



July 14, 2016

**BY ELECTRONIC FILING**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, DC 20554

**Re: Notice of Erratum Filing – Substituting Corrected Comments**  
**WC Docket No. 16-143:** *Business Data Services in an Internet Protocol Environment*  
**WC Docket No. 15-247:** *Investigation of Certain Price Cap Local Exchange Carrier Business Data Services Tariff Pricing Plans*  
**WC Docket No. 05-25:** *Special Access for Price Cap Local Exchange Carriers*  
**RM-10593:** *AT&T Corporation Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services*

Dear Ms. Dortch,

Competitive Carriers Association (“CCA”) hereby submits a revised version of its June 28, 2016 comments filed in the above referenced proceedings. In the corrected version attached to this document, the phrase “CONFIDENTIAL DRAFT” has been omitted from all page headers.

Respectfully submitted,

*/s/ Elizabeth Barket*

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**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Business Data Services in an Internet Protocol Environment	)	WC Docket No. 16-143
	)	
Investigation of Certain Price Cap Local Exchange Carrier Business Data Services Tariff Pricing Plans	)	WC Docket No. 15-247
	)	
Special Access for Price Cap Local Exchange Carriers	)	WC Docket No. 05-25
	)	
AT&T Corporation Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services	)	RM-10593

**COMMENTS OF COMPETITIVE CARRIERS ASSOCIATION**

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June 28, 2016

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**COMMENTS OF COMPETITIVE CARRIERS ASSOCIATION**

Competitive Carriers Association (“CCA”) hereby comments on the Federal Communications Commission’s (“FCC” or “Commission”) Tariff Investigation Order and Further Notice of Proposed Rulemaking (“FNPRM”) released on May 2, 2016, in the above-captioned proceedings.<sup>1</sup> The FNPRM seeks comment on a technology-neutral framework for classifying the markets for business data services (“BDS”) as competitive or non-competitive and establishing rules to safeguard consumers in non-competitive markets. CCA urges the Commission’s expeditious action in this proceeding to inject much-needed and long-overdue regulatory relief into the BDS marketplace.

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<sup>1</sup> *Business Data Services in an Internet Protocol Environment, et al.*, Tariff Investigation Order and Further Notice of Proposed Rulemaking, WC Docket Nos. 16-143, 15-247, 05-25, RM10-593, FCC 16-54 (rel. May 2, 2016) (“FNPRM”).

## I. INTRODUCTION AND OVERVIEW

CCA supports the Commission’s plan to craft a new framework for the BDS marketplace.<sup>2</sup> With minor modifications, the FCC’s proposed framework will facilitate the delivery of competitive wireless services to American consumers today and as technology evolves. As the Commission has aptly recognized, reform of the BDS regulatory regime is “over a decade overdue.”<sup>3</sup> CCA urges the Commission to complete this rulemaking promptly to insert competition in the BDS market.

CCA is the nation’s leading association for competitive wireless providers and stakeholders across the United States. CCA’s membership includes nearly 100 competitive wireless providers ranging from small, rural carriers serving fewer than 5,000 customers to regional and national providers serving millions of customers. CCA also represents approximately 200 associate members consisting of small businesses, vendors, and suppliers that serve carriers of all sizes. Securing BDS at competitive prices under reasonable terms and conditions is integral to competitive carriers’ next generation of success, who also are reaching for faster speeds and greater capacity lines to prepare for 5G deployment.

BDS services are critical to wireless competition and the networks and technologies of the future.<sup>4</sup> In particular, the cost of backhaul, the form of BDS used by wireless carriers, will impact the ability of competitive wireless carriers to migrate to 5G services and offer competitive services to consumers. Chairman Wheeler has astutely observed that the deployment of 5G is critical to the United States’ continued leadership in wireless. In his words, “lack of competition

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<sup>2</sup> FNPRM ¶ 4.

<sup>3</sup> *See, e.g., id.* ¶ 345.

<sup>4</sup> *Id.* ¶ 5.

