



**Competitive Carriers Association**  
Rural • Regional • Nationwide®

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January 30, 2015

**Via ECFS**

The Hon. Tom Wheeler  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

**Re: ET Docket No. 14-143: *Comments Sought on Technological Advisory Council Report on Mobile Device Theft Prevention***

Mr. Chairman,

Thank you for taking a keen interest in mobile device theft prevention. As you know, Competitive Carriers Association (CCA) represents more than 100 competitive wireless providers, the overwhelming majority of which are small, rural carriers serving as few as 5,000 customers. CCA participated in the Technological Advisory Council (TAC) Subcommittee on Mobile Device Theft Prevention (MDTP) and helped to craft the recommendations negotiated by the Subcommittee. As the Commission receives feedback on the Subcommittee's findings,<sup>1</sup> I would like to share with you the steps CCA is currently taking, on behalf of its members, to address this problem, as well as some of the challenges in meeting your goals. CCA agrees with you that device theft is a national problem in need of a national solution, but questions how CCA's members, especially its small rural and regional members, can contribute to the solution.

Though CCA is working to find solutions to these problems where it can, challenges remain. In a consolidating wireless industry, CCA members strive to provide first-class, personal customer service to remain competitive, which includes offering state-of-the-art handsets to its subscribers. The Commission has recognized that “[h]andsets and devices are a central part of consumers’ mobile wireless experience, and a key way by which providers differentiate their offerings.”<sup>2</sup> Unfortunately, CCA members continue to struggle getting access to the latest, most iconic devices. Our members do not have the scope or scale to garner the attention of device manufacturers—a point CCA continually makes,<sup>3</sup> and the same problem exists with regard to operating systems. Because manufacturers and OS

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<sup>1</sup> *Technological Advisory Council Working Group on Mobile Device Theft Prevention*, Public Notice, ET Docket No. 14-143, DA 14-1828 (CGB, OET, WTB Dec. 12, 2014) (“Public Notice”).

<sup>2</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*, Sixteenth Report, 28 FCC Rcd 3700, ¶ 2 (2013).

<sup>3</sup> *See, e.g.*, Comments of Competitive Carriers Association, PS Docket No. 07-114 at 4-6 (filed Dec. 15, 2014) (noting that “access to cutting-edge equipment is a consistent problem for smaller carriers”); *see also id.* (*citing Amendment of the Commission’s Rules Governing Hearing Aid Compatible Mobile*

designers oftentimes dictate device hardware and software security design features, however, non-nationwide carriers lack control over whether any of these components are included in the devices they ultimately are able to access. And while the largest carriers may be able to request inclusion of specific security elements into devices, there is no guarantee smaller carriers will have access to these same devices.

Following your request for industry answers to these challenges, CCA has sought out solutions for MDTP—particularly for its smaller rural and regional carrier members—consistent with your “regulatory see-saw” philosophy.<sup>4</sup> For example, CCA has hosted informational webinars for its members on the issue of device theft.<sup>5</sup> CCA also is providing its carrier members with options available today for preventing the trade and sale of stolen consumer electronics, including smartphones.<sup>6</sup> CCA expects these efforts to have a positive impact in reducing the number of stolen mobile devices.

The Commission should consider these facts when deciding how to apply MDTP requirements to competitive carriers, such as through a workshop where carriers, device manufacturers and other stakeholders discuss device specifications and procurement challenges as they relate to MDTP solutions.<sup>7</sup> The Commission also should ensure that any requirements related to MDTP do not result in unintended consequences to carriers who purchase handsets through distributors or other secondary market channels. At a minimum, the device challenges competitive carriers continue to face should not be forgotten as you consider next steps.

As the Commission continues its work on this issue, I look forward to working with you to find creative solutions to MDTP. Reducing the number of phones stolen and trafficked in this country—and making America’s streets safer for consumers in the process—is an important goal that wireless providers eagerly want to work to achieve.

Sincerely,



Steven K. Berry  
President & CEO

cc (via email): Roger Sherman  
Chad Breckinridge

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*Handsets, et al.*, WT Docket No. 07-250, First Report and Order, 23 FCC Rcd 3406 ¶ 27 (2008) (extending HAC compliance deadlines for non-Tier 1 carriers “in recognition of their more limited handset options and their difficulty obtaining the newest offerings”).

<sup>4</sup> *Oversight of the Federal Communications Commission: Hearing before the Subcomm. on Comm’n & Tech. of the H. Comm. on Energy & Commerce*, 113 Cong. 7-8 (2014) (statement of Tom Wheeler, Chairman, FCC).

<sup>5</sup> *See, e.g.*, Reducing Mobile Device Fraud and Theft (Dec. 10, 2014), *available at* <http://competitivecarriers.org/wp-content/uploads/2014/12/Recipero-Presentation-to-CCA-v9-2014-12-08-.pdf>.

<sup>6</sup> Press Release, Recipero, Recipero Partners with CCA to Help Carriers Identify and Prevent Trade of Stolen Devices (Jan. 28, 2015).

<sup>7</sup> *See* Competitive Carriers Association, *A Framework for Sustainable Competition in the Digital Age: Fostering Connectivity, Innovation and Consumer Choice*, GN Docket No. 12-268, *et al.* at 17 (filed Dec. 4, 2013).