

**Before the  
Federal Communications Commission  
Washington, DC 20554**

In the Matter of	)	
	)	
Inquiry Concerning the Deployment of Advanced	)	GN Docket No. 17-199
Telecommunications Capability to All Americans	)	
In a Reasonable and Timely Fashion	)	

To: The Commission

**COMMENTS OF  
THE WIRELESS INTERNET SERVICE PROVIDERS ASSOCIATION**

*Chuck Hogg, President  
Mark Radabaugh, FCC Committee Chair  
Fred Goldstein, Technical Consultant*

Stephen E. Coran  
Lerman Senter PLLC  
2001 L Street, NW, Suite 400  
Washington, DC 20036  
(202) 416-6744  
*Counsel to the Wireless Internet Service Providers Association*

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## SUMMARY

WISPA, which represents the interests of wireless Internet service providers that provide IP-based fixed wireless broadband services, believes that there continues to be a significant shortfall in achieving universal access to advanced telecommunications. This circumstance dictates that the Commission should continue to take affirmative steps toward correcting this imbalance by promoting accelerated deployment of high quality broadband services.

To this end, the Commission should evaluate the availability of fixed and mobile broadband services separately, as it has in the past. Access to advanced telecommunications capability clearly requires the presence of *both* fixed *and* mobile services. It would be a serious mistake for the Commission to conclude that the presence of one or the other in any given area demonstrates sufficient access to advanced telecommunications to meet Section 706's deployment goals. As the Commission acknowledges, the two types of service "have different technical characteristics and limitations," which include substantial differences in service performance and pricing; accordingly, they are not direct substitutes for one another.

Moreover, fixed connections are the only means of achieving the quality of service necessary to provide access to powerful computing, research and transmission features at home, a capability that produces a host of secondary benefits, particularly to rural and other remote communities. Among other negative factors, a determination that there is no qualitative distinction between fixed and mobile broadband would curtail or eliminate the ability of fixed broadband providers to bring new, high-quality service to rural and other underserved areas through CAF subsidies. Consistent with these realities, the Commission should retain its existing benchmarks for fixed terrestrial broadband service, as follows:

- Speed: The Commission should adopt its proposal to maintain the current speed benchmark of 25 Mbps/3 Mbps for fixed broadband. This sort of connection enables a

person to do the things that most Americans with home internet like to do. Adopting a standard that favors download speeds that exceed those needed by the majority of American, i.e., an “aspirational threshold” that is not rooted in the real-world service to consumers, would undermine the Commission’s legal obligation to promote widespread access to and general adoption of broadband services.

- Latency and Consistency of Service: The existing 100 ms latency metric established as a criterion for CAF support eligibility may establish an appropriate benchmark to ensure that consumers will have access to high quality broadband services. While a consistency standard may be appropriate in the context of evaluating the accuracy of a provider’s claim that it offers “advanced telecommunications capability,” WISPA believes that including such a metric in the Section 706 analysis would be of little use and would be very difficult to assess in a meaningful and consistent way.
- Other Benchmarks: The Commission may want to consider other factors, such as pricing and data allowances, in determining whether advanced telecommunications capability is being achieved under Section 706, but it would be ill-advised for the Commission to accept any particular technology designation, such as the undefined “LTE” or “5G” terminology, as a surrogate for “advanced” capability. The importance of the benchmark is not achieving a specific, and ever increasing speed (or reduced latency), but ensuring that an ever increasing percentage of the population receives service that is optimized to meet their actual needs.

WISPA urges the Commission to continue using census blocks to measure changes in broadband deployment. These geographic areas provide a consistent metric across time and are both large enough to avoid involving the Commission in a quagmire of superfluous data and small enough to prevent service disparities within a single block from obscuring failures to serve discrete communities.

The Commission should continue to promote fixed broadband deployment by making additional spectrum available and by reducing regulatory burdens across the board. The Commission should take positive steps to facilitate rural and underserved-area broadband deployment by expediting the CAF Phase II auction, providing finality for the development of the Citizens Broadband Radio Service under rules it initially adopted in 2015, and expeditiously initiating a rulemaking proceeding for the 3700-4200 MHz band.

