

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)
)
Inquiry Concerning the Deployment of Advanced) GN Docket No. 15-191
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)
)

To: The Commission

COMMENTS OF CTIA – THE WIRELESS ASSOCIATION®

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I. INTRODUCTION AND SUMMARY.

CTIA – The Wireless Association® (“CTIA”) provides these comments on the Commission’s Eleventh Broadband Progress Notice of Inquiry.¹ As discussed in more detail below, U.S. global leadership in mobile wireless broadband, unprecedented wireless provider network investments, and the incredible pace of consumer adoption and usage compellingly demonstrate that mobile wireless broadband deployment is reasonable and timely. Rather than imposing additional reporting, speed, quality of service, or other obligations on wireless providers, the Commission should focus on freeing additional spectrum, committing to a robust Mobility Fund, and reducing barriers to deploying critical infrastructure in order to continue the reasonable and timely deployment of mobile wireless broadband.

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*”).

II. BY ANY MEASURE, MOBILE WIRELESS BROADBAND DEPLOYMENT IS REASONABLE AND TIMELY.

As CTIA has consistently argued, the Section 706 Report should account for the significant role that mobile broadband plays in Americans' lives. As described below, U.S. global leadership in mobile wireless broadband, unprecedented wireless provider network investments, and the incredible pace of consumer adoption and usage are each clear indicators that mobile wireless broadband deployment is reasonable and timely.

A. Mobile Broadband Is a Critical Component of the American Consumers' Broadband Experience.

Increasingly, consumers are adopting wireless as their primary, or even their exclusive, form of accessing essential communications services and information resources. As of December 2014, there were approximately 355.4 million wireless connections nationwide, equal to 110 percent of the U.S. population.² The percentage of households that are wireless-only has been steadily increasing, and many American adults now exclusively have access to telephone service via wireless devices.³ What's more, some 19 percent of American adults rely primarily or solely on their mobile devices for online access.⁴

Smartphone adoption, an indicator of mobile broadband adoption, in particular continues to grow. The Pew Research Center has reported that nearly two-thirds of Americans are now

² *CTIA Annual Survey Report*, CTIA – THE WIRELESS ASSOCIATION® (June 2015), available at <http://www.ctia.org/your-wireless-life/how-wireless-works/annual-wireless-industry-survey> (“*CTIA Survey Report*”); Comments of CTIA, WT Docket No. 15-125, at 3-5 (filed June 29, 2015) (“CTIA 2015 Mobile Competition Report Comments”).

³ Stephen J. Blumberg, Ph.D. and Julian V. Luke, *Wireless Substitution: Early Release of Estimates From the National Health Interview Survey, July-December 2014*, NATIONAL CENTER FOR HEALTH STATISTICS (June 2015), available at <http://www.cdc.gov/nchs/data/nhis/earlyrelease/wireless201506.pdf>.

⁴ Aaron Smith, *U.S. Smartphone Use in 2015*, PEW RESEARCH CENTER (Apr. 1, 2015), available at <http://www.pewinternet.org/2015/04/01/us-smartphone-use-in-2015> (“*U.S. Smartphone Use*”); CTIA 2015 Mobile Competition Report Comments at 5.

smartphone owners, with smartphone ownership highest among adults 18-29 years old.⁵ In fact, every demographic shows smartphone adoption at or above 50 percent, with the sole exception of adults over 65 years old.⁶ Nevertheless, smartphone ownership among older adults grew 50 percent between May 2013 and December 2014 (from 18 percent to 27 percent).⁷

Across the board, consumers are using more connected devices. By the end of 2014, there were 68.2 million active data-only devices in use, a one-third increase over 2013.⁸ Moreover, a recent survey shows that the average U.S. household now has 5.3 connected devices, with more than 37 percent of the households having between four and eight connected devices.⁹

Increasing consumer adoption of mobile wireless for broadband access has resulted in skyrocketing usage of wireless devices and data. LTE connections in the U.S. are growing in availability, number, and as a percentage of total mobile connections.¹⁰ Overall, consumer usage continues to expand exponentially, with data usage on mobile networks increasing more than 25 percent in 2014 alone, and more than ten times the volume from four years ago.¹¹ In fact, reported mobile data traffic in 2014 was 30 times the volume of the entire global Internet in

⁵ *U.S. Smartphone Use*; CTIA 2015 Mobile Competition Report Comments at 5.

