

November 14, 2014

**VIA ELECTRONIC FILING**

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

**Re: *Protecting and Promoting the Open Internet, GN Docket No. 14-28;*  
*Framework for Broadband Internet Service, GN Docket No. 10-127***

Dear Ms. Dortch:

On November 12, 2014, Scott Bergmann of CTIA – The Wireless Association® (“CTIA”); together with Bob Quinn (AT&T), Jonathan Spalter (Mobile Future), Vonya McCann (Sprint), Kathleen Ham (T-Mobile), Kathleen Grillo (Verizon), collectively “the Wireless Industry Participants,” met with FCC Chairman Tom Wheeler, and Daniel Alvarez (Office of Chairman Wheeler), Jonathan Sallet and Stephanie Weiner (Office of the General Counsel), Roger Sherman (Wireless Telecommunications Bureau), Matthew DelNero (Wireline Competition Bureau) and Eric Feigenbaum (Office of Media Relations) of the Federal Communications Commission (“Commission”).

The Wireless Industry Participants explained that competition and differentiation in the U.S. mobile broadband market are delivering an open mobile Internet, and creating an innovative mobile ecosystem that benefits U.S. consumers and businesses. Mobile broadband services are more challenging to provide as a technical matter and the Commission should refrain from imposing rules that fail to recognize these technical differences. Consumers also have more competitive choices for mobile broadband and benefit greatly from providers’ efforts to differentiate their offerings. It is critical that the FCC give providers the flexibility to competitively differentiate their services. To this end, a reasonable network management exception alone will not grant mobile providers sufficient flexibility to innovate, experiment, and operationalize pro-consumer offerings.

CTIA explained that the wireless industry is committed to delivering an open mobile Internet and is a clear example of the successful balance that the Commission crafted with its 2010 Open Internet rules. Since the FCC adopted Open Internet rules in 2010, U.S. consumers have benefited from massive investments in infrastructure,<sup>1</sup> world-leading deployments of LTE networks,<sup>2</sup> declining prices,<sup>3</sup> increasing speeds,<sup>4</sup> and a mobile

<sup>1</sup> U.S. carriers in 2013 spent about four times more on network infrastructure per subscriber than the rest of the world. See DIDIER SCEMAMA, *ET AL.*, 2014 WIRELESS CAPEX: BRICS & EUROPE TO PICK UP THE SLACK, BANK OF AMERICA MERRILL LYNCH, GLOBAL TELECOM EQUIPMENT, at Table 2 (Jan. 13, 2014); see also GLEN CAMPBELL, 2014: THE YEAR AHEAD, BANK OF AMERICA MERRILL LYNCH, GLOBAL WIRELESS MATRIX 4Q13, at Tables 1 and 2 (Jan. 8, 2014).

<sup>2</sup> INFORMA TELECOMS & MEDIA GROUP, WCIS + DATABASE, SUBSCRIPTIONS & KPIS (4Q2013).



ecosystem that has grown from 800 thousand apps to over 3.6 million.<sup>5</sup> Given this success and pro-consumer output, CTIA urged the FCC to retain a mobile-specific approach based on the 2010 rules and grounded in Section 706 of the Act for any new rules the FCC may adopt.<sup>6</sup>

Pursuant to Section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, this letter is being electronically filed via ECFS with your office. Please direct any questions to the undersigned.

Sincerely,

*/s/ Scott Bergmann*

Scott Bergmann  
Vice President – Regulatory Affairs  
CTIA – The Wireless Association®

cc: FCC Chairman Tom Wheeler  
Daniel Alvarez  
Jonathan Sallet  
Stephanie Weiner  
Roger Sherman  
Matthew DelNero  
Eric Feigenbaum

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<sup>3</sup> See U.S. DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS, CONSUMER PRICE INDEX: ALL URBAN CONSUMERS – (CPI-U), U.S. CITY AVERAGES, WIRELESS TELEPHONE SERVICES (Series ID CUUR0000SEED03), <http://data.bls.gov/cgi-bin/dsrv> (last visited Feb. 20, 2014); CONSUMER PRICE INDEX: ALL URBAN CONSUMERS – (CPI-U), U.S. CITY AVERAGES, ALL ITEMS, [www.bls.gov/ro5/cpiushistorical.pdf](http://www.bls.gov/ro5/cpiushistorical.pdf) (last visited Feb. 20, 2014). From December 2005 to January 2014, the Wireless CPI fell 10%, while the overall CPI for all items increased 18.9%. Indeed, the record shows that price declines for mobile broadband services have “accelerated dramatically in recent months,” as carriers introduce ever-more innovative data plans that are “shaking up the industry.”

<sup>4</sup> See CTIA, Since 2010, U.S. Smartphone Speeds Increased Eight Fold, <http://www.ctia.org/resource-library/facts-and-infographics/archive/since-2010-us-smartphone-speeds-increased-eight-fold> (last visited Oct. 29, 2014) (citing Cisco, VNI Forecast Highlights, United States - Accelerating Network Speeds (Mobile Speed), [http://www.cisco.com/web/solutions/sp/vni/vni\\_forecast\\_highlights/index.html](http://www.cisco.com/web/solutions/sp/vni/vni_forecast_highlights/index.html) (last visited Oct. 29, 2014); CISCO, CISCO VISUAL NETWORKING INDEX (VNI) GLOBAL IP TRAFFIC FORECAST, 2010–2015, Table 8 (2010)). Over 95% of Americans have access to wireless broadband download speeds of greater than 10 Mbps as of mid-2013. In addition, U.S. smartphone speeds have increased eight times since 2010.

<sup>5</sup> See CTIA Research, App store websites, <http://www.distimo.com/>, <http://www.appbrain.com/stats/number-of-android-apps>, <http://www.pocketgamer.biz/metrics/app-store/>.

<sup>6</sup> CTIA also reiterated that imposing Title II public utility regulation on the vibrant mobile wireless ecosystem would impose inappropriate regulation on a dynamic industry and would threaten mobile providers' ability to invest and innovate, to the detriment of consumers. Further, Section 332(c)(2) of the Communications Act imposes a statutory bar from treating mobile broadband as a common carrier service.