorter, to ensure that long term incentives to competition are not weakened.
- Certain practices contemplated by the joint venture are clearly anticompetitive and should not be permitted. These include cross-marketing of directly competitive services (wireline broadband), exclusive arrangements for any services sold by or provided to the collaborators and most favored nation clauses that favor the collaborator, at the expense of independent parties.
- Heightened scrutiny of other potentially competitive practices through the opening of a docket at the commission, subject to expedited review.

The FCC should attach these conditions to the license transfer and open a separate docket under general Communications Act to ensure that they apply to all parties to the transaction.

CFA also expressed its hope that the Department of Justice would adopt similar conditions under the antitrust laws and create a special master to oversee the behavior of the collaborators.

Mark Cooper,  
Director of Research