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**COMMENTS OF  
THE WIRELESS INTERNET SERVICE PROVIDERS ASSOCIATION**

The Wireless Internet Service Providers Association (“WISPA”), pursuant to Sections 1.415 and 1.419 of the Commission’s Rules, hereby comments on certain aspects of the Notice of Inquiry (“*NOI*”) released August 8, 2017 in the above-captioned proceeding.<sup>1</sup>

**Introduction**

WISPA represents the interests of wireless Internet service providers (“WISPs”) that provide IP-based fixed wireless broadband services to consumers, businesses and anchor institutions across the country. WISPA’s members include more than 800 WISPs, as well as equipment manufacturers, distributors and other entities committed to providing affordable and competitive fixed broadband services. WISPs use unlicensed, lightly-licensed and licensed spectrum at low and mid-band frequencies to deliver last-mile broadband and voice services to more than three million people, many of whom reside in rural, unserved, and underserved areas. Many WISPs also rely on fiber deployments to establish hybrid wireless/fiber broadband networks. In many areas, WISPs provide the only terrestrial source of fixed broadband access.

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<sup>1</sup> See *Inquiry Concerning the Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion*, Thirteenth Section 706 Report Notice of Inquiry, GN Docket No. 17-199, FCC 17-109 (rel. Aug. 8, 2017) (“*NOI*”).

In areas where other broadband options are available, WISPs provide a local-access alternative that benefits customers by fostering competition, lowering costs and improving features. The vast majority of WISPs are small businesses, however defined, and many have only a handful of employees.

WISPA has been a regular participant in prior proceedings concerning the deployment of advanced telecommunications service under Section 706 of the Telecommunications Act. WISPA's particular interest is promoting opportunities for small fixed wireless broadband providers, and thereby accelerating the deployment of advanced telecommunications to rural and other underserved areas. Such acceleration in deployment can best be achieved by easing onerous regulations, allocating additional spectrum resources, and ensuring a level playing field for all marketplace participants.

## **Discussion**

### **I. THE COMMISSION SHOULD EVALUATE THE AVAILABILITY OF FIXED AND MOBILE BROADBAND SERVICES SEPARATELY.**

In the *NOI*, the Commission seeks comment on whether it “should evaluate the deployment of fixed and mobile broadband as separate and distinct ways to achieve advanced telecommunications capability.”<sup>2</sup> Yet it also raises the possibility that it might focus its inquiry on “whether *some form* of advanced telecommunications capability, be it fixed *or* mobile, is being deployed to all Americans in a reasonable and timely fashion.”<sup>3</sup> Alternatively, it asks whether the proper evaluation is “based on the presence of both fixed *and* mobile services.”<sup>4</sup>

Based on current technology, access to advanced telecommunications capability clearly requires the presence of *both* fixed *and* mobile services. It would be a serious mistake for the

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<sup>2</sup> *NOI* at 5 (¶ 9).

<sup>3</sup> *Id.* (emphasis in original).

<sup>4</sup> *Id.* (¶ 10) (emphasis in original).

Commission to redirect the focus of its annual Section 706 inquiry to determining whether *either* fixed or mobile service is available, and concluding that the presence of one or the other in an area could permit it to conclude that consumers have sufficient access to advanced telecommunications capability to meet Section 706's deployment goals. As the Commission states, "mobile and fixed broadband have different technical characteristics and limitations."<sup>5</sup> For this reason, the two types of service are not direct substitutes for one another, as consumers use each one to meet significantly different needs. They are instead complementary services, each of which is essential to most users. This reality is exemplified by the Commission's *NOI* proposal to continue applying significantly different broadband speed benchmarks for fixed and mobile service.<sup>6</sup>

In general, in addition to voice telephony, users employ mobile connectivity for data applications, such as navigation and social media, as well as sharing pictures via text and email, among myriad other data-driven uses. Although there is an increasing amount of video traffic carried via mobile links, this use is most likely to be for viewing short clips posted online or for sharing full-motion clips via text or email. Use of handheld devices to view full-length video entertainment programming is significantly more limited and situational, often a second choice use when higher throughput fixed broadband is not available. As one commentator has succinctly observed with respect to this proceeding, "bandwidth-intensive activities (such as Netflix) are more convenient via a fixed connection."<sup>7</sup>

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<sup>5</sup> *Id.*

<sup>6</sup> *Id.* at 7 (¶¶ 18-19) ("We anticipate that any speed benchmark we set [for mobile broadband] would be lower than the 25 Mbps/3 Mbps benchmark adopted for fixed broadband services, given differing capabilities of mobile broadband" and seeking comment on "whether a mobile speed benchmark of 10 Mbps/1 Mbps is appropriate for mobile broadband services").