⁶ *Id.*

⁷ Aaron Smith, *Smartphone Ownership 2013*, PEW RESEARCH CENTER (June 5, 2013), available at <http://www.pewinternet.org/2013/06/05/smartphone-ownership-2013/>.

⁸ *CTIA Survey Report*; CTIA 2015 Mobile Competition Report Comments at 5.

⁹ Chetan Sharma, *Connected Consumer 2015: Global and US Trends*, CHETAN SHARMA CONSULTING (2015), <http://chetansharma.com/connectedconsumer15.htm>.

¹⁰ *Annual Report and Analysis of Competitive Market Conditions with Respect to Mobile Wireless, Including Commercial Mobile Services*, Seventeenth Report, 29 FCC Rcd 15311, 15340-41 (2014) (“*Seventeenth Mobile Competition Report*”).

¹¹ *CTIA Survey Report*; CTIA 2015 Mobile Competition Report Comments at 7.

2000.¹² Americans now use more than 11.1 billion MB of mobile data every day.¹³ And as usage climbs, connection speeds also are increasing. Between 2014 and 2019, it is estimated that the average mobile connection speed in the U.S. will more than double.¹⁴ As Commissioner Rosenworcel succinctly stated, “[a]s commonplace as wireless service may feel in our lives now, the truth is we are just getting started.”¹⁵

It’s no surprise, then, that a recent survey showed that smartphones are the first thing on many Americans’ minds in the morning.¹⁶ More than one-third of the respondents to this survey said they “reach for their mobile device first thing, ahead of coffee (17%), their toothbrush (13%) and even their significant other (10%).”¹⁷

As the data clearly demonstrate, the incredible pace of adoption of smartphone and other innovative mobile wireless broadband technologies would not be possible without the rapid and efficient deployment of mobile wireless broadband services.

¹² CTIA 2015 Mobile Competition Report Comments at 7 (citing *Cisco Visual Networking Index: Global Mobile Data Traffic Forecast Update 2014–2019 White Paper*, CISCO (Feb. 3, 2015), http://www.cisco.com/c/en/us/solutions/collateral/service-provider/visual-networking-index-vni/white_paper_c11-520862.html).

¹³ Thomas Sawanobori and Dr. Robert Roche, *Mobile Data Demand: Growth Forecasts Met: Significant Growth Projects Continue to Drive the Need for More Spectrum*, CTIA – THE WIRELESS ASSOCIATION® (June 22, 2015), <http://www.ctia.org/docs/default-source/default-document-library/062115mobile-data-demands-white-paper.pdf>.

¹⁴ CTIA 2015 Mobile Competition Report Comments at 8 (citing *VNI Mobile Forecast Highlights, 2014-2019*, CISCO, http://www.cisco.com/assets/sol/sp/vni/forecast_highlights_mobile/index.html#~Country).

¹⁵ Statement of FCC Commissioner Jessica Rosenworcel Before the Committee on Commerce, Science & Transportation, U.S. Senate, Hearing on “Wireless Broadband and the Future of Spectrum Policy” (July 29, 2015), https://apps.fcc.gov/edocs_public/attachmatch/DOC-334645A1.pdf.

¹⁶ *Trends in Consumer Mobility Report*, BANK OF AMERICA, at 2 (2015), http://newsroom.bankofamerica.com/files/doc_library/additional/2015_BAC_Trends_in_Consumer_Mobility_Report.pdf.

¹⁷ *Id.*

B. Unprecedented Investments in Spectrum and Network Technologies Have Enabled Rapid Mobile Wireless Broadband Deployment.

