Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of	)	
	)	
Vuze, Inc.	)	
	)	
Petition to Establish Rules Governing Network Management Practices by Broadband Network Operators	)	WC Docket No. 07-52
	)	
Free Press, et al., Petition for Declaratory Ruling Regarding Broadband Industry Practices	)	

REPLY COMMENTS OF CTIA – THE WIRELESS ASSOCIATION®

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REPLY COMMENTS OF CTIA - THE WIRELESS ASSOCIATION®

CTIA – The Wireless Association® ("CTIA")[1] hereby submits reply comments in response to Public Notices seeking comment on Petitions proposing to define what constitutes "reasonable network management" practices for broadband providers.[2] Commenters overwhelmingly agree that network management is an integral part 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, Advanced Wireless Service, broadband PCS, and ESMR, as well as providers and manufacturers of wireless data services and products.

[2] Vuze, Inc. Petition for Rulemaking to Establish Rules Governing Network Management Practices by Broadband Network Operators, WC Docket No. 07-52 (filed Nov. 14, 2007) ("*Vuze Petition*"); Free Press, Public Knowledge, Media Access Project, Consumer Federation of America, Consumers Union, Information Society Project at Yale Law School, Professor Charles Nesson, Co-Director of the Berkman Center for Internet and Society, Harvard law School, Professor Barbara van Schewick, Center for Internet & Society, Stanford Law School, Petition for Declaratory Ruling, CC Docket No. 02-33, 01-337, 95-20, 98-10, GN Docket No. 00-185, CS Docket No. 02-52, WC Docket No. 07-52 (filed Nov. 1, 2007) ("*Free Press Petition*").

running a network.[3] Broadband network management ensures quality broadband service for customers, prevents harm to the network from malicious users, and in the case of

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[3] *See* Comments of American Homeowners Grassroots Alliance, WC Docket No. 07-52, at 3 (filed Feb. 13, 2008) ("*American Homeowners Comments*"); Comments of AT&T Corp., WC Docket No. 07-52, at 6-11 (filed Feb. 13, 2008) ("*AT&T Comments*"); Comments of Comcast Corp., WC Docket No. 07-52, at 12, 16-17 (filed Feb. 12, 2008) ("*Comcast Comments*"); Comments of Competitive Enterprise Institute, WC Docket No. 07-52, at 2 (filed Feb. 13, 2008) ("*CEI Comments*"); Comments of CTIA – The Wireless Association®, WC Docket No. 07-52, at 6-16 (filed Feb. 13, 2008) ("*CTIA Comments*"); Comments of Embarq, WC Docket No. 07-52, at 3 (filed Feb. 13, 2008) ("*Embarq Comments*"); Comments of Fiber to the Home Council, WC Docket No. 07-52, at 10-21 (filed Feb. 13, 2008) ("*FTTH Council Comments*"); Comments of Frontier Communications, WC Docket No. 07-52, at 3, 6-7 (filed Feb. 13, 2008) ("*Frontier Comments*"); Comments of Global Crossing, WC Docket No. 07-52, at 4-5 (filed Feb. 13, 2008) ("*Global Crossing Comments*"); Comments of Hands Off The Internet, WC Docket No. 07-52, at 9-14 (filed Feb. 13, 2008) ("*HOTI Comments*"); Comments of Health Tech Strategies, LLC, WC Docket No. 07-52, at 1 (filed Feb. 13, 2008) ("*Health Tech Comments*"); Comments of Information Technology Association of America, WC Docket No. 07-52, at 2 (filed Feb. 13, 2008) ("*ITAA Comments*"); Comments of Information Technology and Innovation Foundation, WC Docket No. 07-52, at 8 (filed Feb. 13, 2008) ("*ITIF Comments*"); Comments of Institute for Policy Innovation, WC Docket No. 07-52, at 1-3 (filed Feb. 13, 2008) ("*IPI Comments*"); Comments of Laurence Brett Glass d/b/a LARIAT, WC Docket No. 07-52, at 2 (filed Feb. 13, 2008) ("*LARIAT Comments*"); Comments of Michael B. Trausch, WC Docket No. 07-52, at 2-3 (filed Feb. 13, 2008); Comments of National Black Chamber of Commerce, WC Docket No. 07-52, at 1 (filed Feb. 13, 2008) ("*NBCC Comments*"); Comments of National Cable and Telecommunications Association, WC Docket No. 07-52, at 3-4 (filed Feb. 13, 2008) ("*NCTA Comments*"); Comments of National Telephone Cooperative Association, WC Docket No. 07-52, at 4 (filed Feb. 13, 2008) ("*NTCA Comments*"); Comments of NBC Universal, Inc., WC Docket No. 07-52, at 1-2 (filed Feb. 13, 2008) ("*NBC Comments*"); Comments of The Oasis Institute, WC Docket No. 07-52, at 1 (filed Feb. 13, 2008) ("*Oasis Comments*"); Comments of PART-15.ORG, WC Docket No. 07-52, at 3-5 (filed Feb. 13, 2008) ("*PART-15.ORG Comments*"); Comments of Progress and Freedom Foundation, WC Docket No. 07-52, at 2-3 (filed Feb. 13, 2008) ("*PFF Comments*"); Comments of Qwest Communications International, Inc., WC Docket No. 07-52, at 2-8 (filed Feb. 13, 2008) ("*Qwest Comments*"); Comments of Reason Foundation, WC Docket No. 07-52, at 1 (filed Feb. 13, 2008) ("*Reason Foundation Comments*"); Comments of Richard Bennett, WC Docket No. 07-52, at 3 (filed Feb. 13, 2008) ("*Bennett Comments*"); Comments of Technology & Democracy Project, Discovery Institute, WC Docket No. 07-52, at 1-3 (filed Feb. 13, 2008) ("*Discovery Institute Comments*"); Comments of Telecommunications Industry Association, WC Docket No. 07-52, at 9-14 (filed Feb. 13, 2008) ("*TIA Comments*"); Comments of Time Warner Cable, Inc., WC Docket No. 07-52, at 4-7, 24-25 (filed Feb. 13, 2008) ("*TWC*