[in the BDS market] doesn't just hurt the deployment of wireless networks today, it threatens as well to delay the buildout of 5G networks with its demand for many, many more backhaul connections to many, many more antennae.”<sup>5</sup>

Access to high-capacity BDS at competitive rates is critical to new technological developments on the horizon, including 5G. High-capacity BDS—especially above 50 Mbps—will take on even greater importance as consumer usage increases and network demands skyrocket. At the same time, DS1s and DS3s (and their Ethernet equivalents) remain important inputs into competitive carriers' networks because in many locations, the needed higher-capacity services are either priced too high or not available for purchase.

As the Commission has recognized and as the record evidence makes clear, competition for lower-capacity BDS is practically non-existent. Accordingly, because these services are overwhelmingly in areas where there is insufficient competition to constrain behavior and there is little prospect of new entrants for these services, the Commission should adopt a rebuttable presumption that BDS at or below 50 Mbps are not competitive and therefore subject to *ex ante* price regulations.

While competition for above 50 Mbps services may be more variable, there is significant evidence that competition for these services is also lacking in the vast majority of the country. Instead, the FCC cannot simply assume that all higher-capacity BDS services are competitive. To account for the variability and lack of competitive conditions for these services, the Commission should apply a simple, easy-to-administer competitive market test to services above

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<sup>5</sup> Tom Wheeler, Chairman, FCC, Remarks at the National Press Club, *The Future of Wireless: A Vision for U.S. Leadership in a 5G World* (June 20, 2016) [http://transition.fcc.gov/Daily\\_Releases/Daily\\_Business/2016/db0620/DOC-339920A1.pdf](http://transition.fcc.gov/Daily_Releases/Daily_Business/2016/db0620/DOC-339920A1.pdf) (“*The Future of Wireless*”).

50 Mbps. Where markets fail the test (*i.e.*, are not competitive), the Commission should impose *ex ante* price regulations. One key component of the test is the geographic area in which to measure competition. The Commission should use the census block to measure competition rather than a building or cell site. A test based on census block would be easy to administer and recognizes the potential competition arguments raised by BDS providers in this proceeding. While a census block approach would not address every individual building or cell site where competition does not exist because in limited cases nearby competitors may discipline prices, a census block is small enough to provide the Commission with a more accurate picture of competitors actually influencing the price of BDS, while accounting for significant limitations in building new fiber facilities faced by non-incumbent local exchange carrier (“ILEC”) providers as a result of cost, access to infrastructure, and oppressive long-term service contracts with ILEC providers that shrink the pool of potential new customers.

The framework that CCA proposes, a rebuttable presumption that services at or below 50 Mbps are not competitive and a test that measures competition in the census block for services above 50 Mbps, will help ensure that, at the end of the long road of this BDS proceeding, the FCC does not leave behind one of its fundamental goals of reform: enabling wireless growth and competition. At the same time, the Commission’s actions here should not discourage new entrants in the BDS marketplace. CCA urges the Commission to remain mindful of this concern as it develops the *ex ante* price regulations that will apply in non-competitive census blocks.

## **II. WIRELESS BACKHAUL IS CRITICAL TO WIRELESS COMPETITION AND INNOVATION**

Every cell tower relies on some form of wireline connection to transmit data and voice

across the network.<sup>6</sup> Most often, wireless backhaul is the connection used to link cell towers to the Internet backbone and to link networks between two providers.<sup>7</sup> Without backhaul, wireless carriers cannot handle the increasing capacity needed for mobile broadband and next generation services.<sup>8</sup> Backhaul needs will multiply with 5G deployment. Deployments of antennas on millimeter wave frequencies and the proliferation of mobile devices and technology like the Internet of Things (“IoT”) will require carriers to purchase more backhaul to reach more cell sites to connect and transmit information over mobile networks.<sup>9</sup> Sprint has explained that “[t]he mobile broadband network of the future will require large network ‘densification’ investments to address exploding consumer demand.”<sup>10</sup> This densification “will require Sprint to deploy tens of thousands of new cell sites. Every one of these sites will require additional backhaul—and Sprint and other competitors will depend on both TDM and Ethernet special access more than ever to be able to compete.”<sup>11</sup> These modern networks will need high capacities and guaranteed service levels that only BDS can provide.<sup>12</sup>

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<sup>6</sup> Reply Comments of Competitive Carriers Association at 2, WC Docket No. 05-25, RM-10593 (filed Feb. 19, 2016) (“CCA Reply Comments”).

