

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
)
Wireless Telecommunications Bureau Seeks) WT Docket No. 15-125
Comment on the State of Mobile Wireless)
Competition)
)

REPLY COMMENTS OF COMPETITIVE CARRIERS ASSOCIATION

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Competitive Carriers Association (“CCA”) hereby submits the following reply to the opening comments filed regarding the state of competition in the mobile wireless industry.¹

I. INTRODUCTION AND SUMMARY

Based on the opening comments in this proceeding, the Commission should conclude that there remains a lack of effective competition in the mobile wireless industry today. The misinterpretation of marketplace trends and data by AT&T, Verizon and their surrogates does not refute the fact that the wireless industry is highly concentrated, which imposes formidable structural barriers to competition in the marketplace. The ever-increasing market power of AT&T and Verizon continues to render a finding of effective competition impossible. CCA therefore urges the Commission to foster an environment where competitive carriers can compete with the two largest carriers. Specifically, the Commission can facilitate the removal or reduction of barriers to competition by addressing competitive access to: (1) roaming arrangements, (2) Universal Service funding, (3) seamless, nationwide wireless non-geographic

¹ Public Notice, *Wireless Telecommunications Bureau Seeks Comment on the State of Mobile Wireless Competition*, WT Docket No. 15-125, DA 15-647 (rel. May 29, 2015) (“*Public Notice*”).

number porting, (4) iconic handsets and other devices, (5) participation in standards setting bodies, and (6) facilities siting.

II. THE GROWING DOMINANCE OF AT&T AND VERIZON PRECLUDES A FINDING OF EFFECTIVE COMPETITION

Other commenters in the record echo CCA’s concerns regarding the growing size and market power disparity between the two largest wireless carriers and all other competitive carriers.² As Sprint observes, the continuing dominance of AT&T and Verizon is apparent by any measure. The combined market share of these two carriers, whether measured by revenues or by connections, was 69 percent.³ And, whether measured by market capitalization, earnings, revenues or wireless connections, there is no question that AT&T and Verizon far exceed even their closest national competitors.⁴ Writers Guild of America, West, Inc. (“Writers Guild”) also expresses concern that the mobile market remains highly concentrated as a result of AT&T and Verizon’s sustained duopoly control of the wireless market, and that their dominant market positions are bolstered by additional spectrum acquisitions in the AWS-3 auction and other recent aftermarket acquisitions.⁵

² See, e.g., Comments of Sprint Corporation, WT Docket No. 15-125 at 3 (filed June 29, 2015) (“Sprint Comments”); Comments of NTCA – The Rural Broadband Association, WT Docket No. 15-125 at 3 (filed June 29, 2015) (“NTCA Comments”); Comments of the Writers Guild of America, West, Inc., WT Docket No. 15-125 at 1-3 (filed June 29, 2015) (“Writers Guild Comments”).

³ Sprint Comments at 3.

⁴ *Id.* at 4 (stating that Verizon and AT&T had market caps of \$195.7 billion and \$187.8 billion, respectively, for the quarter ending March 31, 2015, while Sprint and T-Mobile had respective caps of \$18.5 billion and \$32 billion as of the same time. Likewise, Verizon and AT&T *each* had total revenues of approximately \$32 billion in the first quarter of 2015, while Sprint’s and T-Mobile’s revenues were \$8.3 billion and \$7.6 billion, respectively).

⁵ Comments of Writers Guild of America, West, Inc., WT Docket No. 15-125 at 1-2 (filed June 29, 2015) (“Writers Guild Comments”).