<sup>7</sup> Daniel Lyons, "Broadband deployment: How fast is fast enough? And does it matter how it's delivered?," AEIdeas, posted August 11, 2017, available at <https://www.aei.org/publication/broadband-deployment-how-fast-is-fast-enough-and-does-it-matter-how-its-delivered/>.

But it is more than an issue of convenience, as there is also a dramatic difference in cost associated with mobile versus fixed connections. Relatively recent data indicates that the average household with fixed broadband access uses approximately 190 GB of data each month,<sup>8</sup> a quantity of use that can only be expected to increase in the future due to expanding availability of and demand for high definition video.<sup>9</sup> The median cost for residential broadband was about \$80 per month during the second quarter of 2017, but with a broad range of price points from as low as \$15.<sup>10</sup> In contrast, a mobile user accessing that volume of data would either incur huge overage charges, if on a capped data plan,<sup>11</sup> or more likely, would choose to pay for an “unlimited” plan with a significantly higher upfront cost. But unlimited mobile plans, while controlling consumer costs by eliminating variable overage fees, are not really unlimited. For example, AT&T charges a higher rate of \$145 per month for its two-line Unlimited Plus plan, which does not throttle video streams down to standard definition as its basic Unlimited plan does, but still may reduce speeds once more than 22 GB of data is used in a particular month,<sup>12</sup> thereby delivering service that is at once more expensive and more restrictive than is available via a fixed broadband connection.

The throttling of video streams is another example of a differentiator between the fixed and mobile networks. A mobile network has more constrained capacity and charges more for it. A mobile device has a small display screen. Thus throttling or recoding video streams to use less

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<sup>8</sup> See Joan Engebretson, “iGR: Average Monthly Broadband Usage is 190 Gigabytes Monthly Per Household,” Telecompetitor, September 26, 2016, available at <http://www.telecompetitor.com/igr-average-monthly-broadband-usage-is-190-gigabytes-monthly-per-household/>.

<sup>9</sup> *Id.*

<sup>10</sup> See Carl Weinschenk, “Report: U.S. Median Broadband Price is \$80 Monthly,” Telecompetitor, August 8, 2017, available at <http://www.telecompetitor.com/report-u-s-median-broadband-price-is-80-monthly/>.

<sup>11</sup> Hypothetically, if a consumer who subscribed to Verizon Wireless’ largest current limited data plan (8 GB) actually used 190 GB of data, the \$70 per month cost would balloon to \$2,800, as each excess GB used incurs a \$15 overage fee. See Verizon Wireless Website - <https://www.verizonwireless.com/plans/verizon-plan/>.

<sup>12</sup> See AT&T Website - <https://www.att.com/plans/unlimited-data-plans.html>.



capacity may well be a pro-consumer feature of a mobile network, as full HD resolution may well be wasted on the typical handset use. But if the service is used to feed fixed devices, then tethering rules apply, and these may in turn have even lower usage caps. One or two full-HD movies, or a few hours of big-screen TV watching, can use up a monthly allowance, or the pay-as-you-go charge for mobile data (at typical by-the-gigabyte pricing) can exceed even the cost of renting the movie itself. As more and more video watching moves “over the top,” mobile networks become even less substitutable for fixed.