<sup>7</sup> *Id.*

<sup>8</sup> FNPRM ¶ 5. The FCC recognized in the FNPRM that backhaul, a form of BDS, “is critical to the ability of wireless carrier to expand and operate their networks today and will be even more critical as the advent of 5G wireless drives the creation of the dense thicket of cell sites that will be needed to deliver high bandwidth wireless services.” *Id.*

<sup>9</sup> Letter from Rebecca Thompson, Vice President and General Counsel, Competitive Carriers Association, to Marlene H. Dortch, Secretary, FCC, at 2, WC Docket Nos. 05-25, 16-143 (filed May 20, 2016).

<sup>10</sup> Letter from Paul Margie et al., Counsel, Sprint Corporation, to Marlene H. Dortch, Secretary, FCC, at 1, WC Docket No. 05-25 (filed Sept. 23, 2015).

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

As it stands, backhaul costs represent a significant portion of a wireless carrier's costs and impact competitive carriers' ability to provide competitive wireless service. The Commission's Eighteenth Wireless Competition Report recognized the importance of wireless backhaul: "[b]ackhaul connections are an integral component of a wireless service provider's network" and estimated that "the cost of backhaul is approximately 30 percent of the operating cost of providing wireless service."<sup>13</sup> Competitive backhaul pricing also is critical both to enable the network densification projects that will power 5G and for low-capacity services, like DS1s, DS3s, and their packet-based equivalents, that many wireless carriers must currently rely on. Indeed, Chairman Wheeler has remarked that lack of competition currently in these low-capacity services could "be used to hold 5G hostage."<sup>14</sup>

The need for backhaul, coupled with its high costs, create a significant barrier to wireless innovation and entry into next generation technology. More often than not, competitive carriers must purchase backhaul from incumbent LECs as a result of incumbent LECs' overwhelming dominance in the marketplace. Indeed, in the vast majority of the country, prices for BDS are unconstrained by competition, meaning the competitive carriers cannot turn to an alternative supplier for backhaul needs. As the data collection showed, the incumbent LEC is the only provider for BDS in 73 percent of locations, including for backhaul purposes.<sup>15</sup> Further, competitive carriers must often purchase BDS at high prices and under onerous terms and

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<sup>13</sup> *Implementation of Section 6002(b) of the Omnibus Budget Reconciliation Act of 1993 - Annual Report and Analysis of Competitive Market Conditions With Respect to Mobile Wireless, Including Commercial Mobile Services*, Eighteenth Report, 30 FCC Rcd. 14515, ¶ 69 (2015) ("Eighteenth Report").

<sup>14</sup> *See The Future of Wireless*.

<sup>15</sup> Comments of Sprint Corporation at 2, WC Docket No. 05-25, RM-10593 (filed Jan. 27, 2016) ("Sprint Comments").

conditions; gallingly, these competitive carriers must purchase backhaul from the ILEC affiliates of their largest wireless competitors, AT&T and Verizon.<sup>16</sup> In contrast, the ILECs can sell backhaul to their wireless affiliates at reduced rates and on much more advantageous terms.<sup>17</sup> This puts competitive carriers on uneven footing with their main competitors and artificially stunts competition in the wireless market. As a consequence, carriers must either pass on higher prices to consumers, or direct resources from innovative initiatives which could cause a delay in buildout for next generation networks if competition in the BDS market remains stagnant.

Since 5G depends on the deployment of a large number of cell sites, lack of competition and high prices means competitive carriers will not be able to migrate to 5G services at the same time as the wireless affiliates of ILECs. Competitive carriers would thus lose “first mover” advantages into the 5G market, putting them at an entrenched disadvantage going forward.

### **III. THE NEW BDS FRAMEWORK MUST ENSURE THAT ALL BDS IS AVAILABLE AT COMPETITIVE RATES, INCLUDING HIGH-CAPACITY ETHERNET SERVICES.**

The record is clear that low-capacity BDS services are almost exclusively not subject to any competitive restraints.<sup>18</sup> For this reason, and to foster administrative simplicity, the Commission should adopt a rebuttable presumption that BDS at or below 50 Mbps are not competitive and therefore subject to *ex ante* price regulations. Based on evidence in the record and competitive carriers’ experience in the market for high-capacity BDS services, these services, particularly above 50 Mbps BDS, also are not competitive in many places.<sup>19</sup> High-capacity services will become increasingly important with the transition to 5G, and if the

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<sup>16</sup> CCA Reply Comments at 2.