wireless, maintains capacity for wireless voice communications. The Commission should dismiss the Petitions, relying instead on industry-led disclosure of service limitations to customers and the rapidly evolving broadband marketplace to inform and adapt to customers' increasing demand for bandwidth.

Free Press and other commenters have not shown how regulation of broadband providers' network management techniques benefits consumers. In fact, the opposite will be true. Testimony at the FCC's February 25, 2008, network management hearing from a broad cross-section of parties demonstrates how critical network management is to quality of service. As CTIA pointed out in its comments, the management of the network is to provide benefits to consumers, not to an inanimate network.[4] Broadband providers' network management practices are designed to, and do, deliver direct benefits to the vast majority of U.S. broadband consumers.

The simple fact is that broadband network congestion needs to be managed in order to properly deliver benefits to consumers. This is true in all broadband networks, including wireless. In the absence of the broadband management practices, as few as 5% of users dictate the terms on which the remaining 95% of users get access to broadband.[5] In wireless networks, the hogging of network resources by a few users can have a

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Comments"); Comments of United States Internet Industry Association, WC Docket No. 07-52, at 1-5 (filed Feb. 13, 2008) ("*USIIA Comments*"); Comments of United States Telecommunications Association, WC Docket No. 07-52, at 10-12 (filed Feb. 13, 2008) ("*USTA Comments*"); Comments of Verizon and Verizon Wireless, WC Docket No. 07-52, at 3, 26-38, 43-45 (filed Feb. 13, 2008) ("*Verizon Comments*"); Comments of Wireless Communications Association, WC Docket No. 07-52, at 2-4 (filed Feb. 13, 2008) ("*WCA Comments*"); Comments of Women Impacting Public Policy, WC Docket No. 07-52, at 1(filed Feb. 13, 2008) ("*WIPP Comments*").

[4] CTIA Comments at 2.

[5] CTIA Comments at 12 (citing Steven Levy, "Pay Per Gig", The Washington Post, D1 (Jan. 30, 2008) *and* David Vorhaus, *Confronting the Albatross of P2P*, Yankee Group (May 31, 2007)).

particularly detrimental effect, as the shared nature of the network – between both voice and data users – means that intense, unmanaged data use has the potential to prevent voice communication over the network.[6] Rigid, sweeping rules of general applicability are ill-equipped to provide maximum consumer benefit when the issues associated with a shared resource are complicated by the constant evolution of broadband technologies and applications, as well as the myriad challenges associated with the spectrum environment.

A broad cross-section of witnesses and commenters agree that prescriptive network management rules are not appropriate for the dynamic and rapidly evolving broadband marketplace. Without the ability to tailor network management practices to the specific technology and environment of the network, consumers will suffer. Moreover, the Commission needs to be especially mindful that rules intended to ensure that networks are managed in a "neutral" manner are likely to have the unintended consequence of limiting carriers' ability to protect their customers from spam and malware. In such an environment of constant change, industry-led, as well as company- and technology-specific, solutions will better serve consumers.