And it is not just users consuming entertainment content that benefit from the lower costs, higher speed and more consistent reliability of fixed connections. One of the great opportunity-expanding features of widespread broadband access is the ability of telecommuters and home-based entrepreneurs to access powerful computing, research and transmission features at home, wherever their home may be, a capability that produces a host of secondary benefits to families and remote communities.<sup>13</sup> Fixed connections are the only means of achieving the quality of service necessary to meet these important needs.<sup>14</sup> As a dozen U.S. Senators noted in an August 31, 2017 Letter to the Commission, treating fixed and mobile broadband access as equivalent services “would significantly and disproportionately disadvantage Americans in rural,

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<sup>13</sup> See, e.g., Clare Malone, “The Worst Internet in America,” [fivethirtyeight.com](https://fivethirtyeight.com/features/the-worst-internet-in-america/) (July 27, 2017), available at <https://fivethirtyeight.com/features/the-worst-internet-in-america/> (the article, which discusses the disparity in availability of broadband service in rural versus urban areas, notes that the internet is “central to modern life” ... as “taxes, job applications, payroll operations, banking, newspapers, shopping, college courses and video chats all are ubiquitous online”).

<sup>14</sup> Among other factors, a mobile service is necessarily subject to highly variable loading, which is a substantial differentiating factor versus fixed wireless. The capacity of a given cell is shared by all users who happen to be in its coverage area at a given time, a population that varies depending on factors such as daily and seasonal commuting patterns and roaming by transient users. Fixed wireless services, in contrast, have a constant maximum number of users on any given base station sector. The network operator can monitor loading and adjust capacity if necessary as additional subscribers are added. In addition, fixed networks commonly use exterior high gain directional antennas (not handsets), which results in less building penetration loss, higher order modulation, and less interference, all of which result in significantly higher spectral efficiency. The overall user experience is therefore more predictable and consistent on a fixed service.

tribal, and low income communities across the nation, whose livelihoods depend on a reliable and affordable broadband connection.”<sup>15</sup>

Moreover, it appears that many people who limit themselves to mobile-only broadband do so not as a matter of preference, *e.g.*, as a result of reaching a qualitative conclusion that mobile service is a true substitute for a fixed Internet connection, but for largely economic reasons. For example, available data shows that the incidence of mobile-only broadband is significantly higher for lower income households,<sup>16</sup> as well as in rural areas. These are the very consumers to whom the federal Universal Service mechanisms, including the Connect America Fund (“CAF”), are intended to secure advanced, high-speed telecommunications capability. A determination that there is no qualitative distinction between fixed and mobile broadband connectivity, however, would curtail or even eliminate the ability of fixed broadband providers to bring new, high-quality service to rural and other underserved areas through CAF subsidies. If the Commission were to embrace a false equivalency between these categories of service, mobile providers would thereby gain a decided, but unwarranted, advantage in seeking these subsidies due to lower build-out costs, potentially forcing high-speed fixed service providers from the program entirely.

For all of these reasons, the Commission should not depart from its past, well-supported treatment of fixed and mobile broadband as separate and distinct services that fundamentally are not substitutable for each other.<sup>17</sup> The Commission should continue to evaluate the availability

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<sup>15</sup> Letter to FCC Commissioners Pai, Clyburn, O’Rielly, Carr, and Rosenworcel from Senators Franken, Brown, Baldwin, Blumenthal, Heitkamp, Klobuchar, Warren, Schatz, Markey, Udall, Gillibrand and Wyden, GN Docket No. 17-199, dated August 31, 2017.

<sup>16</sup> See, *e.g.*, Giulia McHenry, “Evolving Technologies Change the Nature of Internet Use,” NTIA, (April 19, 2016), Figure 2, available at: <https://www.ntia.doc.gov/blog/2016/evolving-technologies-change-nature-internet-use>.

<sup>17</sup> See, *e.g.*, *Inquiry Concerning the Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion, and Possible Steps to Accelerate Such Deployment Pursuant to Section 706 of the Telecommunications Act of 1996, as Amended by the Broadband Data Improvement Act* (“2015 Broadband

of each type of broadband connectivity independently in determining whether each one of these differentiated services is being made available to all Americans in a reasonable and timely fashion.