<sup>17</sup> *Id.*

<sup>18</sup> *See* FNPRM ¶¶ 237, 244, 271.

<sup>19</sup> *Id.*

Commission fails to impose pricing regulation where there is no competition for these services, the ILECs' market power will continue to inhibit competitive carriers' access to necessary backhaul. As described above, this, in turn, will harm wireless competition and innovation. Accordingly, CCA urges the Commission not to overlook one of the most important parts of the business data services market and to apply a competitive market test that determines the geographic areas in which pricing regulations are needed.

**A. The Commission Should Adopt a Rebuttable Presumption that Low-Capacity Services are Not Competitive**

Despite recent technology advances, low-capacity business data services remain necessary for competitive carriers to provide wireless service. Many competitive carriers continue to rely on traditional time-division multiplexed ("TDM") technology, chiefly DS1s and DS3s, for wireless backhaul.<sup>20</sup> In many cases, competitive carriers rely on these legacy TDM services for backhaul because more efficient higher capacity Ethernet options are not available.<sup>21</sup> As a result, in lieu of buying needed high-capacity BDS, carriers must purchase more lower-capacity circuits to meet their demands, which adds additional costs and reduces efficiencies.<sup>22</sup> In other cases, the cost of the Ethernet services is simply too high.<sup>23</sup> Here again, competitive carriers turn to lower-capacity services, which creates inefficiencies. In either scenario,

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<sup>20</sup> See CCA Reply Comments at 4.

<sup>21</sup> *Id.* at 4 (citing Reply Comments of T-Mobile, Inc. at 2, WC Docket No. 05-25, RM-10593 (filed Feb. 24, 2010)); Sprint Comments at 55, 70 & nn.2-5.

<sup>22</sup> Sprint Comments at 55. Sprint began an initiative to seek re-bids for its backhaul arrangements. Though Sprint sought Ethernet bids, it did not receive a single Ethernet bid in several markets. *Id.*

<sup>23</sup> See Letter from Paul Margie, Counsel, Sprint Corporation, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 05-25, RM-10593 (filed June 3, 2016) (discussing Sprint's Ethernet Pricing Model, which established that pricing distortions are much greater in magnitude for higher bandwidth BDS) ("Sprint June 3, 2016 Letter").

competitive carriers are forced to pay supracompetitive prices for these DS1s and DS3s in a vast majority of locations across the country.<sup>24</sup>

The evidence in the record makes clear that there is only a miniscule amount of competition in any low-capacity BDS market.<sup>25</sup> In addition, any measure of potential competition is largely irrelevant because carriers are not building out low-capacity services.<sup>26</sup> Accordingly, the Commission can adopt a presumption of market power for these services. This market power presumption could be rebutted through a simple challenge process made on a case-by-case, and location-by-location basis. Given the widespread lack of competition in these capacities, such a presumption also satisfies the Commission's desire for an administratively feasible approach,<sup>27</sup> and provides parties a simple process to demonstrate where competition is sufficient to discipline prices.

### **B. High-Capacity BDS is Not Competitive in Many Locations**

The Commission should not assume that competition exists for higher-capacity BDS markets,<sup>28</sup> and, instead, it should apply a competitive market test to all services over 50 Mbps to determine whether the market for such services is competitive. Further, the Commission should

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<sup>24</sup> See *supra* n.14.

<sup>25</sup> See FNPRM ¶ 271 (“the data and our analysis suggests that competition is lacking in BDS at or below 50 Mbps in many circumstances.”); see also Letter from Jennifer Bagg, Counsel, Sprint Corporation, to Marlene H. Dortch, Secretary, FCC, Attachment at 8 (filed Apr. 18, 2016) (ILECs control 85% of revenues for BDS products offering 50 Mbps or lower).

<sup>26</sup> See Comments of XO Communications at 54, WC Docket No 05-25, RM-10593 (filed Jan. 27, 2016) (“With regard to TDM . . . no material additional competitive-provider facilities can be expected to be constructed going forward.”).

