



August 17, 2020

Via Electronic Submission

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW, Room TW-A325
Washington, DC 20554

Re: Establishing the Digital Opportunity Data Collection, WC Docket No. 19-195;
Modernizing the FCC Form 477 Data Program, WC Docket No. 11-10

Dear Ms. Dortch:

On August 13, 2020, Chris Wieczorek, Indra Chalk, and the undersigned of T-Mobile USA, Inc. (“T-Mobile”)¹ and Rebekah Goodheart of Jenner & Block LLP met via conference call with Garnet Hanly, Erin Boone, William Holloway, Monica DeLong, Kenneth Baker, Jennifer Salhus, and Stacy Ferraro from the Wireless Telecommunications Bureau; Steven Rosenberg, Alex Espinoza, Matthew J. Collins, Patrick DeGraba, and Catherine Matraves from the Office of Economics and Analytics; and Kirk Burgee from the Wireline Competition Bureau to discuss the Federal Communications Commission’s (“Commission”) *Second Order and Third Further Notice of Proposed Rulemaking* in the above captioned proceedings.²

During this meeting, T-Mobile applauded the Commission’s swift action implementing the many aspects of the Broadband DATA Act.³ Updated coverage maps will be critical to many of the Commission’s public policy efforts including closing the digital divide. T-Mobile supports most aspects of the *Order* but raised two concerns: (1) the lack of confidential treatment of link budget information for mobile wireless providers⁴ while presuming that link budgets should be confidential for fixed wireless providers;⁵ and (2) requiring coverage maps for in-vehicle mobile

¹ T-Mobile USA, Inc. is a wholly-owned subsidiary of T-Mobile US, Inc., a publicly traded company. T-Mobile and Sprint are now one company operating under the name “T-Mobile.” The merger closed on April 1, 2020.

² *In re Establishing the Digital Opportunity Data Collection*, Second Report and Order and Third Further Notice of Proposed Rulemaking, WC Docket No. 19-195, FCC 20-94 (rel. July 17, 2020) (“*Order*” or “*FNPRM*”).

³ 47 U.S.C. § 641 *et seq.*

⁴ *Order* ¶ 49.

⁵ *Id.* ¶ 31.



601 Pennsylvania Avenue, NW
North Building, Suite 800
Washington, D.C. 20004
www.t-mobile.com

usage in addition to the statutory maps, doubling the number of coverage maps.⁶ First, link budgets are highly proprietary and commercially sensitive.⁷ The Commission's *Order* lacks any justification for arbitrarily treating mobile link budgets differently than fixed wireless link budgets. And as a policy matter, both types of link budgets should be presumed confidential. Second, requiring stationary and in-vehicle mobile usage⁸ will result in providers submitting 9 or 10 maps and is of questionable utility. It is also unclear how the Commission will present the variety of coverage maps to consumers in an easily digestible way, which could lead to consumer confusion.

T-Mobile also discussed its preliminary views on the variety of issues in the *FNPRM*. First the Commission should not set a minimum value for signal strength (*e.g.*, for RSRP or RSSI).⁹ We explained that signal strength is not a reliable proxy for coverage or service quality. As the *FNPRM* acknowledges, performance and coverage for a given signal strength can vary based on factors that have nothing to do with coverage, including something as simple as the type of handset or mobile device a consumer is using or the technology on which it operates.¹⁰ For similar reasons, T-Mobile encouraged the Commission not to require additional coverage maps given the large number of maps already required under the Commission's *Order*. In particular, the Commission should not require providers to submit additional maps based on different speed, cell edge probability, or cell loading values.¹¹ Doing so would only impose more burdens on providers and lead to further customer confusion without providing a commensurate benefit.

Second, the Broadband DATA Act requires that the Commission adopt several verification processes, including Commission audits, crowdsourcing, collection of verified data from third parties and governmental entities, and a challenge process.¹² Given the required disclosures of propagation models and link budgets,¹³ as well as these verification tools, it is unnecessary to adopt additional verification measures beyond those required by the Broadband DATA Act.

Most importantly, the Commission should not require providers to conduct regular on-the-ground testing.¹⁴ The Commission has considered and rejected similar requirements several times in the past, for the simple reason that on-the-ground testing at scale is "highly complex, time

⁶ *Id.* ¶ 48.