CCA also agrees with Sprint’s assessment that the entrenched dominant position of AT&T and Verizon has resulted in deep structural impediments to a competitive marketplace and affords them a significant advantage over competitors.⁶ For example, their size and scope have afforded them opportunities to leverage their dominance into new services and products, as evidenced by their newly acquired opportunities for mobile video content⁷ and Internet of Things (“IoT”).⁸ In particular, Writers Guild cites concerns that the two dominant carriers intend to use their control of mobile distribution to compete in upstream content markets through investments in mobile content providers, including *via* AT&T’s pending acquisition of DirecTV and Verizon’s recently completed acquisition of AOL.⁹

Not surprisingly, AT&T and Verizon ignore or underestimate the impact of all of the indicators of market dominance cited above. For instance, both discount the relevance of the Herfindahl-Hirschman Index (“HHI”) as a measure of competition,¹⁰ despite the Commission’s and the Department of Justice’s long-standing reliance on this index as a “commonly accepted measure of market concentration.”¹¹ AT&T and Verizon also ignore their overwhelming aggregation of prime spectrum below 1 GHz and, incredibly, Verizon also attempts to discount

⁶ See Sprint Comments at 4-5.

⁷ See Sprint Comments at 4; Writers Guild Comments at 7-8.

⁸ See Comments of AT&T, WT Docket No. 15-125 at 23 (filed June 29, 2015) (“AT&T Comments”).

⁹ Writers Guild Comments at 2-3.

¹⁰ AT&T Comments at 8, n.25; Comments of Verizon, WT Docket No. 15-125 at 45 (filed July 1, 2015) (“Verizon Comments”).

¹¹ See, USDOJ: Antitrust Division: Herfindahl-Hirschman Index, <http://www.justice.gov/atr/public/guidelines/hhi.html>; see also *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*, Seventeenth Report, 29 FCC Rcd 15311 ¶¶ 32-33 (2014); see also *Public Notice* at 4.

the distinct technological advantages of low-band spectrum,¹² despite the laws of physics¹³ and the Commission repeatedly emphasizing low-band spectrum as being a competitive necessity.¹⁴

The high level of concentration in the wireless market and the market power of the two largest carriers cannot be overcome by the factors that AT&T, Verizon and their surrogates point to as indications of effective competition. AT&T and Verizon tout the decreasing prices for mobile services and the variety of data plans available in the marketplace as evidence of competition.¹⁵ But they do not and cannot refute that their duopoly control over the market has created structural barriers to an effectively competitive wireless market. For example, AT&T and Verizon provide a cursory list of “current and potential competitors,” including smaller and regional carriers and MVNOs that are relying on Sprint and T-Mobile’s networks, as purported evidence of effective competition.¹⁶ However, Verizon’s repeated emphasis on competition from MVNOs, Wi-Fi-based providers and over-the-top VoIP offerings only serves to highlight the dearth of facilities-based competition.¹⁷

Moreover, although competitive carriers consistently offer lower prices than AT&T and Verizon,¹⁸ CCA members have significantly less subscribers than the two largest carriers. A

¹² Verizon Comments at 37.

¹³ Posting of Steven K. Berry and Rebecca Murphy Thompson to CCA Blog, *The Earth is Flat?*, ccablog.tumblr.com (Apr. 20, 2015).

¹⁴ *See Policies Regarding Mobile Spectrum Holdings*, Report and Order, 29 FCC Rcd 6133 ¶¶ 49, 54 (2014) (“*MSH Order*”).

¹⁵ AT&T Comments at 8-9, 10-11; Verizon Comments at 5-6.

¹⁶ *See* AT&T Comments at 7; Verizon Comments at 19-20.

¹⁷ Verizon Comments at 4, 13, 21-23, 46.

¹⁸ Currently, AT&T charges \$100/month for 10 gigabytes of data while Verizon charges \$80/month for the same amount. In contrast, Sprint offers double the data (20 gigabytes) for \$100/month and T-Mobile offers *unlimited* data for two lines for \$100/month. *See* Mobile Share Plans from AT&T, *available at* <http://www.att.com/shop/wireless/plans/mobileshare.html> (last visited July 14, 2015);

primary reason for this disparity is that competitive carriers—unlike AT&T and Verizon—often compete with each other for customers that are particularly sensitive to price. As Mobile Future has previously noted, more than fifty percent of low-income households are “wireless only” and “depend on wireless alone for broadband access.”¹⁹ Despite this, Verizon’s Chief Financial Officer Fran Shammo recently indicated that “customer[s] who [are] price-sensitive . . . — that’s probably the customer we’re not going to be able to keep.”²⁰ In practice, Verizon and AT&T overlook low-income consumers that most rely on mobile devices and instead are free to charge more for their services based on their structural advantages. To ameliorate this divide, CCA requests that the Commission continue to monitor the market disparity created by AT&T and Verizon, so competitive carriers are better able to serve low-income and rural consumers.