In order to meet staggering consumer demand, wireless service providers are rapidly deploying and upgrading mobile wireless broadband networks across America, eclipsing any “reasonable and timely” standard and ahead of every other country in the world. Indeed, according to the Commission’s most recent Mobile Competition Report, 98.8 percent of Americans have access to two or more mobile broadband providers, more than 93 percent have access to three or more, and 82.1 percent have access to four or more.¹⁸

This competitive mobile environment is driving high-speed connectivity and expanded network coverage. More Americans now have access to high-speed 4G connectivity, with 4G traffic accounting for 72 percent of all mobile data traffic in the U.S. at the end of last year.¹⁹ The advancement continues, as U.S. wireless carriers are investing to further expand their wireless networks. Cumulative capital investment by wireless providers at the end of 2014 totaled more than \$430 billion, up eight percent from 2013.²⁰ In 2014 alone, wireless carriers invested more than \$32 billion in their networks – a nearly 30 percent increase from 2010.²¹ These figures do not even include the more than \$94 billion carriers have spent on spectrum auctioned by the Commission or the additional sums spent acquiring spectrum resources in subsequent market transactions.²²

¹⁸ *Seventeenth Mobile Competition Report* ¶ 51, Chart III.A.2.

¹⁹ CTIA 2015 Mobile Competition Report Comments at 66.

²⁰ *Id.* at 11.

²¹ *Id.* at 12; Press Release, CTIA – The Wireless Association[®], *CTIA – The Wireless Association[®] Survey Shows Americans Used 26 Percent More Wireless Data in 2014* (June 17, 2015), <http://www.ctia.org/resource-library/press-releases/archive/ctia-survey-shows-americans-used-26-percent-more-wireless-data-in-2014>.

²² See FCC Fiscal Year 2016 Budget Estimates Submitted to Congress February 2015, at 31, Table, “Spectrum Auctions and Collections, FY 1994 Through FY 2014,” *available at*

C. The U.S. is the World Leader in Mobile Wireless Broadband Investment, Deployment, and Adoption.

The investment, deployment, and adoption described above place the United States at the top of international rankings for high-speed mobile broadband. In 2013, for example, U.S. carriers spent approximately four times as much in network infrastructure per subscriber as the rest of the world – or 120 percent of the combined European Union countries.²³ North America is the only region of the world where nearly 100 percent of mobile subscriptions are at 3G or above, with Western Europe lagging behind in second place at 75 percent, and the Asia Pacific tied with Latin America for fourth place at 40 percent.²⁴ North America also has the highest percentage of 4G network availability, with 98 percent of the population covered.²⁵ LTE penetration in the U.S. is now at nearly 50 percent, compared to LTE penetration of about 13 percent in Western Europe and 10 percent in the Asia Pacific region.²⁶

D. The Evidence Presented Here and the Data Already Available to the Commission Demonstrate That Mobile Wireless Broadband Deployment Is Reasonable and Timely.

The evidence discussed above definitively shows that mobile wireless broadband deployment is reasonable and timely. Customers are universally adopting mobile devices as their go-to communication choice for voice and data. To respond to growing consumer demand, carriers are investing heavily in their networks and deploying mobile broadband networks that

https://apps.fcc.gov/edocs_public/attachmatch/DOC-331817A1.pdf; Auction 97 Advanced Wireless Services (AWS-3), http://wireless.fcc.gov/auctions/default.htm?job=auction_summary&id=9 (last visited Sept. 9, 2015).

²³ CTIA 2015 Mobile Competition Report Comments at 13.

²⁴ *Ericsson Mobility Report, June 2015*, at 8, available at <http://www.ericsson.com/res/docs/2015/ericsson-mobility-report-june-2015.pdf>.

²⁵ CTIA 2015 Mobile Competition Report Comments at 66.

²⁶ *Id.*

are faster and more effective. Investments by the U.S. wireless industry are particularly impressive when compared to investments around the globe.