⁷ See Letter from Matthew Gerst, Vice President, Regulatory Affairs, CTIA, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 19-195, at 2-3 (July 6, 2020).

⁸ *Id.* ¶ 48.

⁹ *Id.* ¶ 97.

¹⁰ *Id.*

¹¹ *Id.* ¶ 99.

¹² 47 U.S.C. § 642(a)(1)(B), (a)(2), (b)(5); *id.* at § 644(b).

¹³ See *Order* ¶ 48 (requiring disclosure of (1) the name of the radio network planning tool used, (2) the version number used to produce the map, (3) the name of the developer of the planning tool, (4) an affirmation that the coverage model has been validated and calibrated at least one time using real-time measurements, (5) the propagation model or models used, and (6) the granularity of the model used.).

¹⁴ *Id.* ¶ 106.

consuming, and expensive.”¹⁵ Drive tests and similar procedures are extremely expensive and burdensome to conduct, especially at the scale needed for a statistically significant sample of a nationwide network. A blanket requirement to perform regular on-the-ground testing will force providers to spend millions of dollars each year on tests, resources that would be better spent investing in our network and deployment in rural America. And the utility of on-the-ground testing is particularly limited here, in light of all of the other verification tools mandated by the Broadband DATA Act highlighted above. At a minimum, rather than impose this significant burden at this time, the Commission should allow the other verification tools, including carrier responses to verification information, to develop and then assess if additional verification measures are necessary.

Similarly, the Commission should not collect highly sensitive infrastructure information. Information about a mobile provider’s cell sites, for example, is highly sensitive, and disclosing this information could easily compromise the security of these sites. To the extent an issue with coverage maps is discovered in the challenge process or other verification tools, such as a Commission audit, the Commission has the authority to request targeted infrastructure information such as cell site location as necessary.

Finally, T-Mobile expressed its support for the Commission’s efforts to implement a challenge process that is manageable for challengers as well as providers. Although T-Mobile is still considering the contours of a proposed challenge process, the Commission should ensure that challenges match the parameters of the maps to allow for apples-to-apples comparisons and avoid the pitfalls of previous such efforts.¹⁶ For example, a challenge of an outdoor stationary map must be conducted with outdoor statutory tests. Likewise, the Commission should adopt a standard set of information necessary, subject to a certification, for a third-party or government challenge to be verified. To manage the process, the Commission should establish an annual window during which third-party and governmental entities can submit challenges to coverage data. For consumer challenges, the Commission should require challengers to submit sufficient information with a number of tests under a certification. In addition, given the potential volume, the Commission should consider requiring some threshold level of materiality before requiring providers to submit updated coverage map(s).

T-Mobile looks forward to submitting comments in response to the *FNPRM* and working with the Commission to implement the remaining portions of the Broadband DATA Act.

¹⁵ *In re Modernizing the FCC Form 477 Data Program, Report and Order*, 28 FCC Rcd 9887, 9907 ¶ 39 (2013); *In re Development of Nationwide Broadband Data To Evaluate Reasonable and Timely Deployment of Advanced Services To All Americans, Improvement of Wireless Broadband Subscriber Data, and Development of Data On Interconnected Voice Over Internet Protocol (VOIP) Subscriber Data*, Report and Order and Further Notice of Proposed Rulemaking, 23 FCC Rcd 9691, 9702-03 ¶ 22 (2008).

¹⁶ T-Mobile previously detailed the significant problems associated with challenges that fail to follow commonly accepted coverage testing procedures. These errors were particularly pervasive in the Mobility Fund Phase II Staff Report, rendering the results unreliable. See Letter from Cathleen A. Massey, Vice President, Federal Regulatory Affairs, T-Mobile, to Marlene H. Dortch, Secretary, FCC, GN Docket No. 19-367 (Feb. 17, 2020).

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Sincerely,

/s/ Steve B. Sharkey

Steve B. Sharkey

Vice President, Government Affairs,

Engineering and Technology Policy

steve.sharkey@t-mobile.com

(202) 654-5918

cc: Garnet Hanly
Erin Boone
William Holloway
Monica DeLong
Kenneth Baker
Jennifer Salhus
Stacy Ferraro
Steven Rosenberg
Alex Espinoza
Matthew J. Collins
Patrick DeGraba
Catherine Matraves
Kirk Burgee