CCA also urges the Commission to scrutinize exaggerated claims that 98 percent of Americans have access to 4G LTE networks²¹ and to refrain from relying on this coverage estimate in assessing competition in the mobile wireless marketplace. This inordinately high coverage calculation is unsupported by the realities in service availability, particularly in rural areas. Studies commissioned by CCA indicate that there are significant gaps in population

More Everything Plan – Verizon Wireless, *available at* <http://www.verizonwireless.com/landingpages/more-everything/> (last visited July 14, 2015); Get the best Cell Phone Plans with Sprint, *available at* <http://www.sprint.com/landings/datashare/index.html?ECID=vanity:datashare#!/> (last visited July 14, 2015); Family Cell Phone Plans | Compare Cell Phone Family Plans | T-Mobile, Simple Choice Plan, *available at* <http://www.t-mobile.com/cell-phone-plans/family.html> (last visited July 14, 2015).

¹⁹ Comments of Mobile Future, WT Docket No. 15-125 at 5 (filed June 29, 2015) (“Mobile Future Comments”).

²⁰ Joshua Brustein, BloombergBusiness, “Verizon Bids Good Riddance to Customers Leaving for a Cheaper Deal” (Apr. 21, 2015), *available at* <http://www.bloomberg.com/news/articles/2015-04-21/verizon-bids-good-riddance-to-customers-leaving-for-a-cheaper-deal>.

²¹ Comments of CTIA-The Wireless Association, WT Docket No. 15-125 at iv, 66 (filed June 29, 2015) (“CTIA Comments”).

coverage at the county and sub-county levels, particularly in rural areas.²² Based on National Broadband Map data in a sampling of states that have rural wireless broadband coverage, service offerings at download speeds above 3 Mbps often falls below 90 percent.²³ Wireless coverage in rural counties ranges as low as 76.7 percent of the population in West Virginia and 81.1 percent in North Carolina. Similarly, service coverage at download speeds at or above 3 Mbps ranges as low as 78.6 percent in Kentucky and 86.3 percent in New Hampshire.

For these reasons, the Commission should take the next logical step in its analysis and find that the mobile wireless marketplace is not effectively competitive today, and take affirmative steps to promote an environment where competition can thrive.

III. COMPETITIVE CARRIERS NEED ACCESS TO ADDITIONAL SPECTRUM RESOURCES TO COMPETE WITH THE LARGEST CARRIERS

In its opening comments, CCA urged the Commission to pursue policies that would promote spectrum acquisition by a broad range of carriers to facilitate competition with the two largest carriers, particularly with respect to spectrum below 1 GHz.²⁴ As Sprint notes, AT&T and Verizon hold a significant advantage over their competitors through their control of the vast majority of spectrum below 1 GHz²⁵—approximately 73 percent of low-band spectrum nationwide.²⁶ Thus, providing competitive carriers opportunities to access spectrum resources is critical to promoting robust facilities-based competition in the face of increasing consumer demand for bandwidth-intensive services and applications, such as mobile video. In addition,

²² See Comments of Competitive Carriers Association, WC Docket No. 10-90 at 8 (filed Aug. 8, 2014).

²³ See *id.*, Declaration of Dr. Raul Katz.

²⁴ Comments of Competitive Carriers Association, WT Docket No. 15-125, at 11 (filed June 29, 2015) (“CCA Comments”).

²⁵ Sprint Comments at 5.

