

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, DC 20554

In the Matter of	)	
	)	
Connect America Fund Phase II Auction	)	AU Docket No. 17-182
	)	
Connect America Fund	)	WC Docket No. 10-90
	)	
Comment Sought on Competitive Bidding	)	
Procedures and Certain Program Requirements for	)	
the Connect America Fund Phase II Auction	)	
(Auction 903)	)	

To: The Commission

**REPLY COMMENTS OF CTIA**

CTIA<sup>1</sup> submits these reply comments in response to the Public Notice on proposed procedures for the Connect America Fund Phase II (CAF-II) auction.<sup>2</sup> In formulating the procedures for the CAF-II auction, CTIA urges the Commission to ensure that the rules treat all potential applicants on a technology neutral basis. In particular, CTIA echoes other commenters concerns with the Commission's proposals to require additional showings from applicants proposing to use spectrum to provide the supported services (wireless applicants) that are not

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<sup>1</sup> CTIA® ([www.ctia.org](http://www.ctia.org)) represents the U.S. wireless communications industry and the companies throughout the mobile ecosystem that enable Americans to lead a 21st- century connected life. The association's members include wireless carriers, device manufacturers, suppliers as well as apps and content companies. CTIA vigorously advocates at all levels of government for policies that foster continued wireless innovation and investment. The association also coordinates the industry's voluntary best practices, hosts educational events that promote the wireless industry, and co-produces the industry's leading wireless tradeshow. CTIA was founded in 1984 and is based in Washington, D.C.

<sup>2</sup> *Comment Sought on Competitive Bidding Procedures and Certain Program Requirements For The Connect America Fund Phase II Auction (Auction 903)*, Public Notice, AU Docket No. 17-182, WC Docket No. 10-90, FCC 17-101 (rel. Aug. 4, 2017) (Public Notice).

required of non-spectrum-based applicants, and urges the Commission to reject calls for wireless applicants to include propagation maps in their short-form applications.

**I. WIRELESS APPLICANTS SHOULD NOT BE REQUIRED TO SUBMIT MORE BURDENSOME INFORMATION THAN OTHER APPLICANTS.**

CTIA recognizes the Commission’s legitimate need for applicants to provide “high-level operational information ... to determine whether the applicant is expected to be reasonably capable of meeting the public interest obligations ... for each performance tier and latency combination that it selected in its application.”<sup>3</sup> The Commission must do so, however, in a manner that is consistent with its commitment to conducting the CAF-II based on “technology neutral standards”<sup>4</sup> that “reflect the diversity of broadband offerings in the marketplace” and “maximize the number of consumers served within [the] finite budget.”<sup>5</sup> Similarly, Commissioner O’Rielly has noted that government spending on broadband “should be done in a way that does not harm competition in the marketplace, [and] prevents bureaucrats from picking winners and losers.”<sup>6</sup>

The Public Notice seems to suggest that the Commission intends to engage in a degree of second-guessing wireless applicants’ network planning during the short form application that it does not propose to undertake for non-spectrum-based applicants. For example, the Public Notice proposes to require short-form applicants to specify all of the spectrum bands that they

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<sup>3</sup> Public Notice at ¶ 33.

<sup>4</sup> *Connect America Fund, et al.*, Report and Order and Further Notice of Proposed Rulemaking, 31 FCC Rcd 5949, 5956 ¶ 14 (2016).

<sup>5</sup> *Id.* at 5957 ¶ 16.

<sup>6</sup> Commissioner Michael O’Rielly, *Federal Broadband Infrastructure Spending: Potential Pitfalls*, (Feb. 1, 2017) available at <https://www.fcc.gov/news-events/blog/2017/02/01/federal-broadband-infrastructure-spending-potential-pitfalls>.

may use for uplink, downlink, and backhaul and how they are authorized to use them, and then permit the Bureau to make a judgment as to whether this will be sufficient, potentially considering factors such as differences between upper and lower band spectrum.<sup>7</sup> As WISPA points out, “the Commission is not proposing to require an applicant proposing to use fiber to demonstrate that it has access to rights-of-way or utility poles for the 10-year CAF Phase II support term,” yet “in some areas, access to such infrastructure may be more limited or difficult to obtain than spectrum.”<sup>8</sup>

The Commission’s review at the short-form stage should be uniform across all applicants regardless of technology, and should be consistent with the purpose of the short-form application to establish the applicant’s basic qualifications – not supplant the detailed showing required at the long-form stage.

## **II. PROVIDING PROPAGATION MAPS AT THE SHORT-FORM STAGE IS IMPRACTICABLE FOR WIRELESS APPLICANTS.**

The Commission should reject the Rural Coalition’s call to “require applicants that will rely on wireless spectrum (both licensed and unlicensed spectrum) to provide propagation maps of their planned coverage areas.”<sup>9</sup> First, under the Commission’s rules, this type of information is appropriate in the long-form application – not the short form. The rules call for long forms to include a “description of the technology and system design the applicant intends to use . . . , including a network diagram which must be certified by a professional engineer.”<sup>10</sup> In the

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<sup>7</sup> Public Notice at ¶ 40.

<sup>8</sup> Comments of Wireless Internet Service Providers Association (WISPA), AU Docket No. 17-182 (filed Sept. 18, 2017) at 14-15.

<sup>9</sup> Comments of The Rural Coalition, AU Docket No. 17-182 (filed Sept. 18, 2017) at 19.

<sup>10</sup> 47 C.F.R. § 54.315(b)(2)(iv).

context of a wireless network, a propagation map fits squarely within the scope of this long-form requirement. Thus, the Rural Coalition's proposal would require wireless applicants to submit long-form information at the short-form stage.

Second, the Rural Coalition's proposal would require this additional degree of network detail from wireless applicants but not applicants using other types of technology. Specifically, the proposal appears solely designed to deter the participation of wireless applicants by imposing an unnecessary burden that would not fall on other auction participants such as fiber-based members of the Rural Coalition. As a result, the proposal would violate the Commission's stated goal of conducting the CAF-II auction in a competitively neutral way, and deter applicants from utilizing wireless technologies to bridge the digital divide in rural areas.<sup>11</sup>

Finally, it would be impracticable for wireless applicants to produce propagation maps at the short-form stage. The Commission appropriately proposes to require applicants to identify in their short-form applications the states in which they propose to bid.<sup>12</sup> An applicant may identify one or more states on its short form, and may be intending to bid on all available census tracts in each state or only a subset of the available census tracts in those states. It is, of course, unlikely that any applicant will win all of the census tracts in all of the states in which it is *eligible* to bid, and all or most bidders will not even win all of the census tracts on which they *intend* to bid. As propagation maps depend on knowledge of the nature and contours of wireless networks in a particular area, it is therefore impracticable for a wireless applicant to present propagation maps at the short-form stage.

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<sup>11</sup> See *supra* Section I.

<sup>12</sup> Public Notice at ¶ 19.

For all of these reasons, the Commission should not require wireless applicants to provide propagation maps at the short-form stage.

### **III. CONCLUSION**

The Commission should ensure that the procedures for the CAF-II auction follow through on the Commission's express goal of providing a level playing field for all types of providers, regardless of technology. Thus, it should not impose more stringent short-form requirements on wireless applicants, especially a requirement for propagation maps of limited value at the short-form stage of the CAF-II auction.

Respectfully submitted,

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