I. THE BREADTH OF COMMENTERS WHO OPPOSE THE VUZE AND FREE PRESS PETITIONS EXPOSE THE IMPROPRIETY OF ONE-SIZE-FITS-ALL REGULATION TO THE BROADBAND INDUSTRY

In their Petitions, both Vuze and Free Press ask the Commission to define "reasonable network management" in order to establish a regulatory regime for managing broadband networks.[7] Such a definition, however, ignores the inherent differences

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[6] *See* CTIA Comments at 7-9.

[7] Vuze Petition at 13-16; Free Press Petition at 2-3.

between broadband networks and the unique solutions that network providers employ to better service quality for their customers.

As demonstrated by the commenting parties, wireline,[8] cable,[9] licensed wireless[10] and unlicensed wireless[11] each present unique network management challenges. More than 34 groups filed comments in this docket to acknowledge the role of broadband network management. Regulation of these practices through static rules does little to protect consumers from the rapidly changing landscape of broadband challenges.

As CTIA and others described in their comments, broadband network management consists of a highly localized and constantly changing set of practices.[12] On wireless networks in particular, the differences in the spectrum environment from carrier to carrier, location to location, and even in the same location at different times, present challenges that require careful management in order to maximize the benefit of this scare resource to consumers. The inherent technical differences and the ebb and flow of the competitive marketplace results in evolving methods of management, as well as evolving need.

Additionally, to mitigate some of the need for network management, broadband providers invest billions annually to expand capacity to satisfy growing demand for bandwidth. While many acknowledge that broadband providers cannot simply "build

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8 *See e.g.*, USTA Comments; NTCA Comments; *and* Qwest Comments.
9 *See e.g.*, NCTA Comments; Comcast Comments; *and* TWC Comments.
10 *See e.g.*, CTIA Comments; AT&T Comments; *and* Verizon Comments.
11 *See e.g.*, LARIAT Comments *and* PART-15.ORG Comments.
12 CTIA Comments at 16-17.

their way out of the problem,"[13] additional capacity in the future will help alleviate some network congestion.

Other methods of accommodating the ever-increasing demand for broadband network resources must focus on not only optimizing networks, but also optimizing the applications that run on and interact with those networks. This is a significant distinction from circuit switched networks that provide each application a dedicated communications channel. In circuit switched networks, when any application consumes more than the available bandwidth it will affect its own users' experience, but not affect any others. Just as network operators have a responsibility to optimize their networks to deliver a high-quality reliable experience to consumers, application developers have a responsibility to design their applications to work on networks without degrading the user experience. At present, application providers and broadband providers have come together to better enable communication between applications and the networks they transit. The P4P Working Group focuses on making peer-to-peer applications network aware. Network awareness will enable these applications to make more efficient transfers, adapt to network congestion and moderate their impact on network resources. Working cooperatively to make both the network and applications more efficient will speed the benefits of those efficiencies to consumers.

Commenters in the proceeding show the folly of attempting to proscribe sweeping, static and uninformed broadband network management rules by pointing out that some of Free Press's "solutions" are technically infeasible. Free Press, in its comments, suggests that broadband providers, and Comcast in particular, have better

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[13] *See* ITAA Comments at 5.

ways to control bandwidth use through "dynamic quotas for each user on the loop[.]"[14] As other commenters point out, the suggested "fix" is not technically possible in cable networks.[15] While this underscores CTIA's point that the nature of the underlying medium presents unique challenges for network providers, it also demonstrates that network providers and their engineers are better equipped to make decisions as to how their network should be managed for consumer benefit.

II. CTIA SUPPORTS DISCLOSURE TO CONSUMERS OF LIMITATIONS ON USE OF BROADBAND NETWORKS

CTIA and its members are industry leaders in adopting policies designed to keep consumers informed. CTIA's Consumer Code for Wireless and the Guidelines for Carrier Content Classification and Internet Access are just two examples of this commitment.[16] For example, when a customer initiates service with a wireless carrier that is a signatory to the CTIA Consumer Code for Wireless the carrier "will provide or confirm the material terms and conditions of service with the subscriber."[17] In furthering its commitment to educating consumers, CTIA therefore supports carrier efforts to inform consumers about the limits, if any, of their broadband use. Enabling consumers to make an informed choice of wireless broadband provider is an important goal, and CTIA's members are dedicated to providing consumers with information.