²⁶ *MSH Order* ¶ 58.

there is a burgeoning market for the IoT that will require spectrum resources to support connected devices, both in urban and rural areas, where the technology is being implemented in connection with rural healthcare, farming, and other agricultural businesses.²⁷ Notably, AT&T touts itself as leading the industry in IoT connections.²⁸ Access to spectrum for competitive carriers is critical to ensuring that all carriers, not just the largest two, have opportunities to participate in the growing IoT marketplace.²⁹

Verizon and Mobile Future seek to divert attention from the dominant spectrum positions of the largest two carriers by claiming that T-Mobile and Sprint have “far more spectrum resources per customer than do AT&T and Verizon.”³⁰ Focusing on this metric ignores the significant value of low-band spectrum and the premium coverage it provides. In addition, it presumes that competitors should be inhibited from growing and winning subscribers or from entering into the provision of new services and technologies that require greater capacity, such as over-the-top video and IoT, in which AT&T and Verizon already have taken leading positions. AT&T and Verizon are able to focus on capacity improvement as a result of their superior coverage over the other nationwide carriers.

CCA supports the Commission’s policies in connection with the 600 MHz Incentive Auction that aim to alleviate the threat of foreclosure by dominant providers of their competitors’

²⁷ *Ex Parte* Letter from Rebecca Murphy Thompson, General Counsel, CCA, to Marlene Dortch, Secretary, Federal Communications Commission, GN Docket No. 12-268, WT Docket No. 12-269, AU Docket No. 14, 252, at 1, n.1 (filed July 6, 2015) (“CCA Incentive Auction *Ex Parte*”).

²⁸ AT&T Comments at 23.

²⁹ See Sue Marek, FierceWireless, “Accenture, Cisco and others form wireless IoT standards group” (July 6, 2015), *available at* http://www.fiercewireless.com/tech/story/accenture-cisco-and-others-form-wireless-iot-standards-group/2015-07-06?utm_medium=nl&utm_source=internal.

³⁰ Verizon Comments at 5; *see also* Mobile Future Comments at 14.

access to low-band spectrum, particularly through the establishment of a spectrum reserve.³¹ CCA also agrees with Sprint that the reserve must be implemented in a manner that ensures effective opportunities for competitive carriers to access low-band spectrum.³² Specifically, CCA shares Sprint's concern that the spectrum reserve in the 600 MHz Incentive Auction still leaves the nation's two dominant carriers significant opportunities both to acquire large amounts of additional low-band spectrum and to raise the cost of low-band spectrum for competitors.³³ Thus, CCA supports increasing the maximum size of the spectrum reserve to 40 MHz, which should represent approximately 50 percent of the spectrum to be auctioned. However, if the Commission declines to expand the reserve, the Commission should consider compromise proposals that would increase the reserve at higher initial clearing targets.³⁴

Additionally, CCA supports decoupling the triggering of the reserve from the satisfaction of the final stage rule for the auction. Several parties have recently submitted compromise proposals to improve the reserve trigger, including a proposal by former Rep. Henry Waxman that customizes the trigger based on the amount of spectrum cleared for auction,³⁵ as well as a proposal from Public Knowledge that the Commission adopt a single trigger.³⁶ Mobile Future perfunctorily dismisses any need for a spectrum reserve in the Incentive Auction,³⁷ entirely

³¹ See Sprint Comments at 14.

³² *Id.* at 18.

³³ *Id.* at 17-18.

³⁴ See CCA Incentive Auction *Ex Parte* at 2.

³⁵ *Ex Parte* Letter from Henry A. Waxman to The Hon. Tom Wheeler, Chairman, FCC, GN Docket No. 12-268, WT Docket No. 12-269, AU Docket No. 14-252 (filed July 9, 2015).

³⁶ *Ex Parte* Letter from Harold Feld, Senior Vice President, Public Knowledge to Marlene H. Dortch, Secretary, FCC, GN Docket No. 12-268, AU Docket No. 14-252 at 1-2 (filed July 9, 2015).

