

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

In the Matter of)
)
Wireless Telecommunications Bureau Seeks) RM No. 11355
Comment on Petition for Rulemaking to Extend)
Cellular Analog Sunset Date)

OPPOSITION OF CTIA – THE WIRELESS ASSOCIATION®

CTIA – The Wireless Association® (“CTIA”)¹ submits these comments in response to the FCC’s Public Notice² seeking comment on the November 30, 2006 Petition for Rulemaking of the Alarm Industry Communications Committee (“AICC”) and ADT Security Services, Inc. (“ADT”) (jointly “Petitioners”) to extend the cellular analog sunset date (the “Petition”).³ The FCC should deny the Petition. In 2002, the FCC decided to sunset the cellular analog requirement because it found that: (1) requiring analog service by cellular licensees may “hinder competition by causing spectral inefficiencies and increased costs to those carriers who would prefer to concentrate on digital technology” and (2) “it is no longer necessary to ensure reasonable costs, as well as the continued availability of roaming to the vast majority of

¹ CTIA – The Wireless Association® is the international organization of the wireless communications industry for both wireless carriers and manufacturers. Membership in the organization covers Commercial Mobile Radio Service (“CMRS”) providers and manufacturers, including cellular, broadband PCS, and ESMR, as well as providers and manufacturers of wireless data services and products.

² Wireless Telecommunications Bureau Seeks Comment on Petition for Rulemaking to Extend Cellular Analog Sunset Date, Public Notice, DA 06-2559 (Dec. 20, 2006).

³ Petition for Rulemaking to Amend Rule Section 22.901(b) to Extend Analog Sunset Date, Alarm Industry Communications Committee and ADT Security Services, Inc., RM No. 11355 (filed Nov. 30, 2006) (“Petition”).

consumers.”⁴ In doing so, the FCC specifically rejected arguments that the cellular analog requirement was necessary “in order to prevent possible disruptions to [certain service providers’] operations.”⁵

In their Petition, AICC and ADT request an extension of the analog sunset date from February 18, 2008 until February 18, 2010. Petitioners’ sole rationale for this extension is that many electronic security services are currently provided using analog technologies.⁶ The Petitioners claim that the majority of radio units used in the provision of such service are not capable of operating digitally and therefore the sunset will disrupt their operations.⁷ The Petitioners, however, have had since 2002 to prepare for the sunset of analog service – six years from the date of the order to the established sunset date. CTIA believes an extension of the analog sunset date will significantly harm the public and that Petitioners’ concerns regarding the availability of analog services for use in alarm services are misplaced. Accordingly, the FCC should dismiss AICC’s and ADT’s Petition.

I. BEING FORCED TO PROVIDE ANALOG SERVICE AFTER FEBRUARY 18, 2008 COULD SIGNIFICANTLY DELAY THE DEPLOYMENT OF NEW ADVANCED SERVICES TO THE PUBLIC.

Two of the FCC’s most important spectrum management goals “are to ensure the development and rapid deployment of new technologies, products, and services for the benefit of the public without delays, and promote the efficient and intensive use of the electromagnetic

⁴ *Year 2000 Biennial Regulatory Review – Amendment of Part 22 of the Commission’s Rules to Modify or Eliminate Outdated Rules Affecting the Cellular Radiotelephone Service and Other Commercial Mobile Radio Services*, Report and Order, FCC 02-229, ¶ 10 (2002) (“AMPS Sunset Order”).

⁵ *Id.*

⁶ Petition at ii.

⁷ *Id.*

spectrum.”⁸ As is well-documented throughout the records of many FCC proceedings, many cellular licensees are either currently experiencing or are likely to experience in the near future a shortage in capacity.⁹ Because of the analog requirement, cellular licensees must dedicate a significant portion of their available spectral capacity to provide a minimum level of service for analog customers.¹⁰ Analog technologies are significantly less spectrally efficient than more advanced, digital technologies.¹¹ By allowing carriers to convert to digital, carriers could experience significant capacity gains benefiting both consumers and carriers.¹² This increase in spectral efficiency will provide wireless carriers additional flexibility to deploy new services

⁸ *Intelligent Transportation & Monitoring Wireless LLC and AMTS Consortium, LLC, Petition for Declaratory Ruling and Motion for Stay of Auction No. 65*, Order, 21 FCC Rcd 5117, ¶ 16 (2006) (citing 47 U.S.C. § 309(j)(3)(A) and (D)).

