



Competitive Carriers Association
Rural • Regional • Nationwide®

May 20, 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*

AU Docket No. 14-252: *Comment Sought on Competitive Bidding Procedures for Broadcast Incentive Auction 1000, Including Auctions 1001 and 1002*

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

WT Docket No. 05-265: *Reexamination of Roaming Obligations of Commercial Mobile Radio Service Providers and Other Providers of Mobile Data Services*

WC Docket No. 16-143: *Business Data Services in an Internet Protocol Environment*

WC Docket No. 05-25: *Special Access for Price Cap Local Exchange Carriers*

WC Docket No. 16-70: *Applications Filed for the Transfer of Control of XO Communications, LLC to Verizon Communications Inc.*

Dear Ms. Dortch:

On May 18, 2016, Tim Donovan and I of Competitive Carriers Association (CCA) met with David Grossman, Chief of Staff and Media Policy Advisor to Commissioner Clyburn, and Daudeline Meme, Legal Advisor for Wireless, International and Public Safety Issues to Commissioner Clyburn, regarding the above-referenced proceedings. During the meeting, CCA discussed its carrier-focused mission and highlighted CCA's evolving advocacy priorities for the remainder of the year, including allocating additional spectrum resources, deploying next generation technologies, completing the long-standing broadband data services (BDS) proceeding, continuing challenges getting access to roaming capabilities, and Universal Service Fund (USF) reform.

CCA discussed access to additional spectrum resources, including reallocating more spectrum for mobile broadband use. Regarding the ongoing incentive auction, CCA emphasized the importance of gaining access to spectrum purchased, while simultaneously ensuring a safe and expeditious repacking plan.¹ Specifically, CCA reiterated its support for the FCC's plan to conclude

¹ 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); see also *Ex Parte* Letter from Rebecca Murphy Thompson, EVP & General Counsel, CCA to Marlene H. Dortch, Secretary, FCC, GN Docket No. 12-268 (filed Mar. 22, 2016); *Ex Parte* Letter from Rebecca Murphy Thompson, EVP & General Counsel, CCA to

broadcaster relocation within 39 months following the close of the incentive auction.² CCA and its members also support a regional repacking approach, like the proposal submitted by T-Mobile.³ 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. CCA applauds the Commission's efforts to unlock more spectrum resources for mobile broadband, including unlicensed spectrum and spectrum above 24 GHz. CCA discussed the enormous benefits that mmW spectrum has to offer and encouraged the FCC to adopt either county or PEA sized licenses for this spectrum as well as an interoperability mandate.

Nevertheless, CCA expressed concern about aggregated ownership of mmW band spectrum. Specifically, CCA cautioned against the proposed transactions between XO Holdings and Verizon Communications Inc. The transactions, if approved, would provide Verizon with the vast majority of the available LMDS spectrum in the top markets while eliminating a competitive BDS provider. The combined effect would be to hamstring competitive carriers from making use of LMDS spectrum in some of the most populous metropolitan areas in the US, and could lead to even higher backhaul prices. The latter consequence is of particular importance, CCA explained, as wireless carriers must increase capacity to meet the growing consumer demand for mobile data. In particular, wireless carriers' ability to deploy the next generation 5G networks and support emerging Internet of Things technologies and innovations is predicated on fixing the broken BDS market. The implementation of these technological changes will require wireless carriers to undertake enormous network densification, which will require tens of thousands of new cell sites and each cell site will require a backhaul connection. The connectivity must be capable of supporting the heightened capacity and guaranteed service levels (*e.g.*, low latency, jitter) that modern networks demand. The high cost of BDS, however, is a major barrier to this deployment and, while carriers continue to seek alternative connectivity solutions, such development is costly and time consuming, which could delay the movement to advanced 5G mobile networks.

Marlene H. Dortch, Secretary, FCC, GN Docket No. 12-268 (filed Apr. 14, 2016); *and Ex Parte* Letter from CCA Non-Nationwide Carrier CEOs to Marlene H. Dortch, Secretary, FCC, GN Docket No. 12-268 (filed May 5, 2015).

² *See id.*; *see also Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Report & Order, 29 FCC Rcd 6567, 6796-802 ¶¶ 559-73 (2014) (Incentive Auction Order) (establishing a 39-month post-auction transition period for broadcasters that are assigned new channels in the repacking process, which includes a three-month period during which broadcasters will complete and file their construction permit applications followed by a 36-month period consisting of varied construction deadlines); *and* Peter Cramton, Hector Lopez, David Malec and Pacharasut Sujarittanonta, Design of the Reverse Auction in the Broadcast Incentive Auction, attached to *Ex Parte* Letter from Preston Padden, Executive Director, Expanding Opportunities for Broadcasters Coalition to Marlene H. Dortch, Secretary, FCC, GN Docket No. 12-268, AU Docket No. 14-252 (filed June 15, 2015).

³ *See Ex Parte* Letter from Trey Hanbury, Counsel to T-Mobile USA, Inc. to Marlene H. Dortch, Secretary, FCC, GN Docket No. 12-268 (filed May 11, 2016); *see also 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); T-Mobile USA, Inc., Broadcaster Repacking Proposal, attached to *Ex Parte* Letter from Trey Hanbury, Counsel to T-Mobile USA, Inc., to Marlene H. Dortch, Secretary, FCC, GN Docket No. 12-268 (filed Mar. 4, 2016); *Ex Parte* Letter from Trey Hanbury, Counsel to T-Mobile USA, Inc., to Marlene H. Dortch, Secretary, FCC, GN Docket No. 12-268 (filed Mar. 3, 2016) (attaching Broadcaster Repacking Proposal) (T-Mobile Repacking Proposal).

Regarding 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 will continue to work with the Bureau to ensure that Mobility Fund Phase II, or another ongoing support program, is sufficient to provide preservation and expansion support.⁴ 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.⁵

Finally, CCA discussed Commissioner Clyburn's connected health initiative⁶ and efforts to support increased access to telecommunications and information services to provide healthcare, including for rural areas, persistent poverty counties, and other vulnerable populations. CCA reiterated its support of leveraging coverage provided by competitive carriers and innovative technologies and solutions to increase wellness for Americans living in rural, insular, high cost, and tribal communities.

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): Mr. David Grossman
Ms. Daudeline Meme

⁴ 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).

⁵ 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).

⁶ See, e.g., *FCC to Hold Broadband Health Conference in Texas*, Public Notice, DA 16-441 (rel. Apr. 22, 2016); see also, e.g., *FCC Connect2Health Task Force Announces Its Next Beyond the Beltway Events in Ohio and Michigan*, Public Notice, DA 15-1146 (rel. Oct. 6, 2015).