³⁷ See Mobile Future Comments at 14.

disregarding the findings of foreclosure risk in low-band spectrum made by the Commission and the U.S. Department of Justice.³⁸ Mobile Future argues that a higher reserve would not protect smaller companies in rural areas because the reserve will not be triggered in these markets.³⁹ However, this is precisely the reason why CCA and others have advocated for modifications to the implementation of the reserve to ensure that it actually comes into fruition.⁴⁰

IV. COMMENTERS AGREE THAT THE COMMISSION'S CURRENT POLICY INITIATIVES PROVIDE A PLATFORM FOR REMOVING BARRIERS TO COMPETITION

Several commenters support the types of measures that CCA has urged the Commission to undertake to facilitate opportunities for competitive carriers, which would thereby remove or reduce structural barriers to competition. Targeted intervention by the Commission would help to resolve the competitive imbalance in the marketplace today. In particular, the Commission should initiate a proceeding to review its data roaming rules in light of its *Open Internet Order*, to ensure that competitive carriers are getting adequate access to this critical input. The Commission should also reform its Universal Service Fund (“USF”) policies to promote wireless deployment and enable competitive wireless carriers to compete on a more even playing field with the two largest carriers. It should take action to facilitate the development of a solution to non-geographic number porting to remove unnecessary impediments to consumers that wish to switch carriers. Finally, CCA urges the Commission to monitor the development of new device technologies and standards setting bodies, and to remove barriers to deployment of wireless infrastructure facilities on federal land.

³⁸ *MSH Order* ¶ 62.

³⁹ *See* Mobile Future Comments at 14.

⁴⁰ *See, e.g.*, CCA Comments at 13; CCA Incentive Auction *Ex Parte*.

A. Roaming

In its opening comments, CCA urged the Commission to continue to ensure that competitive carriers have access to roaming agreements, which are necessary for offering robust wireless network coverage.⁴¹ NTCA members agree that regional and local carriers that have smaller footprints must partner with other carriers through roaming agreements to offer competitive services over an expanded coverage area.⁴² CCA supports NTCA's request that the Commission examine the roaming marketplace. As CCA noted, the Commission has the opportunity to develop further guidance and clarity in this area through the pending roaming complaints that have been filed against Verizon and AT&T, and by initiating a proceeding to consider whether data roaming services should be provided pursuant to the Commission's Title II rules as the Commission suggested in its *Open Internet Order*.⁴³

B. USF

Sprint's opening comments reinforce CCA's call for the Commission to reform its USF policies to ensure equitable, technology-neutral distribution of funding. Specifically, Sprint highlights the detrimental impact on competition of the Commission's current USF policies, which are heavily skewed toward ILECs.⁴⁴ CCA agrees that the disparity in high-cost support allocated to ILECs, as compared to mobile and other competitive carriers, is stark.⁴⁵ Indeed, the disproportionately large USF distributions to the two largest wireless carriers' affiliated ILECs

⁴¹ CCA Comments at 18.

⁴² NTCA Comments at 4.

⁴³ CCA Comments at 19.

⁴⁴ Sprint Comments at 9.

⁴⁵ *See id.* at 10.

disrupt the competitive balance in the wireless industry.⁴⁶ Wireless carriers, including many of CCA's members, finance these ILEC subsidies through their USF contributions.

CCA reiterates its request to distribute USF funding in line with consumers' demonstrated preference for mobile broadband services. As Mobile Future acknowledges, low-income and minority communities often depend on mobile broadband as their only source of Internet connectivity.⁴⁷ Additionally, as CCA noted in its opening comments, rural consumers rely upon existing wireless operations in rural areas to access the same competitive service offerings that are available to their urban counterparts.⁴⁸ Thus, the Commission can promote mobile wireless deployment and competition by implementing USF reform to target funding toward the broadband platforms that consumers demand, both through low-income and high-cost programs, by ensuring that wireless technologies are placed on equal footing with wireline networks in competing for USF funding.⁴⁹

C. Number Porting

In response to the *Public Notice* requesting information on factors affecting mobile wireless consumers' choices, including switching costs, CCA emphasized that non-geographic number portability was a significant factor affecting regional carriers that may not have access to number resources in other regions.⁵⁰ Currently, non-geographic number portability is not a reality for smaller carriers, and CCA noted that the lack of this service has resulted in lost

⁴⁶ *See id.*

⁴⁷ Mobile Future Comments at 5.