No additional reporting is needed to support a finding that mobile broadband deployment is reasonable and timely, particularly given the extensive broadband service reporting to which wireless carriers already are subjected. For instance, wireless carriers already report on their voice and broadband deployment on FCC Form 477. This reporting now includes submission of coverage shapefiles that contain information about speed and mobile broadband network technology.²⁷ Further, additional reporting obligations would burden wireless providers, especially regional wireless providers, and divert resources away from broadband deployment, while yielding little more information about mobile wireless broadband deployment than the Commission can already access.

Given the available and recognized data demonstrating U.S. global leadership in mobile wireless broadband, unprecedented wireless provider network investments, and the incredible pace of consumer adoption and usage, the Commission must conclude that mobile wireless broadband deployment is reasonable and timely.

III. TO PROMOTE CONTINUED DEPLOYMENT OF MOBILE BROADBAND, THE COMMISSION SHOULD FOCUS ON SPECTRUM, MOBILITY FUND SUPPORT, AND INFRASTRUCTURE.

A. Layering on New Speed and Quality of Service Requirements Will Not Accelerate Mobile Broadband Deployment.

The Commission should refrain from adopting new speed or quality of service requirements, such as latency and “service consistency.”²⁸ These types of factors are difficult to

²⁷ *Modernizing the FCC Form 477 Data Program*, Report and Order, 28 FCC Rcd 9887, 9888 (2013); *Wireline Competition Bureau Releases Data Specification for Form 477 Data Collection*, Public Notice, 28 FCC Rcd 12665, 12671-72 (2013).

²⁸ *NOI ¶¶ 21-46.*

meaningfully measure in the mobile environment, and the competitive mobile marketplace already dictates that consumers receive a high and ever-improving level of service. Ultimately, adopting and applying such unnecessary and arbitrary metrics to mobile wireless broadband would serve no purpose other than providing the Commission a capricious basis to support an unfounded negative conclusion under Section 706 about the reasonable and timely deployment of mobile broadband.

The very nature of mobile wireless services reflects the challenge of adopting a latency or consistency benchmark. Mobile wireless services are provided using itinerant devices, and multiple users can spontaneously populate an area. As the *NOI* recognizes, “because mobile broadband travels with the user, service quality may vary at different locations due to a variety of factors, including the particular network technology deployed in a given area, network congestion, or physical interference.”²⁹ Indeed, as mobile broadband users move about, the environment surrounding the user changes (due to the movement of people and vehicles, for example), as service qualities such as packet loss, corruption, latency, and jitter can vary considerably from moment to moment based on spectrum congestion, fading, interference, propagation path loss, and a variety of other factors. This means that the “level” of service available to wireless data traffic may vary tremendously, making the measurement of discrete and meaningful information about service levels particularly complex.

Specific technical benchmarks for assessing mobile wireless broadband also would become outdated as mobile broadband technologies change. In the ever-evolving mobile broadband network, providers constantly manage user mobility across various technology generations and revisions across the network, offering different levels of achievable network

²⁹ *Id.* ¶ 45.

performance. It thus would be impossible for the Commission to establish specific technical benchmarks that could keep up with evolving wireless technologies.

CTIA also notes that the *NOI*'s proposed speed and quality of service benchmarks bear a strong resemblance to the “minimum level of access standard” that the Commission rejected in the *Open Internet* proceeding.³⁰ There, the Commission acknowledged that stakeholders across the Internet ecosystem had raised legitimate questions regarding the “practical and technical difficulties associated with setting any such minimum level of access.”³¹ Resuscitating a similar framework in this proceeding underscores concerns that the Commission may be setting the stage for an undeserved and inaccurate negative finding under section 706.³²

In the final analysis, the competitive nature of the mobile broadband market – with 82.1 percent of Americans having access to four or more mobile broadband providers and 93.4 percent having access to three or more mobile broadband providers – assures that providers are offering service quality and mobile broadband value. Accordingly, the Commission should assess the range of mobile broadband offerings in the marketplace rather than setting arbitrary thresholds to “define” mobile broadband.

