



Competitive Carriers Association
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Competitive Carriers Association
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February 5, 2015

Via ECFS

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

Re: EX PARTE NOTICE

GN Docket No. 12-268: *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions;*

WT Docket No. 12-269: *Policies Regarding Mobile Spectrum Holdings;*

ET Docket No. 14-14: *Office of Engineering and Technology Seeks to Supplement the Incentive Auction Proceeding Record Regarding Potential Interference Between Broadcast Television and Wireless Services*

AU Docket No. 14-252: *Comment Sought on Competitive Bidding Procedures for Broadcast Incentive Auction 1000, Including Auctions 1001 and 1002*

Ms. Dortch:

On February 3, 2015, Competitive Carriers Association (“CCA”) and representatives from its member companies met with staff from the Federal Communications Commission (“FCC”) Incentive Auction Task Force and Wireless Telecommunications Bureau¹ to discuss issues surrounding the upcoming incentive auction.

CCA and its member companies noted that it is imperative that the auction be held in early 2016. They explained that the AWS-3 auction results overwhelmingly show that demand for wireless broadband services is exploding and that the spectrum needs of carriers and consumers are not being fully met. CCA and its member companies also noted that low-band spectrum in particular is a competitive necessity in the wireless market, and that any further delay of the auction would only benefit the two carriers that already hold the majority of low-band spectrum in the United States.

CCA and its member companies stressed the importance of a robust spectrum reserve that allows for meaningful facilities-based competition in all markets, urban and rural, and urged the staff not to restrict access to the reserve with unnecessary and excessive contingencies, such as an arbitrary price per MHz-POP trigger. The \$1.25 price trigger currently proposed by the Commission is historically high and smaller carriers that will depend on the reserve to acquire

¹ A complete list of attendees for the meeting is included in Attachment A to this *Ex Parte* Notice.

spectrum will be largely powerless to determine whether or not the FCC-mandated price floor is met. While discussing the spectrum reserve, CCA and its member companies urged the Commission to promptly grant CCA's pending Petition for Reconsideration in the Incentive Auction docket.² In addition, CCA member representatives expressed support for T-Mobile's Petition for Reconsideration to expand the spectrum reserve.³ The 30 MHz or less spectrum reserve is insufficient to protect and promote competition and consumers' interests, as the FCC sought to do by its Mobile Spectrum Holdings Report and Order.⁴

CCA and its member companies also urged the Commission to protect the incentive auction spectrum generally, and reserve spectrum in particular, against encumbrances during the auction and in the assignment process. While discussing encumbrances, the carriers noted that Sprint recently filed a Petition for Reconsideration in the Inter-service Interference proceeding requesting reconsideration of the Commission's decision to use a statistical measure that potentially underestimates interference levels between broadcasters and mobile broadband.⁵ CCA and its member companies urged the staff to carefully consider the petition and to take steps that ensure excessive encumbrances on the repurposed spectrum do not threaten the success of the auction.

CCA and its member companies also stressed the importance of identifying the primary and secondary objectives of the incentive auction and the trade-offs between maximizing reclaimed spectrum generally and maximizing unimpaired spectrum. Attendees discussed the Commission's proposed 20 percent weighted-pops threshold for nationwide impairments, and that proposal's implications for smaller carriers. Without offering any particular secondary objectives, CCA and its member companies discussed the types of objectives that might offer certainty in the marketplace necessary to promote investment.

Finally, CCA and its member companies asked the staff to provide additional details about certain auction mechanics proposed by the Commission – with a specific focus on the forward auction assignment rounds. Attendees discussed ways to prevent one or two operators from acquiring the same frequencies in all markets around the country, which would help prevent the types of interoperability issues that arose in the 700 MHz band from re-emerging in the 600 MHz band.⁶

² Petition for Reconsideration of Competitive Carriers Association, GN Docket No. 12-268 (filed Sept. 14, 2014).

³ See Petition for Reconsideration, T-Mobile USA, Inc., WT Docket No. 12-269 (filed Aug. 11, 2014).

⁴ *Policies Regarding Mobile Spectrum Holdings, Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Report and Order, WT Docket Nos. 12-269, 12-268, 29 FCC Rcd 6133, 6134 ¶ 1 (2014).

⁵ Petition for Reconsideration of Sprint Corp., ET Docket No. 14-14 (filed Jan. 22, 2015).

⁶ See, e.g., *Ex Parte Notice of Competitive Carriers Association*, WT Docket No. 12-69 (filed June 26, 2013) (describing the negative impact that lack of interoperability in the Lower 700 MHz Band had on investment and competition).

This ex parte notification is being filed electronically with your office pursuant to Section 1.1206 of the Commission's Rules.

Regards,

/s/ Rebecca Murphy Thompson

Rebecca Murphy Thompson
General Counsel

cc (via email): Melissa Dunford
Gary Epstein
AJ Glusman
Chris Helzer
Mary Margaret Jackson
Martha Stancill
Howard Symons
Margaret Wiener



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Attachment A

Meeting Participants February 4, 2015

Representatives of Competitive Carriers Association

Steve Berry, CCA
Tim Donovan, CCA
Sean Spivey, CCA
Rebecca Thompson, CCA
Trey Hanbury, Hogan Lovells

Representatives of CCA Members

Jeff Blum, DISH Network
Leighton Brown, Holland & Knight (for US Cellular)
Gwen Donaldson, Donaldson Strategies (for Carolina West Wireless)
Gardner Foster, Sprint Corp.
Michael Grendi, Bluegrass Cellular
Jeanette Kennedy, Nokia Solutions and Networks
Torrence Lewis, Law Offices of Torrence Lewis (for Iowa Wireless Services LLC d/b/a iWireless)
Ben Moncrief, C Spire
Greg Whiteaker, Herman & Whiteaker (for NorthwestCell)
Chris Wiczorek, T-Mobile USA, Inc.
Eric Woody, Union Wireless
Brian Woody, Union Wireless

Federal Communications Commission Staff

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