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

In the Matter of Inquiry Concerning the Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion, and Possible Steps to Accelerate Such Deployment Pursuant to Section 706 of the Telecommunications Act of 1996, as Amended by the Broadband Data Improvement Act	)	GN Docket No. 15-191

COMMENTS OF MOBILE FUTURE

Mobile Future submits these comments in response to the Commission's Eleventh Broadband Progress Notice of Inquiry.[1] Section 706 of the Telecommunications Act directs the Commission to determine whether advanced telecommunications capability in the United States is being deployed in a reasonable and timely fashion.[2] Mobile broadband deployment is not only reasonable and timely, it is remarkable, and by all indicators, may be considered perhaps the outstanding technical, investment, and innovation achievements of our era. It is not just that the United States leads the world in deployment of mobile broadband. Most impressively, providers have deployed LTE service covering 98.5 percent of the U.S. population in a span of just three and a half years. No other technology in our history has scaled so ubiquitously, swiftly,

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[1] *Inquiry Concerning the Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion, and Possible Steps to Accelerate Such Deployment Pursuant to Section 706 of the Telecommunications Act of 1996, as Amended by the Broadband Data Improvement Act*, Eleventh Broadband Progress Notice of Inquiry, GN Docket No. 15-191, FCC 15-101 (rel. Aug. 7, 2015) ("NOI").

[2] 47 U.S.C. § 1302(b).

successfully, or sustainably in such a short time period. It is difficult to fathom how the Commission could find that mobile broadband deployment is not reasonable and timely.

But as proposed in the NOI, the Commission would make an affirmative determination under Section 706 only if it finds that both fixed and mobile broadband deployment to all Americans is reasonable and timely.[3] The proposed approach conflicts with the plain language of the statute, which directs that the inquiry be on the progress towards deployment and be conducted on a technology neutral basis, and therefore should be summarily rejected. Additionally, the Commission should refrain from adopting arbitrary or capricious speed, latency, or consistency/quality of service benchmarks. The Commission should instead track all available mobile broadband offerings in a consistent manner across time to measure real progress as mobile broadband speeds and technologies advance.

Going forward, the Commission should focus its efforts on policies that allow the current level of wireless investment and pace of deployment to continue as technology continues to advance. Specifically, the Commission should make additional licensed and unlicensed spectrum available to meet the ever-increasing consumer demand for mobile broadband and should remove tower-siting barriers to facilitate infrastructure deployment.

I. THE UNITED STATES LEADS THE WORLD IN MOBILE BROADBAND DEPLOYMENT

Mobile broadband investment and deployment in the United States far outpaces the rest of the world. According to the Commission's most recent Mobile Competition Report, 99.7 percent of Americans are covered by mobile broadband service, and providers have deployed

[3] NOI at 2-3, ¶ 3.

LTE service covering 98.5 percent of the U.S. population in a span of just three and a half years.[4] This widespread deployment, moreover, involves multiple competing providers. 93.4 percent of Americans are covered by three or more mobile broadband providers and 82.1 percent of Americans are covered by four or more mobile broadband providers.[5] LTE subscriber penetration is nearly 50 percent in the U.S. as of 2014, with 158 million LTE connections among the population of 318 million, a number that continues to grow quickly.[6] In contrast, LTE penetration is just 21 percent in Western Europe and 14 percent in the Asia Pacific region.[7] Nearly 100 percent of mobile subscriptions in North America are 3G or above, compared to just 75 percent in Western Europe, 40 percent in Latin America and Asia, and 20 percent in the Middle East and Africa.[8]

High levels of investment go hand in hand with the expansive deployment. U.S. wireless providers invested over $32.1 billion in their networks in 2014 alone,[9] and have invested $430

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[4] *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, 15336, 15340 ¶¶ 51, 59 (2014) ("17th Mobile Competition Report"); *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*, Fifteenth Report, 26 FCC Rcd 9664, 9720 ¶ 70 (2011).

[5] 17th Mobile Competition Report, 29 FCC Rcd at 15336, ¶ 51.

[6] 4G Americas, Year-End 2014: Nearly Half a Billion LTE Connections Worldwide (Mar. 11, 2015), http://www.4gamericas.org/en/newsroom/press-releases/year-end-2014-nearly-half-billion-lte-connections-worldwide/.

[7] 4G Americas, 1Q2015: LTE connections Worldwide Increase by 150 Percent (June 5, (June 5, 2015), http://www.4gamericas.org/en/newsroom/press-releases/1q2015-lte-connections-worldwide-increase-150-percent/.