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[14] Free Press Petition at 29.

[15] Comments of George Ou at 4.

[16] CTIA Consumer Code for Wireless, *available at* http://www.ctia.org/consumer_info/service/index.cfm/AID/10352; Guidelines for Carrier Content Classification and Internet Access, *available at* http://www.ctia.org/consumer_info/service/index.cfm/AID/10394.

[17] CTIA Consumer Code for Wireless, *available at* http://www.ctia.org/consumer_info/service/index.cfm/AID/10352.

Disclosure will not only ensure that consumers are aware of the limitations on their use of the network as a condition of their subscription, but will also serve to educate consumers as wireless broadband networks evolve. As CTIA detailed in its comments in this proceeding, the wireless industry has a long history of offering consumers more services and faster speeds as technology allows. Carriers need flexibility to keep their customers informed of these advances.

While consumer disclosures will ensure that subscribers are informed of the real-world limitations on their use of a provider's network, detailed technical disclosures are not necessary to protect consumers and could harm, rather than help, consumer's use of their broadband Internet access. Broadband network operators, particularly wireless broadband network operators, face a number of challenges in ensuring quality service for their customers. Those challenges include network congestion from increased use and changes in the spectrum environment. These challenges also include the prevention of efforts to affirmatively harm the networks – like denial-of-service attacks and attacks by hackers. Publication of the specific technologies or methods used by providers to manage these challenges will not benefit consumers. It will, however, provide relevant information to a different group – hackers.

Disclosure of exact network management procedures and methods only exacerbates the conflict between broadband providers seeking to provide consumers a high-quality service and hackers seeking to do network harm. The threat posed by hackers and those who wish to do intentional harm to U.S. broadband networks is real. Broadband network providers' methods of ensuring quality service through network management are often kept proprietary for this reason. Moreoever, network providers

need the flexibility to continually evolve their network management in response to threats and the introduction of new technologies. Among the methods that are used that should remain undisclosed are how carriers filter spam, how providers prevent the delivery of malware, trojan horses and viruses, and how carriers prevent denial of service attacks. These important methods protect consumers from unwanted mail, dangerous and malicious code, and ensure consumers' continued ability to access the network. Free Press acknowledges these as reasonable network practices in its comments.[18]

As the Commission moves forward in this environment, CTIA hopes that it will support industry-led measures to keep consumers informed in this rapidly changing and evolving competitive marketplace while maintaining their ability to thwart those who would intentionally harm the network.

III. APPLICATION OF REGULATION TO THE COMPETITIVE BROADBAND MARKETPLACE IS IN CONTRAVENTION OF THE STATED POLICY OF THE UNITED STATES AND DEFIES GOOD ECONOMIC SENSE

Vuze and others cite the Communications Act as providing justification of their requests to regulate the management of broadband networks.[19] The same section of the Act that Vuze uses to justify its request, however, argues more strongly against the action Vuze requests. Section 230 of the Communications Act, in the more heavily regulatory Title II, states that it is the policy of the United States to preserve the <u>competitive free market</u> of the Internet <u>unfettered by Federal or State regulation</u>.[20] The Free Press and Vuze requests are antithetical to that policy.

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[18] Comments of Free Press at n. 68.

[19] Vuze Petition at 2 (citing the Commission's use of section 230 to justify the Broadband Policy Statement).

[20] 47 U.S.C. § 230(b)(2) (emphasis added).

Rather than preserve the free market for Internet access, Vuze and Free Press ask the Commission to adopt a policy of regulation that the Commission has traditionally reserved for markets that have failed. In the emerging and competitive broadband marketplace, the Commission should reject calls for onerous regulation that would stifle the innovation and expansion that marks this industry.

Specifically, the Petitioners ask the Commission to exercise it ancillary authority under Title I of the Act to regulate the network management practices of broadband providers. The courts have been clear that Title I of the Act does not give the Commission broad authority to regulate. By contrast, Title II of the Act, which regulates common carriers, contains specific grants of regulatory authority. Even the more restrictive and regulatory Title II, however, contains section 230, which is dedicated to preventing burdensome regulation of the Internet. To regulate under Title I those areas that Title II leaves specifically unregulated in section 230 would be contrary to the construction of the Act.