⁹ *See, e.g.*, Comments of CTIA – The Wireless Association®, DA 04-1639, 2 (filed July 8, 2004) (“Increased consumer demand for national and regional broadband services has driven the growing need for additional spectrum”); *Section 257 Report to Congress, Identifying and Eliminating Market Entry Barriers For Entrepreneurs and Other Small Businesses*, Report, FCC 00-279, ¶ 127 (2000) (“The Commission has been inundated with correspondence from manufacturers and service providers pointing out the impending crisis of the spectrum shortage”).

¹⁰ For example, Cingular has argued that GSM providers are required to set aside 16 percent of their cellular spectrum capacity for analog service. This calculation presumes that three voice channels and one control channel out of a typical nineteen channel sector cell site are assigned to analog. *See* Comments of Cingular Wireless LLC, WT Docket No. 01-108, 5 (filed July 2, 2001) (“Cingular Wireless Analog Sunset Comments”).

¹¹ *See, e.g.*, Jackson, Donny, Analog Remains an Albatross for Some, TelephonyOnline (Sept. 3, 2001) (quoting Dan Pegg, Senior Vice President of Public Affairs for Leap Wireless as saying that analog cellular is “five to 10 times less efficient than anything else out there” and detailing the number of subscribers that can utilize ten MHz of spectrum at a single cell site for a number of technologies, including, among others, analog (175), GSM (590), and CDMA 1x (6960)). Since this time, the efficiency of digital technologies has increased, furthering the gap between analog spectral efficiency and digital spectral efficiency.

¹² *See* Cingular Wireless Analog Sunset Comments at 5 (“The total erlangs in a 19-channel sector with three channels dedicated to analog equals 38.99. With all channels dedicated to digital, total erlangs would equal 48.70. Therefore, the resulting increase in capacity amounts to 25%.”).

and/or improve service quality, both of which are public interest benefits long recognized by the FCC.¹³ Moreover, because capacity is one of the driving criteria of business planning for mobile carriers, many operators have been planning for, and relying on, the sunset of the analog requirement—and the attendant capacity increases—for years. Delaying the analog sunset date will not only significantly undermine carriers’ effort to “ensure the deployment of new technologies,” but also will hamper the Commission in its spectrum management efforts.

II. ALARM INDUSTRY CLAIMS OF LACK OF INDUSTRY PREPARATION AND ADEQUATE REPLACEMENT EQUIPMENT ARE UNAVAILING

The Petitioners’ claim that the industry did not immediately recognize the impact of the *AMPS Sunset Order* because they deal with AMPS service resellers¹⁴ is specious, at best, given their apparent reliance on wireless networks as a part of their business model. Alarm companies have been aware, or were on notice, since 2002 that cellular licensees would not be required to provide analog service beyond February 18, 2008. Thus, alarm companies have had over five years’ notice of the analog sunset yet chose to continue installing and marketing analog equipment. Alarm companies did this with full knowledge of the cellular analog sunset.

Alarm companies’ reliance on analog networks is not a necessity. The alarm industry has

¹³ See, e.g., 47 U.S.C. § 309(j)(2)(B) (providing that one of the primary objectives of the FCC’s auction authority is “the development and rapid deployment of new technologies, products, and services for the benefit of the public”); Implementation of Section 309(j) of the Communications Act -- Competitive Bidding, Second Report and Order, 9 FCC Rcd 2348, ¶¶ 43, 216 (1994) (rejecting proposals on the basis that they would “hinder...the development and rapid deployment of new technologies, products and services for the benefit of the public” and “deny the public...the benefit of having access to the new service”); *Marcus Cable Partners LLC, Appeal of Local Rate Order Issued By The City of Wisconsin Rapids, Wisconsin (CUID WI0062)*, Memorandum Opinion and Order, 15 FCC Rcd 8794, ¶ 10 (2000) (“Subscribers are presumed to benefit from improved service quality and reliability”).