[8] Ericsson Mobility Report, 8 (June 2015), http://www.ericsson.com/res/docs/2015/ericsson-mobility-report-june-2015.pdf

[9] CTIA, CTIA Wireless Industry Survey (June 2015), http://www.ctia.org/your-wireless-life/how-wireless-works/annual-wireless-industry-survey.

billion since 1985.[10] While the United States has just five percent of total global wireless users, American wireless providers' investment represents 24 percent of total global wireless investment.[11]

Meanwhile, U.S. mobile traffic continues to increase rapidly, far exceeding data usage in the rest of the world. U.S. mobile traffic in 2014 was equivalent to 32 times the volume of U.S. mobile traffic just five years earlier in 2009.[12] An average mobile device in the U.S. generated 1,503 megabytes of data traffic per month in 2014, more than 2.3 times the average device in Western Europe and 5.5 times the average device in the Asia Pacific region.[13] And mobile spectrum usage continues to grow - as video will account for 75% of the U.S. mobile data traffic by 2019, compared to 60% at the end of 2014.[14] As consumer demand for mobile continues to grow, it is hard to fathom a finding other than reasonable and timely deployment of advanced telecommunications capability.

II. THE COMMISSION SHOULD REFRAIN FROM REQUIRING AVAILABILITY OF BOTH FIXED AND MOBILE BROADBAND TO FIND THAT DEPLOYMENT IS REASONABLE AND TIMELY

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[10] CTIA, Background on CTIA's Wireless Industry Survey (2015), http://www.ctia.org/docs/default-source/Facts-Stats/ctia_survey_ye_2014_graphics.pdf?sfvrsn=2.

[11] CTIA, Press Release, CTIA's Annual Survey Says US Wireless Providers Handled 3.2 Trillion Megabytes of Data Traffic in 2013 for a 120 Percent Increase Over 2012 (June 17, 2014), http://www.ctia.org/resource-library/press-releases/archive/ctia-annual-survey-2013.

[12] *Id.*

[13] *Id.*

[14] Cisco, Visual Networking Index Mobile Forecast, (Feb. 2015), *available at* http://www.cisco.com/c/dam/assets/sol/sp/vni/forecast_highlights_mobile/index.html#~Country.

Section 706 charges the Commission with determining whether advanced telecommunications capability is being deployed in a reasonable and timely fashion.[15] Section 706 is also technology neutral, defining advanced telecommunications capability "without regard to any transmission media or technology, as high-speed, switched, broadband telecommunications capability that enables users to originate and receive high-quality voice, data, graphics, and video telecommunications using any technology."[16] The Commission, for the first time, proposes to consider mobile broadband as part of its Section 706 inquiry. The data points above demonstrate that mobile broadband fits the definition of advanced telecommunications capability and is being deployed in a reasonable and timely fashion. But there is no logical or real-world basis for the Commission to deem advanced communications capability "to be available in an area only when both fixed and mobile broadband meeting [the Commission's] benchmark standards are available."[17] Indeed, such a definition strains both credulity and common sense, given the wildly different consumer preferences, technology needs, and economic, social and geographic variances that comprise the rapidly evolving U.S. marketplace and the technologies it offers.

III. SPEED DEFINITIONS AND OTHER CRITERIA ARE ARBITRARY AND DISTRACT FROM MEASURING PROGRESS OVER TIME AS TECHNOLOGY ADVANCES

Arbitrary benchmarks distract from the useful task of measuring progress over time as technology advances. Instead of attempting to arbitrarily "define" mobile broadband based on technology and realities that may quickly become outdated, the Commission should report on the

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[15] 47 U.S.C. § 1302.

[16] 47 U.S.C. § 1302(d).

[17] NOI at 4, ¶ 8.

services that consumers actually buy in the mobile marketplace. The Commission must ensure the enormous benefits current offerings, including LTE services, provide to consumers and the economy are not excluded from its assessment. Moreover, as to questions regarding latency and quality of service benchmarks, the mobile broadband market is intensely competitive and extremely dynamic. Marketplace demands – not regulatory edicts – will best ensure that services meet the quality of service that consumers require, obviating the need for the Commission to adopt specific benchmarks.

IV. CONCLUSION

The Commission must alter the approach proposed in the NOI to recognize the tremendous, world-leading success of the U.S. mobile broadband market, as well as its self-evident reasonableness and timeliness. The Commission should focus on policies that foster continued deployment, including making additional licensed and unlicensed spectrum available to meet increasing consumer demands for mobile broadband and removing tower-siting barriers to facilitate infrastructure deployment.

Respectfully submitted,

By: __/s/ Jonathan Spalter_____

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