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	)	GN Docket No. 15-191
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

REPLY COMMENTS OF
THE WIRELESS INTERNET SERVICE PROVIDERS ASSOCIATION

The Wireless Internet Service Providers Association ("WISPA"), pursuant to Sections 1.415 and 1.419 of the Commission's Rules, hereby replies to certain aspects of initial Comments filed in response to the Notice of Inquiry ("*NOI*") in the above-captioned proceeding.[1] Many of the comments filed in this proceeding, in addition to WISPA's Comments,[2] support the Commission's conclusion that "fixed and mobile broadband appear to meet different customer needs."[3] However, WISPA strongly opposes the technology-specific proposal made by the Fiber to the Home Council Americas ("FTTH Council") that all-fiber

[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*"). *See also Order*, GN Docket No. 15-191, DA 15-923 (rel. Aug. 13, 2015) (extending comment and reply comment deadlines to September 15, 2015 and September 30, 2015, respectively).

[2] Comments of WISPA, GN Docket No. 15-191 (filed Sept. 15, 2015).

[3] *NOI* at ¶ 8.

network deployment, instead of speed, should serve as a benchmark for advanced telecommunications capability.[4]

Discussion

I. THE RECORD DEMONSTRATES THAT FIXED AND MOBILE BROADBAND MEET DIFFERENT CONSUMER NEEDS

Many commenters support the view that the Commission must treat the fixed and mobile markets separately in order to determine whether and to what extent advanced telecommunications capability is being deployed to all Americans in a reasonable and timely fashion.[5] These commenters pointed out the different consumer needs that the fixed and mobile markets address. For example, NTCA explains that "fixed and mobile broadband services are complimentary, not substitutes, and should be treated accordingly by the Commission."[6] US Cellular states that the Commission "should include mobile broadband as a part of its Section 706 analysis because there is strong evidence that mobile broadband is an increasingly important service, especially in rural areas."[7]

The Commission must not lose sight of threshold distinctions between fixed and mobile broadband. Mobile broadband is not an adequate substitute for fixed broadband – it does not

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[4] Comments of the Fiber to the Home Council Americas on the Eleventh Broadband Progress Notice of Inquiry, GN Docket No. 15-191 (filed Sept. 15, 2015) ("FTTH Council Comments") at 3.

[5] *See* Comments of United States Cellular Corporation, GN Docket (filed Sept. 15, 2015) ("US Cellular Comments") at 3; Comments of Competitive Carriers Association, GN Docket No. 15-191 (filed Sept. 15, 2015) at 1; Comments of Deere & Company, GN Docket No. 15-191 (filed Sept. 15, 2015) ("Deere Comments") at 7.

[6] Comments of NTCA – The Rural Broadband Associations, WTA – Advocates for Rural Broadband, Eastern Rural Telecom Association, and the National Exchange Carrier Association, Inc., GN Docket No. 15-191 (filed Sept 15, 2015) ("NTCA Comments") at 3.

[7] US Cellular Comments at 3.

enable home-based businesses, online educational opportunities or other applications that consumers in urban and suburban areas take for granted.[8] In order for the Commission to adequately assess broadband deployment, the distinction must be made between the two services to better understand the quality and the nature of the broadband delivered.

Moreover, WISPA agrees with NTCA that "if a finding by the Commission that the presence of both fixed and mobile services in a given area is necessary for section 706 purposes, this should not affect the designation of an area as 'served' or 'unserved' for other purposes, including USF support determinations."[9] In other words, in determining whether and to what extent an area may be "unserved" and thus eligible for Connect America Fund support, the Commission should not deem an area "served" only by mobile service as "served" for fixed support.

II. THE COMMISSION SHOULD NOT CONSIDER THE DEPLOYMENT OF ALL-FIBER NETWORKS TO BE A BENCHMARK FOR ADVANCED TELECOMMUNICATIONS CAPABILITY

The FTTH Council proposes that the Commission "cease using speed as a benchmark for advanced telecommunications capability and instead adopt the more relevant, objective metric, one based on network infrastructure: are all-fiber networks being deployed to all Americans in a reasonable and timely fashion?"[10] It opines that the "reliance on a speed benchmark forces the Commission to constantly move the goalposts of its Section 706(b) analysis" and that an evolving speed benchmark creates uncertainty.[11] It further adds that "only all-fiber networks

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[8] *See* NTCA Comments at 3.

[9] *Id.* at 5.

[10] FTTH Council Comments at 3.

[11] *Id.* at 3.

provide the performance and availability necessary to meet consumer bandwidth demands well into the future"[12] and that as "the market for wireline broadband services increasingly shifts to all-fiber networks with unlimited bandwidth, the concept of 'speed' as a benchmark is rapidly becoming an outdated proxy for advanced telecommunication capability."[13]

WISPA strongly opposes the proposed "all-fiber deployment" benchmark. As an initial matter, an approach that forecloses other technologies cannot be reconciled by the clear language of Section 706(b), which directs the Commission to conduct its inquiry on the basis of "deploy[ment]"of "advanced telecommunications capability" to all Americans, not on the availability of any specific technology.[14] Commissioner O'Reilly emphasized that "the term [advanced telecommunications capability] is defined 'without regard to any transmission media or technology.'"[15] As ADTRAN explains, "[f]iber deployed all the way to the school is not the only technology capable of achieving the Commission's long-term goal for broadband connections to schools of 1 Gbps per 1000 students. . . . In addition, fixed wireless broadband solutions are also available presently that provide 1 Gbps and higher services."[16]

The FTTH Council explains that over the past year, as broadband providers have accelerated the deployment of all-fiber networks, the Commission has recognized that fiber is a critical component of the future of broadband, and the Commission has adopted policies to

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[12] *Id.* at 2.

[13] *Id.* at 3.

[14] Telecommunications Act of 1996, Section 706(b), codified at 47 U.S.C. § 1302(b).

[15] *NOI*, O'Reilly Statement at 1.

[16] Comments of ADTRAN, Inc., GN Docket No. 15-191 (filed Sept. 15, 2015) at 11.

promote the deployment of all-fiber networks.[17] That may all be true, but that does not justify the Commission adopting a technology-specific benchmark at the exclusion of other technologies, present and future. To be sure, the Commission also has adopted policies that promote spectrum-based broadband services, which can be especially and uniquely appropriate for rural areas where it is not – and may never be – cost-effective to provide fiber to every home, farm and business. As Deere cogently observes, both fixed and mobile wireless technologies "will be the superior technology choice to achieve cost effective coverage for many rural areas including farm-intensive areas with significant tracts of cropland."[18] Commission policies should strive to encourage broadband deployment to these areas no matter what technology does the job.

[17] *See* FTTH Council Comments at 6-7.

[18] Deere Comments at 27.

Conclusion

In undertaking its Section 706 obligations, the Commission should continue to treat fixed and mobile broadband as different services and retain its existing criteria for defining "advanced telecommunications capability." The Commission should reject the proposal to use the deployment of all-fiber networks as a benchmark for advanced telecommunications capability.

Respectfully submitted,

WIRELESS INTERNET SERVICE PROVIDERS ASSOCIATION

September 30, 2015 By: */s/ Alex Phillips, President*
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