

FEDERAL COMMUNICATIONS COMMISSION
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U.S. Mail and E-mail

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Re: *Worldcall Interconnect, Inc. v. AT&T Mobility LLC*, Proceeding No. 14-221, File No. EB-14-MD-011

Dear Counsel,

On June 6, 2016, Worldcall Interconnect, Inc. (WCX) filed a Motion for Clarification¹ of the ruling in the *April 14 Order*² regarding the scope of AT&T Mobility's (AT&T)'s obligation to offer data roaming under Section 20.12 of the Commission's rules. AT&T opposes the Motion.³

The *April 14 Order* addressed, *inter alia*, whether WCX has met its burden of showing that AT&T's proposed terms regarding the scope of its obligation fall outside the "general requirement of commercial reasonableness" in the Commission's data roaming rule in Section 20.12.⁴ The *Order* rejected WCX's argument that AT&T's Final Offer is commercially unreasonable because it denies roaming to future WCX customers that potentially may reside in areas other than WCX's fully-licensed 700 MHz CMA, CMA 667.⁵ The *Order* noted that the roaming rules grant roaming rights only to providers of facilities-based service and

¹ Motion for Clarification, Proceeding No. 14-221, File No. EB-14-MD-011 (June 6, 2016) (Motion for Clarification or Motion).

² Order, Proceeding No. 14-221, File No. EB-14-MD-011 (rel. April 14, 2016) (*April 14 Order* or *Order*). We assume that the reader is familiar with the substance of the *April 14 Order*.

³ Opposition to Complainant's Motion for Clarification, Proceeding No. 14-221, File No. EB-14-MD-011 (June 9, 2016) (Opposition).

⁴ *April 14 Order* at 6, para. 12. See 47 CFR § 20.12(e).

⁵ *April 14 Order* at 6-9, paras. 12-17. The *Order* also rejected WCX's argument that AT&T's Final Offer is commercially unreasonable because it denies roaming to WCX customers that reside in places where WCX obtains connectivity through contracted third party access. The Motion does not take issue with that conclusion.

[REDACTED]

found “no credible evidence that WCX is a facilities-based provider outside CMA 667, where WCX holds a 700 MHz license.”⁶

In its Motion, WCX does not take issue with the *Order*’s conclusion that WCX has not shown that it presently offers facilities-based service outside of CMA 667.⁷ [BEGIN CONFIDENTIAL]

[REDACTED]

⁸

⁹ [END CONFIDENTIAL]

WCX indicates that the parties are currently engaged in roaming negotiations pursuant to the directive in the *April 14 Order*.¹⁰ WCX asserts that because AT&T believes the *April 14 Order* held that AT&T’s proposed terms [BEGIN CONFIDENTIAL]

[REDACTED]

¹¹

¹² [END CONFIDENTIAL]

AT&T denies that its proposed terms [BEGIN CONFIDENTIAL]

[REDACTED]

¹³

¹⁴

¹⁵

[END

CONFIDENTIAL]

We agree with AT&T that the commercially reasonable standard does not require AT&T to offer terms regarding [BEGIN CONFIDENTIAL]

[REDACTED]

⁶ *April 14 Order* at 7-8, paras. 15-16. The *Order* noted that “[a]lthough WCX has suggested that it ‘will build network’ outside CMA 667 in order to provide facilities-based service, WCX has not offered evidence that it has actually done so or sufficient evidence that it will do so in the future.” *April 14 Order* at 8 n.44.

⁷ Motion at 2.

⁸ *Id.* at 2-3.

⁹ *Id.* at 3.

¹⁰ *Id.* at 1.

¹¹ *Id.* at 3-4.

¹² *Id.* at 4.

¹³ Opposition at 3.

¹⁴ *Id.* at 3.

¹⁵ *Id.* at 3 & n.4.

¹⁶ [REDACTED]

[REDACTED]

[REDACTED]

[END CONFIDENTIAL] Thus, we encourage the parties to continue their effort to reach a negotiated resolution of the remaining issues.

We issue this letter ruling pursuant to the authority contained in Sections 4(i), 4(j), 208, 301, 303, 304, 309, 316, and 332 of the Communications Act, 47 U.S.C. §§ 154(i), 154(j), 208, 301, 303, 304, 309, 316, and 332, and Sections 0.111(a)(11), 0.311, 1.720-1.735, and 20.12 of the Commission's rules, 47 CFR §§ 0.111(a)(11), 0.311, 1.720-1.735, and 20.12.

FEDERAL COMMUNICATIONS COMMISSION



Christopher Killion
Chief, Market Disputes Resolution Division
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[REDACTED]

[END CONFIDENTIAL]