B. Further Efforts to Free Additional Spectrum Are Crucial to Continued U.S. Global Leadership in Mobile Broadband.

The FCC, NTIA, and other agencies have done important work in last few years to make spectrum available in the AWS-3 auction, the 3.5 GHz auction, and of course the upcoming

³⁰ See *Protecting and Promoting the Open Internet*, Report and Order on Remand, Declaratory Ruling, and Order, 30 FCC Rcd 5601, 5649 ¶ 114 (2015).

³¹ *Id.*

³² See *NOI*, Statement of Commissioner Ajit Pai Approving in Part and Dissenting in Part, at 35 (“The *Notice* is filled with page after page of new conditions, novel tests, and nebulous qualifiers designed to give the agency plenty of ways to ensure a negative finding when the pen hits the paper.”) (*citing, inter alia*, the proposed standard for broadband “consistency”).

incentive auction. Despite these concerted actions, however, there remains an urgent need for the federal government to focus on identifying and getting additional spectrum into the pipeline for mobile broadband services. As Commissioner Pai recently noted, “we have the incentive auction coming up, but after that it’s unclear where the next frontiers are going to be in terms of spectrum.”³³ Additional efforts to identify more spectrum for licensed mobile broadband are therefore vital to ensuring that the U.S. remains at the forefront of wireless broadband adoption and deployment.

A recent Brattle Group report prepared for CTIA makes clear that the spectrum available today and in the pipeline for the future is not sufficient to satisfy growing demand.³⁴ In fact, over the next five years, the U.S. must increase its existing supply of licensed spectrum by more than 50 percent – or more than 350 megahertz of additional licensed spectrum – to meet growing demand.³⁵ Industry can (and will) take steps on its own to address this challenge, but infrastructure investment and engineering enhancements alone will be insufficient. Mobile wireless broadband providers cannot simply “build their way out” of capacity constraints. As President Obama’s top economic and technology advisers have concluded: “While steps such as

³³ Washington Talks Wireless with Meredith Attwell Baker & FCC Commissioners, Super Mobility 2015, Las Vegas, NV (Sept. 10, 2015), <http://blog.ctia.org/2015/09/11/washington-talks-wireless-fcc-commissioners/>.

³⁴ See Coleman Bazelon and Giulia McHenry, *Substantial Licensed Spectrum Deficit (2015-2019): Updating the FCC’s Mobile Data Demand Projections*, THE BRATTLE GROUP (June 23, 2015), http://www.ctia.org/docs/default-source/default-document-library/bazelon_mchenry_spectrum-deficit_2015-06-23.pdf.

³⁵ *Id.* at 1.

increasing the density of cell towers or improving compression technology are helping, they will not be enough without reallocating more spectrum.”³⁶

There is no doubt that “[u]nleashing spectrum for broadband remains one of the Commission’s most effective strategies for spurring economic growth and job creation,” as Chairman Wheeler recently observed.³⁷ In the near term, the Commission should act to ensure that the upcoming 600 MHz incentive auction results in sufficient spectrum being made available for mobile broadband. As the Commission finalizes its proceedings and timeline for this first-of-its-kind auction, it should take the following steps to facilitate a more successful auction: (1) accept short-form forward auction applications as close to the forward auction start date as possible in order to limit the length of the anti-collusion quiet period;³⁸ (2) conduct multiple auction simulation events to give all participants the opportunity to duplicate the auction process multiple times, including the importing of bidding round and impairment data, to give bidders certainty that the complicated software systems are integrated and reacting appropriately to the complex data provided during the actual auction;³⁹ and (3) in defining the commencement of operations trigger, allow 600 MHz licensees to perform critical but limited market testing where

³⁶ Jason Furman and Megan Smith, *How to Avoid Spectrum Crunch*, WALL ST. J., Jan. 22, 2015, <http://www.wsj.com/articles/jason-furman-and-megan-smith-how-to-avoid-spectrum-crunch-1421970841>.

