

**STATEMENT OF  
COMMISSIONER DEBORAH TAYLOR TATE**

*Re: Union Telephone Company, Cellco Partnership d/b/a Verizon Wireless Applications for 700 MHz Band Licenses, Auction No. 73, File Nos. 0003371176, et al.*

This order provides needed resolution of a few items related to Auction 73, which made available a significant portion of the commercial spectrum in the 700 MHz band. Specifically, the item identifies 17 CMAs for Verizon Wireless and one CMA for Union Telephone in which the licensee would exceed the 95 megahertz screen, and grants the Auction 73 Form 601 applications of both Union Telephone and Verizon Wireless, subject to the divestiture of spectrum in one market by Verizon Wireless.

In addition, this item clarifies that section 27.16 of the Commission's rules applies to recently auctioned licenses in the 700 MHz C Block. Specifically, section 27.16 states that "[l]icensees offering service on spectrum subject to this section shall not deny, limit, or restrict the ability of their customers to use the devices and applications of their choice on the licensee's C Block network." While I support this clarification, I do not support its expansion beyond the plain meaning of the Commission's rules. I viewed the open access conditions imposed on the 700 MHz C Block as a limited experiment designed to promote additional access to devices and applications that do not harm a provider's network. This does not mean – and section 27.16 should not be interpreted so expansively as to let it mean – that a C Block licensee with hundreds of devices must make every phone it sells consistent with this rule.