



Competitive Carriers Association
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February 23, 2016

Via ECFS

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

Re: NOTICE OF EX PARTE

WT Docket No. 10-208: *Universal Service Reform - Mobility Fund;*

GN Docket No. 12-268: *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions;*

GN Docket No. 14-177: *Use of Spectrum Bands Above 24 GHz for Mobile Radio Services;*

WT Docket No. 15-285: *Amendment of the Commission's Rules Governing Hearing Aid-Compatible Mobile Handsets;*

GN Docket No. 15-178: *Petition for Waiver of Rules Requiring Support of TTY Technology;*

WT Docket No. 13-238: *Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies*

Dear Ms. Dortch:

On February 19, 2016, Steven Berry, Tim Donovan, Courtney Neville, Elizabeth Barket, and I, with Competitive Carriers Association (CCA), met with Jon Wilkins, Managing Director of the Federal Communications Commission (FCC or Commission) and in his capacity as the soon-to-be Chief of the Wireless Telecommunications Bureau (Bureau), regarding the above-referenced proceedings. During the meeting, CCA discussed its carrier-focused mission and highlighted what we believe will be CCA's advocacy priorities for the year ahead, including Universal Service Fund (USF) reform, allocating additional spectrum resources, deploying next generation technologies, as well as other regulatory and legislative priorities.

Starting with universal service, CCA reiterated its support for the Commission's goals to modernize the high-cost program, including the Mobility Fund, and connect unserved and underserved parts of the country, while maintaining fiscal responsibility for the benefit of American consumers. CCA discussed the language regarding universal service included in the *Consolidated*

*Appropriations Act of 2015*¹ and how it dovetails with the Commission’s USF goals highlighted above. Consistent with the *USF/ICC Transformation Order*² and the 2016 Omnibus, CCA will continue to work with the Bureau to ensure that Mobility Fund Phase II, or another ongoing support program, is implemented for wireless carriers. CCA will continue to collaborate with the Bureau to further develop its Mobility Fund II proposal.³ To do this, the Commission must accurately identify which areas would be eligible for support. CCA recommended that the Commission create a new methodology to determine which portions of the country qualify as “served,” versus those that remain unserved or underserved.⁴ Further, CCA urged the FCC to distribute the remaining \$73 million in Mobility Fund I money in 2016, to provide certainty and fulfill promises that carriers have relied on to invest in rural areas.

Equally important, CCA also discussed its spectrum priorities, including reallocating more spectrum for mobile broadband use. Regarding the upcoming incentive auction, CCA emphasized the importance of gaining access to spectrum purchased, while simultaneously ensuring a safe and expeditious repacking plan.⁵ Specifically, CCA reiterated its support for the FCC’s plan to conclude broadcaster relocation within 39 months following the close of the incentive auction.⁶ Likewise, it is increasingly difficult for competitive carriers to get access to additional low-band spectrum through secondary market transactions. CCA will continue to press the Commission to use its enhanced factor standard of review to give teeth to its implementation and enforcement.

Looking to higher spectrum bands, CCA supports exploring novel pathways towards new spectrum opportunities and welcomes the development of unlicensed technologies, such as LTE-U and LAA. CCA applauds the Commission’s efforts to unlock more spectrum resources for mobile broadband, including unlicensed spectrum and spectrum above 24 GHz. CCA also expressed support for ideas contained in the MOBILE NOW Act, which seeks to boost the development of

¹ Consolidation Appropriations Act of 2016, Pub. L. No. 114-113 (2015) (“2016 Omnibus”).

² *Connect America Fund*, WC Docket No. 10-90; *A National Broadband Plan for Our Future*, GN Docket No. 09-51; *Establishing Just and Reasonable Rates for Local Exchange Carriers*, WC Docket No. 07-135; *High-Cost Universal Service Support*, WC Docket No. 05-337; *Developing an Unified Intercarrier Compensation Regime*, CC Docket No. 01-92; *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45; *Lifeline and Link-Up*, WC Docket No. 03-109; *Universal Service Reform – Mobility Fund*, WT Docket No. 10-208, Report and Order and Further Notice of Proposed Rulemaking, FCC 11-161 ¶ 1121 (rel. Nov. 18, 2011) (“*Transformation Order*”).

³ See *Ex Parte* Letter from Rebecca Murphy Thompson, General Counsel, CCA to Marlene H. Dortch, Secretary, FCC, WT Docket No. 10-208 (filed Nov. 16, 2015).

⁴ See *Ensuring Intermodal USF Support for Rural America Before the S. Comm. on Commerce, Sci., and Transp. Subcomm. on Commc’ns, Tech., Innovation, and the Internet*, 114th Cong. (2016)(statement of Steven K. Berry, CEO & President of Competitive Carriers Association).

⁵ See *Ex Parte* Letter from Rebecca Murphy Thompson, EVP & General Counsel, CCA to Marlene H. Dortch, Secretary, FCC, GN Docket No. 12-268 (filed Feb. 10, 2016).

⁶ See *Id.*; *Ex Parte* Letter from Steve Sharkey, Vice President, Government Affairs, T-Mobile USA, Inc. to Marlene H. Dortch, Secretary, FCC, GN Docket No. 12-268 (filed Feb. 18, 2016).

5G broadband by ensuring more spectrum is available for commercial use and streamlining wireless network deployment. CCA will continue to work with Congress and the Commission to ensure carriers have access to spectrum, whether it's licensed or unlicensed, exclusive use or shared.

With the need for additional spectrum and next generation deployment, comes the need for sound infrastructure policy. CCA urged the Commission to ensure that carriers can meet America's demand for ubiquitous mobile broadband by establishing best practices for tower safety, and clear and reasonable rules for deploying new facilities.

CCA also highlighted the importance of continued advocacy on issues related to public safety and accessibility. These issues will remain a focus for CCA in the next year, given the Commission's desire to modernize public safety networks and ensure access to these networks to all. In particular, CCA discussed its efforts and advocacy regarding hearing aid compatibility and text telephone requirements. CCA encouraged the Bureau to establish policies that provide access for all consumers without inappropriately burdening carriers. CCA applauded the Commission for its acknowledgment of the unique challenges that smaller and rural carriers face when enhancing 911 services and technologies, including text-to-911 and enhanced outdoor and indoor location accuracy requirements. As the Commission continues to update its public safety and accessibility rules, CCA encouraged the Commission to continue to be mindful of the differences between the largest carriers with significant resources and competitive carriers that are often resource constrained.

Finally, CCA expressed its support of the Commission's cybersecurity reform efforts and applauded the Commission for pursuing a non-regulatory approach that will inure to the benefit of smaller carriers with less resources. CCA encourages its members to engage with the FCC and provide valuable guidance on best practices through stakeholder participation programs. Similarly, as the FCC reviews privacy in the mobile space, CCA continues to support an appropriate balance that instills consumer confidence without stifling innovation or unduly burdening carriers with additional regulations.

This *ex parte* notification is being filed electronically with your office pursuant to Section 1.1206 of the Commission's Rules. Please do not hesitate to contact me with any questions or concerns.

Sincerely,

/s/ Rebecca Murphy Thompson

Rebecca Murphy Thompson
EVP & General Counsel
Competitive Carriers Association

cc (via email): Jon Wilkins