³⁷ Statement of FCC Chairman Tom Wheeler Before the Subcommittee on Communications and Technology, Committee on Energy and Commerce, U.S. House of Representatives, Hearing on “Continued Oversight of the Federal Communications Commission” (Jul. 28, 2015), https://apps.fcc.gov/edocs_public/attachmatch/DOC-334605A1.pdf.

³⁸ See *CTIA Statement on the 600 MHz Incentive Auction Blog Post*, CTIA Blog (Aug. 20, 2015), <http://blog.ctia.org/2015/08/20/incentive-auction-blog-post/>.

³⁹ See Letter from Scott K. Bergmann, Vice President, Regulatory Affairs, CTIA, to Gary Epstein, Chair, and Howard Symons, Vice Chair, Incentive Auction Task Force, FCC, GN Docket No. 12-268 (dated Aug. 24, 2015).

full commercial launch would occur, minimizing the impact on low-power television and other secondary users.⁴⁰

Given that forecasts of mobile broadband demand show no signs of slowing, and the fact that it takes, on average, 13 years to repurpose spectrum,⁴¹ the Commission should continue to explore other possibilities for additional spectrum for wireless broadband. This is not the time to throttle back efforts to identify new bands that may be repurposed, rebanded, or re-allocated to mobile broadband.

C. A Commitment to Mobility Fund Support Will Further Broaden Mobile Broadband Deployment.

CTIA continues to believe that robust Mobility Fund support can play an important role in reaching areas of the country where consumers would benefit from the availability of mobile wireless broadband services, but where no business case for private deployment of mobile broadband exists.⁴² A rulemaking proposing to implement Mobility Fund Phase II remains pending and there is no data in the record to support the proposition that the \$500 million in annual Mobility Fund Phase II support would be excessive to ensure coverage to unserved road

⁴⁰ See Letter from Scott K. Bergmann, Vice President, Regulatory Affairs, CTIA, to Marlene H. Dortch, Secretary, FCC, GN Docket No. 12-268 (dated Sept. 9, 2015).

⁴¹ Thomas Sawanobori and Dr. Robert Roche, *From Proposal to Deployment: The History of Spectrum Allocation Timelines*, CTIA – THE WIRELESS ASSOCIATION[®] (2015), <http://www.ctia.org/docs/default-source/default-document-library/072015-spectrum-timelines-white-paper.pdf?sfvrsn=6>.

⁴² See, e.g., Prepared Remarks of FCC Commissioner Mignon L. Clyburn, the Competitive Carriers Association Annual Convention, Las Vegas, NV (Sept. 9, 2014), https://apps.fcc.gov/edocs_public/attachmatch/DOC-329364A1.pdf (applauding the private sector “for significant deployment of advanced wireless networks” but noting that “there still remain areas where service does not exist or where service only exists today because of support from the universal service fund”).

miles in America.⁴³ Support for mobile deployment where no business case exists is consistent with the overall conclusion that mobile broadband remains reasonable and timely. The reasonable and timely standard does not necessitate a finding of 100% ubiquitous deployment. Indeed, as the FCC’s 17th Competition Report indicates, U.S. providers have built mobile broadband to 99.7 percent of the population, yet there remain pockets of the country where no private sector case exists for the provision of high-speed mobile broadband.⁴⁴ To reach these edge cases the FCC should not reduce Mobility Fund support, rather the Commission should proceed under Section 254 to promptly implement its plans for Mobility Fund Phase II, which is designed to reach those areas. To do otherwise would be a de facto acknowledgement by the FCC that mobile broadband is reasonable and timely.

D. The Commission Should Continue to Facilitate the Deployment of Wireless Infrastructure.

In addition to the spectrum that fuels the wireless industry, the deployment of mobile broadband networks in a reasonable and timely fashion depends on mobile providers’ ability to site and maintain the physical facilities such as towers, distributed antenna systems (“DAS”), and small cell technologies that make up these networks. As Commissioner O’Rielly recently remarked, without wireless infrastructure, “the latest innovations and offerings will not be available to meet the demands of American consumers . . . the U.S. does not maintain its position

⁴³ See *Connect America Fund*, Report and Order, Declaratory Ruling, Order, Memorandum Opinion and Order, Seventh Order on Reconsideration, and Further Notice of Proposed Rulemaking, 29 FCC Rcd 7051, 7129 ¶ 243 (2014).

