

1 IN THE UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF ALABAMA  
3 NORTHERN DIVISIONS

FILED APR 22 '13 PM 3:17 USDCALS

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6 Albert F. Lankster, Sr. ]  
7 1000 East Coats Avenue ]  
8 Linden, AL. 36748 ]

9  
10 Plaintiff; ]

11  
12 v. ]

Civil Action No. 13-236-RD-N

13  
14 Apple, Incorporated ]  
15 1 Infinite Loop ]  
16 Cupertino, CA. 90541; & ]

( JURY DEMAND )

17  
18 Verizon Wireless ]  
19 P. O. Box 660108 ]  
20 Dallas, Texas 752266-0108, ]

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22  
23 Defendants ]  
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26

27 COMPLAINT

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29  
30 CODE OF FEDERAL REGULATIONS, TITLE 47 – TELECOMMUNICATIONS –

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32 Chapter 1- Federal Communications Commission – Common Carrier Services –

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34 Part 27 – Miscellaneous Wireless Communications Services. Subpart B –

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36 Applications and Licenses servers as the basis for federal jurisdiction. The precise

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38 And exact federal law in question is 47 C. F. R. Sec. 27. 16 (e) & (b). See Exhibit #1.

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41 SPECIFIC FACTS

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44 On or about 9/27/12 Mr. Lnakster purchased an Iphone from Verizon

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46 Wireless and found that his phone's tethering/wifi feature had been locked. Verizon

48 Wireless refused Mr. Lankster's repeated request to unlock his phone, which is  
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50 Called a hand set in the federal statute, i. e. 47 C. F. R. Sec. 27. 16 (e). Therefore,  
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52 Mr. Lankster filed a complaint against Verizon Wireless with the Federal  
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54 Communications Commissions, see Exhibits 2 Pain, suffering, mental anguish,  
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56 And other psychological abuse, costs, and related legal expenses justly entitle Mr.  
57  
58 Lankster to a minimum of ten thousand dollars \$10, 000.00 compensatory damages.  
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60 Furthermore, Mr. Lankster ask that these defendants be punished with a Punitive  
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62 Damages fine in the amount of two hundred thousand dollars \$200, 000.00 to be  
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64 Distributed equally between the Salvation Army and the Greater New Bethel  
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66 Baptist Church.

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69 Respectfully Submitted,

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72  
73 /s/ Albert F. Lankster, Sr.

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76 Plaintiff - In Pro Per  
77 1000 E. Coats Avenue  
78 Linden, AL. 36748  
79 (334)422-5477  
80 albertlankster@yahoo.com

81 CERTIFICATE OF Service

82 I HEREBY CERTIFY that on this the 18th day of April,  
83 2013 I caused to be served by U. S. Mail, first class postage  
84 prepaid, copies of the foregoing complaint upon representa-  
85 tives of above named defendants as follows:

- 86 1. Sara Ford, Esq. LIGHFOOT, FRANKLIN & WHITE, L.L.C.  
The Clark Building-400 North 20th Street B'ham, Al. 35203  
87 2. Caroline Pryor, Esq. CARR ALLISON 6251 Monroe Street,  
88 Suite #200 Daphne, AL. 36526

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90   
91 Albert F. Lankster, Sr.  
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# Code of Federal Regulations

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## Title 47 - Telecommunication

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Volume: 2

Date: 2007-10-01

Original Date: 2007-10-01

Title: Section 27.16 - Network access requirements for Block C in the 746-757 and 776-787 MHz bands.

Context: Title 47 - Telecommunication. CHAPTER I - FEDERAL COMMUNICATIONS COMMISSION (CONTINUED). SUBCHAPTER B - COMMON CARRIER SERVICES. PART 27 - MISCELLANEOUS WIRELESS COMMUNICATIONS SERVICES. Subpart B - Applications and Licenses.

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### § 27.16 Network access requirements for Block C in the 746-757 and 776-787 MHz bands.

(a) *Applicability.* This section shall apply only to the authorizations for Block C in the 746-757 and 776-787 MHz bands assigned and only if the results of the first auction in which licenses for such authorizations are offered satisfied the applicable reserve price.

