

August 6, 2014

Kathleen O'Brien Ham
Vice President of Federal Regulatory Affairs
T-Mobile USA, Inc.
601 Pennsylvania Ave, NW
Washington, DC 20004

Re: Notification of Intent to File Formal Complaint Against T-Mobile USA
Inc. for Violations of 47 C.F.R. § 8.3

Dear Ms. Ham:

Pursuant to 47 C.F.R. § 8.13(c), this letter hereby notifies T-Mobile USA Inc. of Public Knowledge's intent to file a formal complaint under the Federal Communication Commission's Open Internet rules. We intend to file this complaint in response to T-Mobile's decision to exempt speed testing services from its practice of throttling the connections of subscribers who exceed their data cap.¹ This behavior violates 47 C.F.R. § 8.3, which requires internet access service providers to publicly disclose accurate information regarding network performance.

Public Knowledge respectfully request that T-Mobile reconsider its decision and allow its subscribers – and potential subscribers – to obtain an accurate understanding of their network speeds. While it may be academically interesting for subscribers to learn what their unthrottled connection speed might be, it is practically useful for them to be able to determine their actual, real world, connection speed. Public Knowledge asks instead that T-Mobile comply with Open Internet rules and allow speed test applications to accurately reflect subscriber experience at the moment of the test. If T-Mobile is concerned that these slow speeds will hurt customer retention, the more appropriate response would be to increase data caps, increase throttled networks speeds, or both.

Respectfully,

/s/ Michael Weinberg
Vice President
Public Knowledge
1818 N St. NW
Suite 410
Washington, DC 20036

¹ Mike Dano, *Confirmed: T-Mobile exempting speed-testing data from monthly data allotments*, FierceWireless (June 26, 2014)
<http://www.fiercewireless.com/story/confirmed-t-mobile-exempting-speed-testing-data-monthly-data-allotments/2014-06-26>.