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June 5, 2015

The Honorable Tom Wheeler, Chairman
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: *Expanding the Economic and Innovation Opportunities of Spectrum through Incentive Auctions*,
GN Docket No. 12-268

Policies Regarding Mobile Spectrum Holdings, WT Docket No. 12-269

Ex parte communication

Dear Chairman Wheeler:

The Maine Office of the Public Advocate submits this ex parte in support of the comments of the National Association State Utility Consumer Advocates dated March 19, 2015. We write separately to underscore the critical importance of effective wireless broadband competition in Maine.

As a result of the well-documented struggles of Maine's largest incumbent local exchange carrier, FairPoint Northern New England, and significant lobbying efforts by FairPoint and others, policymakers in Maine appear increasingly willing to entertain a future in which there is no state level obligation to ensure that all citizens have access to basic telephone service. In these discussions, many parties, including the Maine Public Utilities Commission, point to the widespread availability of wireless service as evidence that this state obligation is no longer necessary.¹ While our office has and will continue to oppose

¹ See, e.g. Maine Public Utilities Commission, Options for Decreasing the Cost of Ensuring That There Are Adequate and Affordable basic Telephone Service Options Throughout the State at 25-31, (Jan. 7, 2015), available at <http://www.maine.gov/tools/whatsnew/attach.php?id=634941&an=2..>

such efforts and work to maintain high quality, affordable and reliable access to communications services for all Mainers, we will not have the ultimate say.

While federal universal service obligations and support remain for now, we are concerned that if this state commitment falters, in the future many rural Mainers will rely entirely on wireless providers for reliable and affordable voice and broadband services. In the winter of 2014-15, our office commissioned a study testing the ability to place a wireless call in five local exchanges where there was no wireline alternative to the incumbent local exchange carrier.² In three of the exchanges we tested, customers had at best two options for wireless voice and broadband service.

The low band spectrum that will be made available in the upcoming incentive auction could be particularly valuable in providing mobile broadband in these rural exchanges and similar places across Maine. In finalizing its rules for the auction, the Commission should ensure that all competitors, and particularly those with non-national footprints or sufficient low-band holdings, have a fair opportunity to acquire these critical input resources. By adopting the recommendations of NASUCA, the Commission can help to ensure that these rural customers benefit from the greater consumer choice, investment and innovation in the wireless broadband market that result from effective competition.

Respectfully Submitted,



Timothy R. Schneider
Public Advocate

²Maine Office of the Public Advocate, Cellular Voice Coverage in Rural Maine, An analysis of call performance and signal strength in the Bingham, Greenville, Jackman, Rangeley and Sedgwick telephone exchanges (Feb. 24, 2015), *available at*

http://www.maine.gov/meopa/about/reports/CellularVoiceCoverageReport%20-%20OPA_Final_V1_opt.pdf. Supporting Appendices may be found at

http://www.maine.gov/meopa/about/reports/CellularVoiceCoverageReport%20-%20OPA_Final_Appendices_opt.pdf