The public has benefitted from the deregulatory stance of the last 15 years. Specifically, wireless consumers enjoy the lower prices, higher speeds and increased services that are the hallmark of this competitive and consumer-oriented industry. As CTIA noted in its comments, the deregulatory stance of the Commission has resulted in continued buildout of broadband facilities.[21] According to the Commission's statistics on high-speed line availability, as of year-end 2006, 91.5% of all ZIP codes have three or

[21] CTIA Comments at 3-4.

more providers of broadband service – up from 87% just six months earlier.[22] One in five ZIP codes has ten or more broadband providers.[23]

Consumers are also paying less for more service thanks to vigorous competition between providers. Wireline and wireless providers continue to upgrade the speeds and capacity of their networks to bring consumers more and faster services,[24] while prices continue to drop.[25] Wireless broadband, in particular, has seen explosive growth in the past two years, and continues to present not only the third pipe to the home, but the only pipe to the person. According to the Commission's most recent CMRS Competition Report, 234 million Americans live in census blocks where mobile wireless broadband services are available, and more than 99.5% of the population has access to "Next Gen" wireless service.[26] Subscription to wireless broadband service has seen explosive

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[22] *High-Speed Services for Internet Access: Status as of December 31, 2006* at Table 15 *at* http://hraunfoss.fcc.gov/edocs_public/attachmatch/ DOC-277784A1.pdf (Oct. 31, 2007).

[23] *Id.*

[24] *See e.g.*, Press Release, Sprint Nextel Corporation, Sprint Nextel Demonstrates Key Technologies for Mobility Strategy (Aug. 16, 2007) *available at* http://newsreleases.sprint.com/phoenix.zhtml?c=127149&p=irol-newsArticle_newsroom&ID=1041308&highlight=Xohm (last accessed Nov. 30, 2007); *see also* Press Release, Verizon Wireless, Verizon Selects LTE As 4G Wireless Broadband Direction (Nov. 29, 2007) *available at* http://news.vzw.com/news/2007/11/pr2007-11-29.html (last accessed Feb. 13, 2008); John Hodulik, *et al.*, UBS Investment Research, *Is the Broadband Duopoly Under Threat?* 3 (May 10, 2006) ("Wired downstream speeds of 1-3 Mbps two years ago have been upgrade to 3-6 Mbps today. . . . Meanwhile, prices have come down dramatically.").

[25] *See e.g.*, Arik Hesseldahl, *More Bandwidth Than You Can Use?*, BusinessWeek (May 29, 2007), http://www.businessweek.com/technology/content/may2007/tc20070529_569646.htm (last accessed Feb. 13, 2008); *see also* Comments of Verizon and Verizon Wireless, WC Docket No. 07-52, at 4-6 (filed June 15, 2007).

[26] *In re* 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, *Twelfth Report*, WT Docket No. 7-71, FCC 08-28, Table 11 (Feb. 4, 2008).

growth. The most recent FCC report on High-Speed Services for Internet Access shows that from December 2005 to December 2006, the number of wireless broadband users grew over 600%.[27] The report also shows that 62% of all new broadband users in the second half of 2006 chose wireless broadband.[28] In light of the benefits consumers receive from a competitive, deregulated broadband industry, the Commission should not threaten these benefits by reverting to a bygone era of regulation.

IV. FREE PRESS AND OTHERS MISTAKENLY CITE TO THE 700 MHZ SERVICE RULES TO SUPPORT THEIR CLAIMS THAT REGULATION IS WARRANTED

Free Press cites to the 700 MHz C Block service rules as justification for additional regulation, claiming that the Commission's policy in that block sets precedent for action in the broadband industry at-large.[29] The Petitioners, however, misstate the impact and scope of those rules. The C Block service rules do not even apply to all 700 MHz licensees, let alone the entire wireless industry or broadband industry. The specific Order referenced states "while we adopt a requirement for the C Block licensees to provide open platforms for devices and applications, we decline at this time to impose these same principles or other openness obligations broadly in the 700 MHz Band[.]"[30] Despite Free Press's claims, the Commission has not endorsed the idea that regulation of broadband networks at-large is either warranted or prudent. In fact, in their separate statements, the members of the Commission each recognized that the decision to impose

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[27] *High-Speed Services for Internet Access: Status as of December 31, 2006* at Table 1 *at* http://hraunfoss.fcc.gov/edocs_public/attachmatch/ DOC-277784A1.pdf (Oct. 31, 2007).

[28] *Id.*

[29] Free Press Comments at 37.

