

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

In the Matter of)	
)	
Encouraging the Provision of New Technologies and Services to the Public)	GN Docket No. 18-22
)	

COMMENTS OF AT&T

AT&T Services, Inc. (“AT&T”) files these comments in response to the Notice of Proposed Rulemaking (“Notice”) released by the Federal Communications Commission (“Commission”) regarding Section 7 of the Communications Act.¹

I. INTRODUCTION AND SUMMARY

AT&T welcomes this Section 7 Notice as proposed. Developers often are dependent on completion of Commission processes before introducing a new technology or service. But those processes offer opportunities for delay, such as from a lack of regulatory clarity or from third parties trying to erect unreasonable hurdles to Commission approval. These factors create uncertainty, leaving developers in the dark, unable to reliably predict how quickly they can bring their technology or service to market. This Notice can help.

The Notice proposes functional regulations to establish Section 7 processes, timelines, and factors to assist in determining whether a new technology or service qualifies for Section 7 treatment. This formula accurately balances competing needs—regulatory guidance versus flexibility to consider unknown issues associated with new technologies and services. The process proposed by the Commission in this Notice builds on prior actions to remove impediments that

¹ Encouraging the Provision of New Technologies and Services to the Public, GN Docket No. 18-22, Notice of Proposed Rulemaking, FCC 18-18 (2018) (“Notice”).

hamper growth and innovation. AT&T encourages the Commission to adopt the regulations proposed in this Notice and to thereafter continue on the path to remove other regulatory barriers that impede the normal evolution of technology. These actions would promote investment, spur innovation, and bring new technologies and services to consumers more quickly.

II. DISCUSSION

A. The proposed Section 7 processes will allow the Commission to keep pace with technological change.

Section 7 of the Communications Act requires the Commission to determine within one year if a proposed new technology or service is in the public interest and to complete a proceeding for a new technology or service within one year if initiated by the Commission.² To date, implementation of these mandates has languished due to a lack of guidance in the statute about how the Commission is supposed to implement Section 7 and how developers of new technologies and services can harness its benefits to expedite deployment. This Notice offers the potential to end this vacuum and give the Commission the tools to implement Section 7 and expedite the deployment of new technologies. AT&T fully supports this effort.

The Section 7 processes proposed in the Notice are urgently needed to usher in the next wave of technology and the novel services that will follow. In the last 10 years, the wireless industry has witnessed a tidal wave of innovation, including widespread acceptance of the Apple iPhone, which was quickly followed by multiple competing device offerings; the launch of the Apple App Store and Android Play Store, triggering the app revolution; the move from 2nd generation digital networks to 3rd generation networks to 4th generation long-term evolution (LTE) broadband networks, allowing users to stay connected anytime, anywhere; the widescale spread of

² 47 U.S.C. § 157.

commercial Wi-Fi, giving consumers publicly available wireless access to the internet; the development and deployment of Licensed Assisted Access (LAA), allowing providers to aggregate unlicensed spectrum to increase downlink speeds; and the introduction of real-time text (RTT) service, enabling accessible communications for persons with speech and hearing impairments.

Other Commission regulated industries have adopted video networks that disconnect the set-top box from the wall, constructed widescale fiber networks with gigabyte speed capabilities, rolled out cloud-based networks and services, and offered more realistic virtual reality. This is the tip of the iceberg. These technologies and services are foundational and set the stage for a wave of transformative innovation over the next decade. Wireless providers will deploy 5th generation networks over millimeter wave spectrum. Work continues on the potential development of smart grid networks for electric utilities. Carriers, governments, and major companies across the world are preparing for the massive deployment of the Internet of Things (IOT). Developments in unmanned aircraft systems (UAS) will continue unabated. And, of course, as yet unknown technologies and services will arise.

This Notice is a step in the right direction. Implementing and properly applying the proposed Section 7 rules would demonstrate the Commission's commitment to keep pace with the dizzying pace of technological change and continue this Commission's efforts to put the United States at the forefront of technological progress, including 5G network deployment.

B. The proposed regulations would provide certainty and predictability to the Section 7 process.

The regulations proposed in the Notice would provide the Commission and developers with needed certainty and predictability about the Section 7 process. Until now, uncertainty has defined the requirements of Section 7 and the Commission processes required to introduce innovative technologies and services to the market. Developers have little idea how long it will take to

complete a rulemaking, obtain equipment certification, receive a waiver, or resolve any other regulatory uncertainty needed to clear a path to commercial introduction of their technology or service.

This uncertainty exists because Commission processes offer opportunities for delay. Competitors can and do introduce unreasonable hurdles to Commission approval of new technologies and services through the filing of petitions to deny and other tactics that delay the public interest benefits of the technology or service for undetermined periods of time. Delays also result from a lack of effective Commission processes for resolving open issues in an expedited and efficient manner. And, of course, workloads imposed on limited Commission staff time can mean that even new technologies and services may not get through the pipeline as quickly as might otherwise occur.

Clear Section 7 rules that set priorities for new technologies and services will go a long way to remove these artificial barriers, benefitting both developers and American consumers. The increase in certainty and predictability will encourage investment in next-generation technologies and services and, of equal importance, accelerate the timeline for their deployment.

C. Section 7 processes must be flexible.

The Commission proposes baseline rules for analyzing new technologies and services and timelines for taking action, but wisely avoids trying to formalize every aspect of the Section 7 process. AT&T supports the proposal to apply Section 7 to “any request for Commission action, as required under the Communications Act or the Commission’s rules,” including petitions for rulemaking or waiver and applications for authorization. AT&T also supports the proposal to allow a particular Bureau or Office acting on delegated authority to address a Section 7 proceeding, depending “on the particular filing, the nature of the request, and the kind of decision(s) and

course(s) of action regarding the proposed new technology or service that may be deemed appropriate under the circumstances.”³ Decisions made on delegated authority are generally made quicker than decisions before the full Commission and for that reason, may be the best means to promote timely consideration of a potential new technology or service. Of course, Commissioners should continue to address those actions that they are required to address under existing rules and policies.

The Notice recognizes the challenges of assessing and deciding whether a particular technology or service is “new.”⁴ Innovation takes many forms and thus, is not amenable to a pre-defined regulation. For that reason, determining what is “new” cannot be a “check the box” process. At the same time, staff must be cautious about subjective determinations that lead to inconsistent results. To address this dilemma, the Notice proposes illustrative categories of factors to assist developers and Commission staff in making the determination. AT&T agrees that the categories of factors proposed by the Commission effectively balances these interests. However, if the Commission can provide examples of “new” technologies and services, it would allow developers to better predict whether their particular technology or service qualifies for Section 7 treatment.

D. The Section 7 process is one in a series of steps.

AT&T concurs with the Commission’s efforts in this docket to spur innovation, remove barriers to the introduction of new technologies and services, and thereby accelerate the benefits that they provide. But, it is only one of a series of steps that the Commission is taking (e.g., streamlining the Section 214 process, pole attachments processes, wireless historic, tribal, and

³ Notice at ¶9.

⁴ Notice at ¶16.

environmental processes). The journey to remove unnecessary regulatory barriers must continue so that this Commission can create the best environment for the development and deployment of new technologies and services.

May 21, 2018

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert Vitanza", with a long horizontal flourish extending to the right.

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