## **II. THE COMMISSION SHOULD RETAIN ITS EXISTING BENCHMARKS FOR FIXED TERRESTRIAL BROADBAND SERVICE.**

### **A. *Speed***

The Commission proposes in the *NOI* “to maintain the current speed benchmark of 25 Mbps download and 3 Mbps upload (25 Mbps/3 Mbps) for fixed broadband.”<sup>18</sup> This existing standard was adopted a little over two years ago in the 2015 Section 706 proceeding, which produced substantial disagreement among the commenting parties as to whether an increase was warranted at that time.<sup>19</sup> Given the fact that the speed required to power the applications that most broadband consumers use has not changed dramatically since then, and actual subscriptions have not yet consistently surpassed this benchmark level, WISPA agrees that the Commission should not modify the current standard. “This sort of connection enables a person to do the things that most Americans with home internet like to do – watch Netflix, play video games, and browse online without interruption even if a couple of devices are on the same connection.”<sup>20</sup>

As was noted in the *2016 Broadband Progress Report*, the Commission’s most recent final report pursuant to Section 706, even services operating at the much slower 3 Mbps download speed allow consumers to take advantage of HD video calling, virtual private network

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*Progress Report*”), 30 FCC Rcd 1375, 1444 (¶ 120) (2015) (“We recognize that many households subscribe to both fixed and mobile services because they use fixed and mobile services in fundamentally different ways and, as such, view fixed and mobile services as distinct product offerings”).

<sup>18</sup> See *NOI* at 5 (¶ 12).

<sup>19</sup> See *2015 Broadband Progress Report*, 30 FCC Rcd at 1377, 1398-1408. See also *NOI* at 6 (¶ 13) & n.33.

<sup>20</sup> Malone, “The Worst Internet in America.”

(VPN) platforms, telemedicine, and long distance learning applications.<sup>21</sup> In light of the fact that more than 40 percent of current fixed broadband subscribers receive service at speeds that fall below 25 Mbps/3 Mbps, the adoption rate for service at speeds that exceed 25 Mbps/3 Mbps does not yet support an increase in the current threshold.<sup>22</sup>

Moreover, the correct speed benchmark that defines advanced service is not measured by the speed that is most available or subscribed, but the rate that provides the optimal level of service for most users. Before considering any increase in the broadband benchmark in the future, the Commission should ensure that its policies are meeting the core objectives of Section 706 – encouraging deployment of such capabilities to *all* Americans, rather than promoting “Lamborghini-quality” service, which may simply increase network throughput in already well-served areas.<sup>23</sup> Adopting a standard that favors download speeds that exceed those needed by the majority of American consumers would affirmatively undermine the Commission’s legal obligation to promote widespread access to and general adoption of broadband services. Competing service providers can be expected to aim to achieve incrementally enhanced service speeds, but no purpose would be served by the Commission setting an artificially high speed benchmark that effectively establishes an “aspirational threshold” for future service,<sup>24</sup> but is not rooted in the real-world provision of quality service to actual customers.

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<sup>21</sup> See *Inquiry Concerning the Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion* (“2016 Broadband Progress Report”), 31 FCC Rcd 699, 723 (¶ 54) (2016).

<sup>22</sup> See *NOI* at 6 (¶ 14).

<sup>23</sup> See *Connect America Fund, et al.*, Report and Order and Further Notice of Proposed Rulemaking, 31 FCC Rcd 5949, 6111 (2016), Statement of Commissioner Michael O’Rielly, Approving in Part and Dissenting in Part.

<sup>24</sup> See *Inquiry Concerning the Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion, and Possible Steps to Accelerate Such Deployment Pursuant to Section 706 of the Telecommunications Act of 1996*, Twelfth Broadband Progress Notice of Inquiry (“2016 Section 706 NOI”), 31 FCC Rcd 9140, 9177 (2016), Statement of Commissioner Michael O’Rielly Approving in Part and Concurring in Part.

**B.     *Latency and Consistency of Service***

The Commission also asks for comment on whether it should adopt any service benchmarks for latency or consistency of service.<sup>25</sup> To the extent that a latency standard is given consideration, it should be premised on the level of latency that causes a discernible impact on the utility of advanced broadband applications, and not just a relative preference for low versus high latency. In this regard, WISPA notes that the Wireline Competition Bureau adopted four years ago a 100 millisecond (ms) network latency benchmark that certain price cap carriers must meet in order to receive CAF II funding.<sup>26</sup> WISPA has not objected to this 100 ms latency standard, measured as a round-trip from the input device to the Internet core, as a criterion for CAF support eligibility.<sup>27</sup> This standard may establish an appropriate benchmark to ensure that consumers will have access to high quality broadband services, including VoIP, videoconferencing, VPN services, and online gaming applications.