¹⁴ See Petition at 11-12.

access to Part 90 spectrum designated specifically for its use.¹⁵ Some alarm systems also have utilized Part 101 multiple address system spectrum (located in the 928 to 960 MHz band) to meet the needs for security systems.¹⁶ In addition, the alarm industry may utilize a variety of wireline technologies for security systems.¹⁷ Any of these solutions, or a combination of these solutions, may allow for the continued provision of alarm services.

Instead of using these alternatives, alarm companies made a business choice to use existing commercial wireless networks and to focus on analog-based systems. If alarm companies wish to continue utilizing commercial wireless networks as they have in the past, digital alternatives should be pursued. Indeed, other industry segments have converted from analog to digital services. The alarm industry itself has noted that GSM alarm systems are now available.¹⁸ In addition, despite recent claims to the contrary,¹⁹ vendors currently advertise the availability of CDMA-based remote alarm monitoring systems.²⁰ In addition, the Petitioners previously have stated that a CDMA-based interface is currently in development and is expected to be available during the second half of 2007.²¹

¹⁵ See 47 C.F.R. § 90.267.

¹⁶ See *e.g.*, *Amendment of the Commission's Rules Regarding Multiple Address Systems*, Report and Order, 15 FCC Rcd 11956, ¶ 4 (1999).

¹⁷ While telephone networks used to be the only wireline alternative for security systems, a wide range of service providers have deployed cable and fiber networks to homes that may be utilized in the provision of security services.

¹⁸ Petition at 10-11.

¹⁹ *Id.* at 14-15.

²⁰ See, *e.g.*, http://www.aeris.net/radio_providers.html; <http://www.m2mconnectivity.com.au/servlet/Display?p=100>.

²¹ See Letter from John A. Prendergast, Counsel to AICC and ADT, to Marlene H. Dortch, FCC, WT Docket No. 01-108, Attachment at 6 (filed Nov. 1, 2006) (CDMA "Product under

Given these alternatives, the FCC should not harm the public interest by delaying carriers' ability to utilize spectrum more efficiently simply because the alarm industry made a business decision to utilize analog technology rather than other viable alternatives.

III. THE SUNSET OF THE ANALOG REQUIREMENT DOES NOT PORTEND THE IMMEDIATE CESSATION OF ALL ANALOG SERVICES.

Finally, Petitioners' claim that the analog sunset will result in consumers' loss of alarm and security services, thus putting public safety "at risk," completely disregards market reality.²² After the sunset date, carriers will be free to continue analog transmissions if they so choose. Indeed, many carriers likely will continue to provide some analog services to the public after the sunset date. This is particularly true for areas in which the carrier has not completed build out of its digital network. Thus, despite Petitioners' contentions to the contrary,²³ large geographic areas will not necessarily be without analog coverage (and therefore alarm and security services). Specifically, if a carrier has not yet built out its digital network in those areas, it likely will provide analog service until it does so.

Furthermore, many carriers will be required to maintain analog services under their own contractual arrangements. ADT and the members of AICC could, for example, negotiate contractual arrangements with wireless carriers under which the carriers provide the alarm service providers with the analog services necessary to provide customers an integrated alarm service. The sunset of the analog requirement will not invalidate these contractual obligations. Such an arrangement may, for commercial reasons, benefit both the alarm service provider and

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development by one manufacturer with a delivery forecast of 2nd half 2007").

²² Petition at ii.

²³ *Id.* at 10 (indicating that because "digital cellular service has not yet fully duplicated analog coverage...there is no AMPS alternative where GSM service is not available").

the cellular licensee. The FCC should not intervene in such private, contractual issues, particularly when the result of such involvement will have a negative impact on other public interest objectives, such as spectrum efficiency and the deployment of new, advanced services to the public.

IV. CONCLUSION

Delay of the analog sunset will harm consumers by impeding wireless carriers' ability to deploy new, advanced services and improve service quality by deploying more spectrally efficient technologies. Further, electronic security service providers may utilize alternative wireless technologies and frequencies, or other solutions, in the provision of alarm and security services and can still negotiate receipt of analog services from carriers after the sunset date has passed. Accordingly, the FCC should not further delay the sunset of this outdated and anticompetitive technology-specific rule.

Respectfully submitted,

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