⁴⁴ See *Seventeenth Mobile Competition Report* ¶ 51, Chart III.A.2. The 17th Report indicates that 7.3 percent of total U.S. road miles are not covered, the equivalent of 10.3 percent of rural road miles. See *id.*; see also *id.* ¶ 56, Chart III.A.6.

as the leader in wireless and Internet technologies . . . [and] the economic growth of the wireless sector and its corresponding benefits to the U.S. economy comes to a halt.”⁴⁵

The Commission should continue to reduce barriers to deploying critical infrastructure to ensure that consumers’ present and future connectivity needs are met. CTIA is therefore encouraged by the Commission’s proposal to establish a streamlined mechanism for the review of DAS and small cell facilities under Section 106 of the National Historic Preservation Act (“Section 106”).⁴⁶ Beyond these efforts, the FCC should also find ways to streamline the environmental and historic preservation review of conventional towers. Specifically, the Commission should adopt timeframes governing its review of Environmental Assessments, particularly in situations where no challenges are filed. Of equal importance, the Commission’s Wireless Telecommunications Bureau (“WTB”) should work with industry to develop a solution to resolve the uncertain regulatory status of “twilight towers” to help propel broadband deployment through collocations on existing structures.⁴⁷ These additional collocations will enable opportunities to put existing infrastructure to its highest and best use for consumers, enabling wireless providers to expand broadband to more places.

⁴⁵ Remarks of FCC Commissioner Michael O’Rielly Before PCIA – The Wireless Infrastructure Association, 2015 Wireless Infrastructure Show (Apr. 28, 2015), https://apps.fcc.gov/edocs_public/attachmatch/DOC-333214A1.pdf.

⁴⁶ *Wireless Telecommunications Bureau Seeks Comment on Revising the Historic Preservation Review Process for Small Facility Deployments*, Public Notice, WT Docket No. 15-180, DA 15-865 (rel. July 28, 2015).

⁴⁷ The term “twilight towers” refers to towers that (a) were constructed after March 16, 2001 (the effective date of the Nationwide Programmatic Agreement for the Collocation of Wireless Antennas) and before March 7, 2005 (the effective date of the Nationwide Programmatic Agreement Regarding the Section 106 National Historic Preservation Act Review Process), and (b) cannot be shown to have gone through the requisite historic preservation review process under Section 106 of the National Historic Preservation Act and Section 1.1307(a)(4) and (5) of the FCC’s rules. The term covers towers that never went through the process as well as towers that may have gone through it (or commenced it), but for which the tower owner is unable to document compliance.

CTIA also urges the Commission to move forward in other ways to enable wireless tower owners to keep pace with consumer demand and continue the economic growth made possible through the expanding mobile ecosystem. First, to minimize the possibility of delays in wireless infrastructure build-outs, the Commission should dedicate sufficient staffing and support to implement its revised Antenna Structure Registration procedures. Second, the Commission should allocate sufficient resources to its National Environmental Policy Act (“NEPA”) Team to reduce the timeline for disposal of Section 106 and NEPA issues.

Finally, the Commission should serve as an information resource to municipalities to provide technical and legal guidance regarding tower siting. By advising local agencies on best practices in tower siting, the FCC will help ensure that the timing of local approvals is regular, predictable, and minimized.

IV. CONCLUSION.

As described above, U.S. global leadership in mobile wireless broadband, unprecedented wireless provider network investments, and the incredible pace of consumer adoption and usage compellingly demonstrate that mobile wireless broadband deployment is reasonable and timely. Rather than imposing additional reporting, speed, quality of service, or other obligations on wireless providers, the Commission should focus on freeing additional spectrum, committing to a robust Mobility Fund, and reducing barriers to deploying critical infrastructure in order to continue the reasonable and timely deployment of mobile wireless broadband.

Respectfully submitted,

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