

November 9, 2015

VIA ELECTRONIC FILING

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: *Consumer and Governmental Affairs Bureau Seeks Comment on Small Business Exemption from Open Internet Enhanced Transparency Requirements*
(GN Docket No. 14-28)

Dear Ms. Dortch,

On Thursday, November 5, 2015, CTIA – The Wireless Association® (“CTIA”) met with representatives from the Consumer and Governmental Affairs Bureau and the Office of General Counsel to discuss the above-referenced proceeding. A complete list of attendees is included as an attachment to this *ex parte* filing.

During the meeting, CTIA highlighted that its members are strongly committed to a vibrant, open Internet and, as detailed in its comments in this proceeding, the competitive mobile broadband market already serves to ensure that wireless carriers provide an appropriate level of disclosures to consumers regarding network management practices.¹ As a result, the enhanced transparency requirements adopted by the Commission in the *Open Internet Order* are inappropriate and unnecessary for *all* mobile broadband providers, but particularly for smaller providers. Compliance with the enhanced transparency requirements will be time-consuming and costly, especially for smaller carriers that operate with smaller staffs and more limited budgets.

To the extent that the Commission retains the enhanced transparency requirements adopted in the *Open Internet Order*, CTIA urged the Commission to permanently exempt smaller providers from such requirements.² The enhanced transparency requirements will place significant and ongoing burdens on smaller providers, which will not be eased over time. As a result, no transition period would sufficiently allow smaller providers to efficiently absorb the burdens of the enhanced disclosures. And importantly, the record in this proceeding unanimously supports making the small business exemption permanent.

Additionally, in defining smaller providers, CTIA reiterated that the Commission should use a definition that more adequately captures the range of small wireless broadband providers subject to the *Open Internet Order*. Specifically, the Commission should base its determination of a small business on metrics previously established by the expert agency on small businesses –

¹ See Comments of CTIA – The Wireless Association®, GN Docket No. 14-28 (filed Aug. 5, 2015).

² *Id.* at 16-17.

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the Small Business Administration (“SBA”). To that end, a “small telecommunications carrier” should include entities that meet either of the SBA-approved tests: non-dominant providers with fewer than 1,500 employees or providers with 500,000 or fewer subscribers. The number of subscribers covered by carriers excepted under these metrics would be limited in scope – representing less than three percent of all U.S. wireless subscribers. Moreover, the Commission has already relied on each of these definitions in the past and both of the metrics conform to the SBA requirements and have been subject to appropriate approval processes.³

Pursuant to Section 1.1206 of the Commission’s rules, a copy of this letter is being filed in ECFS. Please do not hesitate to contact the undersigned with any questions.

Sincerely,

/s/ Krista L. Witanowski

Krista L. Witanowski
Assistant Vice President, Regulatory Affairs
CTIA – The Wireless Association[®]

³ *Id.* at 17-21.

ATTACHMENT
November 5, 2015 Meeting Participants

CTIA – The Wireless Association®

Jot Carpenter, Vice President, Government Affairs, CTIA

Krista Witanowski, Assistant Vice President, Regulatory Affairs, CTIA

Kara Romagnino, Director, Regulatory Affairs, CTIA

Federal Communications Commission – Consumer and Governmental Affairs Bureau

Mark Stone, Deputy Bureau Chief

Kurt Schroeder

John B. Adams (by phone)

Jerusha Burnett

Beau Finley

Federal Communications Commission – Office of General Counsel

Claude Aiken