While a consistency standard may be appropriate in the context of evaluating the accuracy of a provider's promotion of its service as offering "advanced telecommunications capability," WISPA believes that including such a metric in the Section 706 analysis would be of little use and would be very difficult to assess in a meaningful and consistent way. For example, each service provider is likely to face distinct and varied challenges in the provision of service, and the interplay of these network-specific issues is likely to have differing impacts on service use, such that the establishment of a "one-size-fits-all" service stability standard is likely to be elusive and of uneven applicability to various service providers, and therefore of dubious value.

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<sup>25</sup> See *NOI* at 6 (¶ 15).

<sup>26</sup> See *Connect America Fund*, Report & Order, 28 FCC Rcd 15060, 15061, 15068-70 (¶¶ 2 & 19-20)(Wireline Comp. Bur. 2013).

<sup>27</sup> See Comments of WISPA, WC Docket No. 10-90, *et al.*, at 6 n.16 (filed Aug. 8, 2014).

### **C. *Other Benchmarks***

In addition, the Commission seeks comment on whether it should “consider data allowances and other limitations on service in evaluating advanced telecommunications capability.”<sup>28</sup> WISPA believes that the Commission may want to consider additional factors, such as pricing and data allowances, in determining whether advanced telecommunications capability is being deployed consistent with Section 706. It would be appropriate, for example, for the Commission to continue to monitor pricing information in order to determine whether pricing disparities may be influencing the extent to which broadband is being adopted in certain areas. The impact of data allowances in relation to pricing is also relevant. As the Commission correctly noted in 2016, “data allowances may inhibit consumers from accessing the full range of services that might otherwise be available to them, including such bandwidth intensive services as HD video streaming and high-quality video telecommunications.”<sup>29</sup> Accordingly, the Commission should consider the extent to which data allowances in relation to price may deprive some users of the full benefit of advanced telecommunications capability.

The Commission also asks whether it would “be more practical to use deployment of various air interface technologies (e.g., LTE) as a proxy for speed benchmarks?”<sup>30</sup> This would be ill-advised. The Commission has a long history of technology neutral policymaking, which has allowed new technologies to develop without Commission action. LTE is the currently dominant “4G” mobile technology, and will continue to play a role in whatever “5G” turns out to be, but it is nonetheless merely one air interface. While most LTE networks today offer high speed, LTE can be offered over relatively narrowband channels (1.4 MHz) and even a wideband LTE sector

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<sup>28</sup> See *NOI* at 6 (¶ 16).

<sup>29</sup> *2016 Section 706 NOI*, 31 FCC Rcd 9140, 9159 (¶ 52).

<sup>30</sup> See *NOI* at 7 (¶ 19).

can be heavily loaded, or under-equipped with backhaul, and thus provide relatively poor service. The Commission should not provide an incentive to do so by simply accepting the technology as the benchmark.

**D. *Future Framework for Benchmark Updates***

As indicated above, the importance of the benchmark for advanced service is not achieving a specific, and ever increasing speed (or lower latency), but ensuring that an ever increasing percentage of the population receives service that is optimized to meet their actual advanced communications needs. The speed benchmark is not properly measured by the nominal peak burst rate that continues to define most service plan pricing, but by the ability of users generally to use broadband access as desired. This may ultimately require a more nuanced and granular approach by the Commission based more on the Internet applications that consumers are actually using than the service tiers that they are purchasing, the peak metrics for which may or may not be critical in achieving the necessary service quality. WISPA looks forward to evaluating the criteria advanced by other parties towards ensuring that this goal can be achieved as broadband access technology continues to develop.

On a more basic level, WISPA urges the Commission to continue its focus on census blocks for purposes of measuring changes in broadband deployment. These geographic areas provide a consistent unit for measurement across time and are large enough to avoid embroiling the Commission in a quagmire of superfluous data, but also small enough to prevent service disparities within a single block from obscuring failures to serve discrete communities. None of the other geographic metrics listed by the Commission as possible alternatives would enhance the ability to understand or analyze deployment data.<sup>31</sup> Accordingly, the Commission should

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<sup>31</sup> See *NOI* at 10 (¶ 32).

continue to rely on its Form 477 broadband deployment data, which employs census block areas, as well as Form 481 service quality improvement data, in its future broadband progress analysis.