[30] *In re: Service Rules for the 698-746, 747-762, and 777-792 MHz Bands*, Second Report and Order, 22 FCC Rcd 15,289, 15,358-74 (rel. Aug 10, 2007).

an open access requirement was limited to the C Block.[31] Even in the absence of sweeping open access regulations, carriers have been responding to consumer demand with new service offerings and policies.[32]

As an initial matter, the Commission's C Block service rules, which set out in part that the winning bidders in the 700 MHz auction will receive licenses subject to an open access requirement, do not extend beyond this single spectrum block. In no way does a condition on an individual license set rules or policy for the industry. Moreover, the Commission's Order implementing the 700 MHz service rules specifically rejected the idea of applying the open access rule to all of the 700 MHz blocks.[33] To think that this limited exploration of open access in wireless by the Commission justifies a sweeping change in the way broadband is treated misreads and misinterprets the Commission's Order.

Additionally, Free Press and others mischaracterize what the service rules for the 700 MHz C Block license actually mandate. The Commission's rules do not create a non-discrimination requirement for licensees. This is a fact which Free Press should be

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[31] *Id.* at 15,557-75.

[32] *See e.g.*, Press Release, T-Mobile USA, Industry Leaders Announce Open Platform for Mobile Devices (Nov. 5, 2007) *available at* http://www.t-mobile.com/company/PressReleases_Article.aspx?assetName=Prs_Prs_20071105&title=Industry%20Leaders%20Announce%20Open%20Platform%20for%20Mobile%20Devices (last accessed Nov. 30, 2007); Press Release, Sprint Nextel Corporation, Sprint Joins Open Handset Alliance (Nov. 5, 2007) *available at* http://newsreleases.sprint.com/phoenix.zhtml?c=127149&p=irol-newsArticle_newsroom&ID=1072575&highlight=handset (last accessed Nov. 30, 2007). Press Release, Verizon Wireless, Verizon Wireless To Introduce "Any Apps, Any Device" Option For Customers In 2008 (Nov. 27, 2007) *available at* http://news.vzw.com/news/2007/11/pr2007-11-27.html (last accessed Nov. 30, 2007); Leslie Cauley, "AT&T flings cellphone network wide open," USA TODAY *available at* http://www.usatoday.com/tech/wireless/phones/2007-12-05-att_N.htm (last accessed Feb. 28, 2008).

[33] *Service Rules* at 15,364.

acutely aware of since the filings of the Ad Hoc Public Interest Spectrum Coalition (of which, Free Press is a member) criticized 700 MHz open access obligations as "not as effective as a requirement that all communications networks be operated in a non-discriminatory manner[.]"[34] Contrary to these claims, some packet discrimination in networks is not only needed, but essential to the proper functioning of broadband networks. The Commission itself has also recognized this need its' Broadband Policy Statement.[35] Free Press would like to ignore this inconvenient truth, as it doesn't serve their purpose. The Commission should not allow Free Press's desire to regulate broadband Internet access to overturn its well-reasoned decision to acknowledge the need for reasonable network management.

V. CONCLUSION

Broadband providers face unique challenges in continuing to bring consumers the high quality, high-speed, innovative services they demand. As CTIA has stated before, the goal of all broadband providers is to give the consumer a positive broadband experience. Network management efforts are pursued not to benefit an inanimate network, but rather to benefit broadband consumers.

Wireless providers face particularly high hurdles to providing broadband service because of the shared and scarce nature of spectrum and the challenge of providing time-sensitive voice communications over the same interface as high-speed data. Absent network management measures, the cost of accommodating bandwidth intensive applications will fall squarely on the vast majority of broadband users who do not have

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[34] *Ex Parte* Comments of the Ad Hoc Public Interest Spectrum Coalition, WT Docket No. 06-150, at 8 (filed Apr. 5, 2007).

[35] In re: Appropriate Framework for Broadband Access to the Internet over Wireline Facilities, Policy Statement, 20 FCC Rcd 14,986, at n. 15 (Sept. 23, 2005).

such high-bandwidth needs. In this industry, carriers need to retain the ability to manage their networks to provide consumers not only with a positive broadband experience, but also with the security of an "always with you" mobile voice network.

CTIA urges the Commission to avoid sweeping, static, and onerous regulation of broadband network management practices. Industry-led efforts to inform consumers of the real-world limitations on their broadband service present the best, and most flexible, method of preserving providers' ability to manage network resources for consumers' benefit, while empowering consumers to make an informed choice of broadband provider. The Commission should dismiss the pending Petitions.

Respectfully submitted,

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