⁴⁸ CCA Comments at 24-25.

⁴⁹ The Commission should consider other creative proposals aimed at achieving this same goal as well. *See, e.g.,* Greg Rosston and Scott Wallsten, *Free Markets and Rural Universal Service*, THE HILL, July 6, 2015, <http://thehill.com/blogs/pundits-blog/technology/246912-free-markets-and-rural-universal-service>.

⁵⁰ CCA Comments at 20.

opportunities for non-nationwide carriers in winning customers.⁵¹ Further emphasizing this point, a recent letter to the Commission from the full Subcommittee on Communications and Technology of the House Energy and Commerce Committee explained that, “consumers overwhelmingly prefer to keep their numbers when they switch carriers,” and the disparity of number portability rules continuously “places non-nationwide providers at a competitive disadvantage.”⁵²

In contrast, Verizon asserts that there are no barriers preventing customers from switching carriers and claims that wireless-to-wireless porting presently is streamlined and seamless to customers.⁵³ In addition to ignoring the issue of non-geographic number portability, Verizon attempts to discount the possibility of any impact of switching costs on consumer behavior, arguing that financial and other inducements offered to consumers reduce or eliminate any barriers to switching carriers.⁵⁴ While such promotions and offers might be sufficient to address early termination fees or other tangible financial costs, a customer’s inability to port a telephone number is not easily offset by promotional rates or discounts. Therefore, non-geographic number porting remains a significant competitive issue.

D. Access to Devices

The availability of devices incorporating new wireless technologies remains an issue that requires sustained Commission oversight and review.⁵⁵ The potential for smaller, regional carriers to not have access to interoperable devices persists, as many of these carriers are unable

⁵¹ *Id.*

⁵² Letter from Fred Upton, Chairman, H. Energy & Commerce Comm., *et al.* to The Hon. Tom Wheeler, Chairman, FCC (July 9, 2015).

⁵³ Verizon Comments at 33.

⁵⁴ *Id.*

⁵⁵ CCA Comments at 22.

to participate in or influence the standard-setting processes for new technologies. Perhaps more importantly, handset availability is still a significant barrier to smaller competitors providing competitive wireless service to customers.⁵⁶ NTCA confirms that despite recent reductions in exclusive agreements between handset manufacturers and the largest providers, small carriers still report having difficulty obtaining the newest handsets, and are thus at a severe competitive disadvantage.⁵⁷ In contrast, CTIA asserts that there is robust competition in the wireless device market, and that consumers have access to a wide range of high-quality, innovative devices.⁵⁸ While this may be true for nationwide carriers, the experience of certain members of CCA and NTCA confirms that competitive carriers continue to struggle to obtain access to the newest technology and devices.⁵⁹

E. Standards Oversight

As CCA has noted above and previously in other proceedings, smaller carriers oftentimes do not have the time or resources needed to participate in work performed by important standards setting bodies.⁶⁰ In the context of LTE-Unlicensed and Licensed Assisted Access technologies, for example, CCA warned that “[w]hen monitoring how specifications for [these] technologies develop, the Commission must ensure robust and equitable access to these new technologies and not allow others to set specifications that favor development and availability of

⁵⁶ See Comments of NTCA-The Rural Broadband Association, WT Docket No. 15-125 at 3 (“NTCA Comments”).

⁵⁷ *Id.*

⁵⁸ CTIA Comments at 37, 41.

⁵⁹ See NTCA Comments at 3.

⁶⁰ See, e.g., Comments of Competitive Carriers Association, ET Docket No. 15-105 at 2 (filed June 11, 2015).

devices for one particular band or carrier to the exclusion of other carriers.”⁶¹ Monitoring developments in this space is integral to removing a potential barrier to investment. Moreover, allowing competitive carriers to be boxed out from participating in technological advancements will inherently make them less competitive against the largest providers.

