

**CTIA Ex Parte Presentation to Commissioner Michael Copps
Service Rules for the 698-746, 747-762 and 777-792 MHz Bands, PS Docket No. 06-229; WT Docket Nos. 96-86, 06-150, 06-169; DA 07-2197**

Geographic Build-out Proposal

- CTIA opposes adoption of any geographic build-out requirements for 700 MHz licensees.
- The Commission has put forward a proposal that would impose geographic build-out requirements according to an arbitrary, government-established timetable.
 - Any build-out benchmark set at three (3) years would detrimentally impact wireless technological evolution (*i.e.*, carriers could be forced to choose the last generation technology instead of the next generation technology).
- Geographic build-out rules run counter to the public interest and could harm consumers.
 - Forced buildout in certain areas will only short-change investment elsewhere in broadband network deployment, improved coverage, or greater capacity.
 - The build-out requirements could have the opposite of the intended effect, actually delaying services to consumers as carriers are forced to return spectrum they otherwise would have developed.
 - Forcing uneconomic build out by multiple licensees, while at the same time limiting wireless carrier access to universal service seems illogical.
- CTIA supports population-based build-out requirements (see attached) to fulfill the goal of providing service to where people are located, not merely to every corner of a license area.

Frontline Proposal

- CTIA wholeheartedly supports the idea of helping public safety, but even the public safety community –the presumed beneficiary – has displayed skepticism of Frontline’s proposal.
- Frontline’s proposal for an E Block licensee is rife with legal risk, policy flaws, and business uncertainties.
- The FCC should not swallow the multiple “poison pills” in Frontline’s plan, including its open access, net neutrality, *Carterfone*, and wholesale business plan proposals.
- Frontline proposes that the Commission allow commercial use of spectrum allocated to Public Safety in contravention to Section 337 of the Communications Act.

Open Access on 30 MHz of Commercial 700 MHz Spectrum

- CTIA opposes the Ad Hoc Public Interest Spectrum Coalition’s proposal to impose *Carterfone* and Net Neutrality obligations on at least 30 MHz of the 700 MHz spectrum.
- As detailed in CTIA’s Skype comments, there is no real evidence that wireless consumers are being denied access to the handsets, content, or applications they desire.
- The FCC is already addressing the issue in other pending proceedings. This proposal raises too many issues to deal with in the short time period of time given in the DTV law.

Eligibility Restrictions

- CTIA opposes the FCC’s proposal to prevent existing wireless licensees from bidding for 700 MHz licenses.
- The AWS auction, which rejected eligibility restrictions, included 104 winners (58 of them designated entities) and effectively created three new nationwide licensees.
- Eligibility restrictions would preclude the benefits realized in the AWS auction.