<sup>27</sup> FNPRM ¶ 271 (“We seek comment on how to create a test that is simple to administer and . . . ask about . . . administrative feasibility of any particular approach.”).

<sup>28</sup> See FNPRM ¶¶ 237, 244, 271.

use census blocks as the geographic area to measure competition rather than more granular areas.<sup>29</sup> This will ensure that competitive carriers have the ability to purchase BDS at economically rational prices nationwide.

As the Commission recognizes, the exploding “demand for mobile data services” places pressure on the need for “higher-capacity backhaul connections to cell sites.”<sup>30</sup> To ensure the Commission’s BDS framework is “constructed to meet today’s marketplace—and tomorrow’s,”<sup>31</sup> the Commission must ensure that its BDS framework provides “reasonable access to high-capacity [BDS].”<sup>32</sup>

Higher-capacity backhaul—especially above 50 Mbps—is increasingly necessary to meet the growing demand on wireless networks.<sup>33</sup> As wireless consumers access more video and data via mobile devices, carriers “will need to dramatically increase their current capacity to accommodate this demand.”<sup>34</sup> In addition, the expansion of IoT also requires dedicated services

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<sup>29</sup> See FNPRM ¶ 289.

<sup>30</sup> FNPRM ¶ 78.

<sup>31</sup> FNPRM at 278, Statement of Chairman Tom Wheeler.

<sup>32</sup> *Id.* (referencing Letter from Steven Berry, President and CEO, Competitive Carriers Assoc.; Chip Pickering, CEO, INCOMPAS; Vonya McCann, Senior Vice President - Gov’t. Affairs, Sprint Corporation; Kathleen O’Brian Ham, Senior Vice President - Gov’t. Affairs, T-Mobile; and Grant Spellmeyer, Vice President - Fed. Affairs and Pub. Policy, U.S. Cellular, to Marlene H. Dortch, Secretary, FCC, at 1, WC Docket No. 05-25, RM-10593 (filed Apr. 21, 2016) (“Wireless Coalition Apr. 21, 2016 Letter”).

<sup>33</sup> FNPRM ¶ 78 (citing Wireless Coalition Apr. 21, 2016 Letter (“To meet these demands, competitive carriers are developing and plan to deploy next generation mobile networks that will provide high capacity, high speed, and low latency services to data-hungry consumers. . . . These densified networks will require thousands of new cell sites . . . and an increase in dedicated wireline access . . . .”).

<sup>34</sup> Comments of INCOMPAS at 6, WC Docket 05-25, RM-10593 (filed Jan. 27, 2016).

with high capacities.<sup>35</sup> Successful 5G deployment will require “an increase in dedicated wireline access, including access to large bandwidth Ethernet services of 100 Mbps or more.”<sup>36</sup>

The lack of competition above 50 Mbps may be less uniform as compared to lower-capacity BDS, but there are still many places where even for higher-capacity services, there is insufficient competition to discipline the market. This is evident from the prices for high-capacity BDS, which do not reflect the presence of competitive pressure. CCA’s members have experienced firsthand a lack of reasonably priced high-capacity BDS. For instance, Sprint recently developed an Ethernet Pricing Model that establishes that ILECs charge rates for fiber-based BDS far exceeding prices necessary to earn a substantial return on the carrier’s investment; these are much greater for higher bandwidth BDS.<sup>37</sup> The record contains calls for an overarching, data-driven competition test would prevent unjust and unreasonable rates in all markets.<sup>38</sup> As NTCH states, a broad competition test “promises to intervene in non-competitive markets so as to prevent clear abuses which have become the norm rather than the exception in this industry.”<sup>39</sup> A data-driven approach with respect to above 50 Mbps services will ensure the Commission can quickly and effectively address occasions where “a company is in a position to dominate a given market,” which predicates supracompetitive rates.<sup>40</sup>

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<sup>35</sup> *Id.*

<sup>36</sup> Wireless Coalition Apr. 21, 2016 Letter at 1.

<sup>37</sup> Sprint June 3, 2016 Letter.

<sup>38</sup> *See* Comments of NTCH, Inc., WC Docket No. 16-143, *et al.*, (filed June 27, 2016).

<sup>39</sup> *Id.* at 1.

<sup>40</sup> *See id.* at 7.