Recent press reports related to 5G technology reinforce the need for Commission oversight. Specifically, it has been reported that major equipment vendors including Alcatel-Lucent and Nokia are working on specifications for the architecture and design of fifth generation (5G) networks.⁶² CCA therefore requests that the Commission continue to encourage development of efficient standards and flexible utilization of advanced technologies, while monitoring developments. As the Commission is acutely aware, failure to monitor, and, when necessary, intervene in these processes can lead to disastrous results for competition, most notably the fragmentation of the Lower 700 MHz Band following Auction 73.

F. Facilities Siting

While the Commission has taken important steps to remove barriers to wireless infrastructure in the past several years,⁶³ commenters echo CCA’s assertion that consumers and service providers would benefit from improved guidance related to application and deployment procedures for siting wireless facilities on federal lands.⁶⁴ Specifically, PCIA urges the Commission to offer more clarity to service providers applying for access to federal property

⁶¹ *Id.* at 11.

⁶² Monica Allevan, *Nokia Plows Ahead on Efforts to Create “Flexible” 5G Standard*, FIERCEWIRELESSTECH, July 9, 2015, <http://www.fiercewireless.com/tech/story/nokia-plows-ahead-efforts-create-flexible-5g-standard/2015-07-09>.

⁶³ *See Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies*, WT Docket No. 13-238, *et al.*, Report and Order, 29 FCC Rcd 12865 (2014) (“*Wireless Infrastructure Order*”).

⁶⁴ Comments of PCIA – The Wireless Infrastructure Association, WT Docket No. 15-125 at 10, 12 (filed June 29, 2015) (“PCIA Comments”).

through leases, easements, and other applications that may require agency review.⁶⁵ In practice, detailed guidance from the Commission will streamline application procedures and stimulate deployment of wireless broadband infrastructure, particularly in rural and hard-to-serve areas.⁶⁶

Additionally, PCIA echoes CCA's request that the Commission support legislation aimed at relieving regulatory burdens to siting facilities on federal land.⁶⁷ Specifically, competitive carriers will benefit from the enactment of legislation like the Wireless Innovation Act of 2015, which would streamline siting procedures by standardizing fee schedules, automate lease renewals, and provide specific points of contact within agencies reviewing site applications.⁶⁸ Indeed, legislation that provides flexible statutory requirements for federal land use will promote deployment of wireless infrastructure, help meet consumer demand, and enhance federal procedures that regulate deployment of these facilities.

Finally, PCIA reiterates CCA's request that the Commission encourage state and local governments to enact laws that mirror and enhance federal siting policies.⁶⁹ As the Commission has previously acknowledged, obtaining necessary approvals from state and local governments can significantly delay deployment of wireless facilities.⁷⁰ It is necessary, therefore, that the Commission inspire state and local authorities to revise outdated regulations and process site applications in a reasonable and timely manner.⁷¹ Collectively, these initiatives will help to

⁶⁵ *Id.* at 12.

⁶⁶ *Id.*; CCA Comments at 27.

⁶⁷ PCIA Comments at 13.

⁶⁸ Wireless Innovation Act of 2015, S. 1618, 114th Cong. (2015); *Id.*

⁶⁹ PCIA Comments at 14.

⁷⁰ *Wireless Infrastructure Order* at 12955-96, ¶¶ 212-13.

⁷¹ CCA Comments at 27; PCIA Comments at 14.

improve procedures necessary for submitting site applications, fuel competition among carriers, and stimulate more efficient and collaborative wireless infrastructure deployment.

V. CONCLUSION

For the reasons set forth herein and in CCA's opening comments in this proceeding, the Commission should decline to find effective competition in the mobile wireless marketplace. Targeted Commission action is needed to ensure that competitive carriers have sufficient access to spectrum to compete with the largest carriers and to offer new services using emerging technologies. In addition, the Commission should monitor developments in the wireless ecosystem and intervene where necessary to reduce or remove structural barriers to competition.

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