(b) *Use of devices and applications.* Licensees 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, except:

(1) Insofar as such use would not be compliant with published technical standards reasonably necessary for the management or protection of the licensee's network, or

(2) As required to comply with statute or applicable government regulation.

(c) *Technical standards.* For purposes of paragraph (b)(1) of this section:

(1) Standards shall include technical requirements reasonably necessary for third parties to access a licensee's network via devices or applications without causing objectionable interference to other spectrum users or jeopardizing network security. The potential for excessive bandwidth demand alone shall not constitute grounds for denying, limiting or restricting access to the network.

(2) To the extent a licensee relies on standards established by an independent standards-setting body which is open to participation by representatives of service providers, equipment manufacturers, application developers, consumer organizations, and other interested parties, the standards will carry a presumption of reasonableness.

(3) A licensee shall publish its technical standards, which shall be non-proprietary, no later than the time at which it makes such standards available to any preferred vendors, so that the standards are readily available to customers, equipment manufacturers, application developers, and other parties interested in using or developing products for use on a licensee's networks.

(d) *Access requests.* (1) Licensees shall establish and publish clear and reasonable procedures for parties to seek approval to use devices or applications on the licensees' networks. A licensee must also provide to potential customers notice of the customers' rights to request the attachment of a device or application to the licensee's network, and notice of the licensee's process for customers to make such requests, including the relevant network criteria.

(2) If a licensee determines that a request for access would violate its technical standards or regulatory requirements, the licensee shall expeditiously provide a written response to the

requester specifying the basis for denying access and providing an opportunity for the requester to modify its request to satisfy the licensee's concerns.

(e) *Handset locking prohibited.* ~~No licensee may disable features on handsets it provides to customers, to the extent such features are compliant with the licensee's standards pursuant to paragraph (b) of this section, nor configure handsets it provides to prohibit use of such handsets on other providers' networks.~~

(f) *Burden of proof.* Once a complainant sets forth a prima facie case that the C Block licensee has refused to attach a device or application in violation of the requirements adopted in this section, the licensee shall have the burden of proof to demonstrate that it has adopted reasonable network standards and reasonably applied those standards in the complainant's case. Where the licensee bases its network restrictions on industry-wide consensus standards, such restrictions would be presumed reasonable.

[72 FR 48849, Aug. 24, 2007]

**Effective Date Note:** At 72 FR 48849, Aug. 24, 2007, § 27.16 was added, effective Oct. 23, 2007.



One Verizon Place  
Alpharetta, GA 30004

November 12, 2012

Ms. Sharon Bowers  
Federal Communications Commission  
Consumer Inquiries and Complaints Division  
Consumer & Governmental Affairs Bureau  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Re: Complainant: Albert Lankster  
IC#: 12-C00433404

Dear Ms. Bowers:

This letter is in response to the above-referenced complaint filed by Mr. Albert Lankster received by Verizon Wireless on October 31, 2012. In his complaint, Mr. Lankster reports he is unable to connect to the Wi-Fi at his local library. He is requesting assistance with establishing Wi-Fi data connection using his device.

Upon receipt of this complaint we reviewed this matter. Verizon Wireless contacted Mr. Lankster on November 2, 2012, and completed the necessary troubleshooting steps with him. We were able to conclude that this was not an issue with Verizon Wireless, but rather a problem with the device. On November 9, 2012, we completed a conference call with Apple Technical Support and they were able to assist Mr. Lankster with establishing a Wi-Fi connection by modifying his device settings. We confirmed he was able to access the internet at the library via Wi-Fi and no further assistance was needed from Verizon Wireless. Mr. Lankster was provided with the contact information of the undersigned so that he may contact should he have any concerns related to this matter.

Verizon Wireless regrets any inconvenience this matter may have caused. Should Mr. Lankster have any questions regarding this response, he may contact the undersigned at (800) 760-4658 or (770) 521-5641 Monday through Friday between the hours of 8:00 AM and 4:00 PM EST. Should the Federal Communications Commission have any questions regarding this response, please contact Michele Elliott at [Michele.Elliott@VerizonWireless.com](mailto:Michele.Elliott@VerizonWireless.com).

Respectfully,

Jennifer Dalmida  
Executive Relations  
Verizon Wireless

cc: Albert Lankster  
Michele Elliott