

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Implementation of Section 6002(b) of	)	
the Omnibus Budget Reconciliation	)	
Act of 1993	)	WT Docket No. 02-379
	)	
Annual Report and Analysis of	)	
Competitive Market Conditions With	)	
Respect to Commercial Mobile Services	)	

**REPLY COMMENTS OF T-MOBILE USA, INC.**

T-Mobile USA, Inc. (“T-Mobile”)<sup>1</sup> submits these reply comments in response to comments filed regarding the Commission’s December 13, 2002 Notice of Inquiry requesting information on the status of competition in the CMRS industry.<sup>2</sup>

**I. THE U.S. WIRELESS MARKET IS HIGHLY COMPETITIVE**

T-Mobile agrees with CTIA’s comments that “the U.S. wireless industry is an extremely competitive market.”<sup>3</sup> New operators have entered the market, and as the Commission notes in its Seventh Annual CMRS Competition Report, 94 percent of the total U.S. population live in counties with access to three or more different operators (cellular, broadband PCS, and/or digital

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<sup>1</sup> T-Mobile USA, Inc. (formerly known as VoiceStream Wireless Corporation), combined with Powertel, Inc., is the sixth largest national wireless provider in the U.S. with licenses covering over 94 percent of the U.S. population and currently serving approximately ten million customers. T-Mobile and Powertel are wholly-owned subsidiaries of Deutsche Telekom, AG and are part of its T-Mobile wireless division. Both T-Mobile and Powertel are, however, operated together and are referred to in this request as “T-Mobile.” Via its HotSpot service, T-Mobile also provides Wi-Fi (802.11b) wireless broadband Internet access in more than 2,000 convenient public locations such as Starbucks coffeehouses, airports, and airline clubs, making it the largest carrier-owned Wi-Fi network in the world.

<sup>2</sup> See *Implementation of Section 6002(b) of the Omnibus Budget Reconciliation Act of 1993; Annual Report and Analysis of Competitive Market Conditions With Respect to Commercial Mobile Services, Notice of Inquiry*, WT Docket No. 02-379, FCC 02-327 (rel. Dec. 13, 2002).

SMR providers) offering wireless telephone service; 80 percent live in counties with five or more wireless telephone operators; and, 53 percent live in counties in which six different CMRS carriers provide service.<sup>4</sup> Further, new technologies including 2.5G and Wi-Fi are being implemented rapidly in response to strong consumer demand for wireless services.

## **II. MINIMIZING REGULATORY BURDENS IS KEY TO ENHANCING COMPETITION**

One of the forces driving the strongly competitive wireless environment has been Congress' and the FCC's longstanding effort to minimize the industry's regulatory burdens. Today's challenging economic markets have hit the telecommunications industry especially hard, making it all the more critical that the Commission be guided by CTIA's bottom line: "first, do no harm."<sup>5</sup>

T-Mobile notes that the Commission must accordingly exercise great care not to impose additional regulatory burdens that could worsen the industry's condition. The compilation of data which is already publicly available on the internet, on individual carriers websites and on comparison websites, in consumer-oriented publications such as Consumer Reports, in telecommunications analysts reports published by financial institutions, in publicly-traded companies' financial reports and Securities and Exchange Commission filings, and, in fact, in FCC filings such as Form 477, Form 499 and NRUF, would place an undue burden on a carrier to "reinvent the wheel" by collecting data already available and submitting it in a different format. T-Mobile agrees with CTIA's statement that "...it is not appropriate for the Commission to require carriers to devote substantial resources to the compilation and submission of data that is already available

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<sup>3</sup> See CTIA Comments at 4.

<sup>4</sup> See *Implementation of Section 6002(b) of the Omnibus Budget Reconciliation Act of 1993, Annual Report and Analysis of Competitive Market Conditions with Respect to Commercial Mobile Services, Seventh Report*, 17 FCC Rcd 12985, 12989-91 (2002) ("Seventh Annual CMRS Competition Report").

on industry websites, press releases, and in readily available third-party resources.”<sup>6</sup> T-Mobile submits that the data necessary for the Commission to fulfill its statutory mandate to assess annually the state of competition in the CMRS industry is readily available to it. Indeed, given the current economic climate, T-Mobile would further urge the Commission to take a fresh look at its requirements in order to determine which rules and regulations are duplicative or no longer necessary in the public interest.

Respectfully submitted,

**T-MOBILE USA, INC.**

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Dated: February 11, 2003

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<sup>5</sup> See CTIA Comments at 7.

<sup>6</sup> See CTIA Comments at 2.