**III. THE COMMISSION SHOULD CONTINUE TO PROMOTE FIXED BROADBAND DEPLOYMENT BY MAKING ADDITIONAL SPECTRUM AVAILABLE, EXPEDITING THE CAF PHASE II AUCTION AND REDUCING REGULATORY BURDENS GENERALLY.**

Finally, the Commission seeks comment on whether additional actions “might encourage more expansive and rapid deployment of networks that provide advanced telecommunications capability.”<sup>32</sup> Necessarily included within this broad inquiry is the extent to which the gap between the availability of advanced telecommunications services in rural versus urban areas continues to persist, and indicates that such advanced services are not, in fact, being deployed in a reasonable and timely fashion to rural and underserved areas.

WISPA believes that there continues to be a significant shortfall in achieving universal access in all parts of the nation to advanced telecommunications, which dictates that the Commission should continue to take affirmative steps toward correcting this imbalance. The Commission should do more in the form of positive steps to facilitate rural and underserved-area broadband construction by expediting the CAF Phase II auction,<sup>33</sup> as well as providing finality for the development of the Citizens Broadband Radio Service under rules it initially adopted in 2015,<sup>34</sup> and implementing additional spectrum allocations for fixed wireless use in connection

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<sup>32</sup> See *NOI* at 15 (¶ 48).

<sup>33</sup> See, e.g., FCC Public Notice, “Comment Sought on Competitive Bidding Procedures and Certain Program Requirements for the Connect America Fund Phase II Auction (Auction 903),” AU Docket No. 17-182 and WC Docket No. 10-90, FCC 17-101 (released August 4, 2017).

<sup>34</sup> See, e.g., WISPA Comments, GN Docket No. 12-354, RM-11788, RM-11789, at 12 (filed July 24, 2017) (“Significant investments have been made in reliance on the CBRS rules adopted in 2015 as broadband providers prepare to expand their networks and increase throughput by incorporating the 3550-3650 MHz band into their spectrum toolboxes”).



with its pending mid-band spectrum proceeding and the separate Petition for Rule Making filed by the Broadband Access Coalition.<sup>35</sup>

The Commission should also assiduously avoid imposing any new regulatory requirements on broadband providers while seeking to reduce existing, unnecessary regulatory burdens. The additional costs and record-keeping obligations imposed by such regulations, particularly on small service providers, divert critical resources away from high value service deployment and enhancement initiatives and toward low value regulatory compliance duties,<sup>36</sup> which is counter to the objectives of promoting and accelerating service deployment that are at the heart of Section 706's mandate.

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<sup>35</sup> See, e.g., Reply Comments of the Broadband Access Coalition, RM-11791, at 5 (filed August 22, 2017) (“there is great interest among fixed wireless broadband service providers to gain access to additional mid-band spectrum so they can improve and expand service”). WISPA is part of the Broadband Access Coalition.

<sup>36</sup> See, e.g., WISPA Comments, WC Docket No. 17-108, at 11-12 (filed July 17, 2017).

## **Conclusion**

In undertaking its statutory obligations, the Commission should retain its existing criteria for defining “advanced telecommunications capability,” remain cautious in adopting any additional criteria, and continue to promote accelerated deployment of high quality broadband services by allocating additional fixed wireless spectrum, expediting the CAF Phase II auction and reducing existing regulatory burdens.

Respectfully submitted,

### **WIRELESS INTERNET SERVICE PROVIDERS ASSOCIATION**

September 21, 2017

By: */s/ Chuck Hogg, President*  
*/s/ Mark Radabaugh, FCC Committee Chair*  
*/s/ Fred Goldstein, Technical Consultant*

Stephen E. Coran  
Lerman Senter PLLC  
2001 L Street, NW, Suite 400  
Washington, DC 20036  
(202) 416-6744  
*Counsel to the Wireless Internet Service Providers Association*