The Commission should use a census block as the geographic areas to measure competition rather than more granular areas.<sup>41</sup> And *ex ante* price regulations should be imposed in census blocks deemed non-competitive under this analysis. CCA agrees with the Commission’s suggestion that a market test based on the number of competitors within a geographic area is an effective way to perform the analysis.<sup>42</sup> In some sense, CCA understands why the commenters suggest competition should be measured by building or cell site.<sup>43</sup> BDS customer facilities often are fixed to their particular location and cannot simply move locations or facilities just to secure a reasonably priced dedicated connection; enterprise customers, for example, would find it “prohibitively expensive” to move office locations, even if the relevant BDS service was significantly cheaper elsewhere.<sup>44</sup> Moreover, there are significant barriers to entry for competitive BDS providers to build out last-mile facilities, even in areas with high BDS demand.<sup>45</sup> Despite these barriers, some have argued that nearby providers could discipline prices. Although this may be true in select instances, CCA does not agree that nearby providers should be assumed potential competitors as a matter of Commission policy; smaller competitors

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<sup>42</sup> FNPRM ¶ 209.

<sup>43</sup> See, e.g., Sprint Comments at 17-20; Comments of Birch, BT Americas, EarthLink, and Level 3 at 19, WC Docket No. 05-25 (dated Jan. 22, 2016; filed Jan. 27, 2016) (“Joint CLEC Comments”); Comments of XO Communications on the Further Notice of Proposed Rulemaking at ii, WC Docket No. 05-25 (filed Jan. 27, 2016) (“The Commission should find the relevant geographic market for purposes of analyzing the Dedicated Services market is the individual commercial building.”).

<sup>44</sup> *Wavecom Solutions Corp., Transferor, and Hawaiian Telcom, Inc., Transferee, Applications for Consent to Transfer Control*, Memorandum Opinion and Order and Declaratory Ruling, 27 FCC Rcd. 16081, ¶ 12 (2012).

<sup>45</sup> *Applications Filed by Qwest Communications International Inc. and CenturyTel, Inc. d/b/a/ CenturyLink for Consent to Transfer Control*, Memorandum Opinion and Order, 26 FCC Rcd. 4194, ¶ 16 (2011).

often lack the resources to expand their networks or deploy last-mile facilities, and these larger non-ILEC competitors may not be able to justify such an expansion from a business perspective, especially where ILECs have tied up potential customers through oppressive service contracts. CCA instead urges the Commission to examine geographic markets by census block, which would be easier to administer than a per-building test. Under a census block-based test, if a provider offers service to one customer in one location, then they would be considered a provider for every customer at every location in the census block. Using larger market sizes would artificially inflate the number of “competitors” to the point that the test would no longer be useful for disciplining prices.<sup>46</sup> The census block approach proposed by CCA appropriately balances potential competition with the buildout barriers to entry that are likely to prevent a provider from building out any significant distance.

After the Commission performs the test to determine whether a census block is competitive or not competitive, the Commission should impose *ex ante* price regulations on the non-competitive areas. In applying these regulations, the Commission should be mindful not to deter new entrants from providing services. Competitive carriers welcome competition, especially in the markets for higher-capacity services, and, therefore, urge reform that will encourage new entry. These new entrants will likely play a crucial role in providing the backhaul needed for delivering 5G.

#### **IV. CONCLUSION**

The importance of competitively-priced BDS to the success of wireless competition and

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<sup>46</sup> See, e.g., Comments of the United States Telecom Association in Support of CenturyLink, *et al.*'s Motion to Strike, WC Docket No. 16-143, *et al.*, (filed June 23, 2016) (implying the Commission should consider any location “served by connections to a node over which dedicated services *can be* or are being offered using fiber and/or hybrid fiber (HFC) facilities” to be a competitive constraint for ILEC-provided BDS) (emphasis supplied).

innovation is clear. Neither low-capacity BDS nor high-capacity BDS is available at competitive, reasonable prices in the vast majority of the country. Accordingly, the Commission must ensure that any relief it provides in this proceeding will address both low- and high-capacity backhaul prices. If it chooses to leave the high-capacity BDS out of its framework, then the extensive work the Commission has achieved in this proceeding will fall short of meeting the Commission's 5G goals.

Respectfully submitted,

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