

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
A National Broadband Plan for Our Future)	GN Docket No. 09-51
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)	
)	

**WORKSHOP RESPONSE
OF T-MOBILE USA, INC.**

I. INTRODUCTION.

T-Mobile USA, Inc. (“T-Mobile”), the fourth largest mobile carrier in the United States, serving over 33 million customers, comments on the workshops held by the Commission staff from August 6, 2009 to August 20, 2009 on the National Broadband Plan (“National Broadband Plan” or “Plan”).¹ The staff workshops have demonstrated the Commission’s commitment to public outreach and have encouraged spirited discussion and a wide diversity of views on the many aspects of the Plan.

Neville Ray, T-Mobile’s Senior Vice President of Engineering Operations, was a panelist at the August 12, 2009 workshop entitled “Wireless Broadband Deployment – General.” (“August 12 Wireless Workshop”).² T-Mobile also has participated in this important proceeding by filing comments on the National Broadband Plan NOI.³

¹ See FCC Public Notice, *The Commission Welcomes Responses To Staff Workshops*, Public Notice, GN Docket No. 09-51, DA 09-1992 (Sept. 1, 2009).

² A transcript of the August 12 Wireless Workshop (the “August 12 Wireless Tr.”) is available in GN Docket No. 09-51. Transcripts of other workshops mentioned herein are short-cited by the date and topic of the workshop.

³ See Comments of T-Mobile, *A National Broadband Plan for Our Future*, GN Docket No. 09-51 (June 8, 2009) (the “Plan Comments”), on, *A National Broadband Plan for Our Future*, Notice of Inquiry, 24 FCC Rcd 4342 (2009) (the “National Broadband Plan NOI”).

II. THE WORKSHOPS AFFIRM THE IMPORTANCE OF MOBILE BROADBAND.

The workshops highlighted the critical importance that the development of mobile wireless broadband service (“mobile broadband”) should be accorded in the Plan.

Panelists in the August 12 Wireless Workshop demonstrated the unique benefits of mobile broadband to U.S. consumers and businesses. As Tom Swanobori of Verizon Wireless explained:

[Mobile] broadband technologies are going to have a significant impact on the way Americans work, live, and play. We think that the customers are going to achieve significant value through mobility, through the ability to work remotely...and access the Internet while on the move. By enabling consumers to access broadband with higher speeds and capacity, LTE [Long Term Evolution] and other 4G technologies will provide consumers with even greater value.⁴

Similarly, in the August 19, 2009 workshop entitled “Programmatic Efforts to Increase Broadband, Adoption and Usage – What Works and What Doesn’t” (“August 19 Programmatic Workshop”), Howie Hodges of One Economy Corporation described “mobile devices being the actual gateway to broadband for future users” that “we’re experimenting with ... now.”⁵

Panelists in the August 12 Wireless Workshop also agreed that although mobile broadband can complement wired broadband, increasingly it is a substitute for wired broadband service.⁶ Neville Ray pointed out that “mobile broadband can serve the lion’s share of applications and services that customers demand from broadband” and that in Europe, “you see a significant substitution of DSL-type services with wireless

⁴ August 12 Wireless Tr. at 16-17.

⁵ August 19 Programmatic Tr. at 84.

⁶ See August 12 Wireless Tr. at 52-56.

solutions.”⁷ Brian Ponte of Lemko Corporation said that “[f]ixed broadband will always be an important element in the communications infrastructure, but consumers are voting - consumers vote with their dollars and they're voting for mobile.”⁸

These perspectives support T-Mobile’s view that the Plan should acknowledge the inherent differences between wireline and wireless broadband and should prioritize the development of mobile broadband at flexible and evolving speeds. Any definitions of broadband should recognize the differences between mobile and other technologies and should be broad enough to allow for mobile broadband providers to start at existing 3G and 4G data speeds and to evolve the speed and capacity of their offerings over time.

III. THE WORKSHOPS SUPPORT THE NEED FOR REALLOCATION OF SPECTRUM FOR COMMERCIAL USE AND INCREASED OVERSIGHT OF CERTAIN KEY INPUTS FOR WIRELESS SERVICE.

The August 12 Wireless Workshop showed support for T-Mobile’s recommendation in its Plan Comments that the Commission should implement the following general initiatives to advance the deployment of mobile broadband:

- Identify, reallocate, and auction new spectrum suitable for commercial mobile broadband services.
- Commit to more effective targeted oversight of the supply of certain key inputs for mobile broadband services.
- Make a number of focused, but important, steps to help streamline the process of siting wireless network facilities.
- Otherwise avoid unnecessary regulation in the highly competitive mobile broadband market.⁹

⁷ *Id.* at 53-54.

⁸ *Id.* at 29.

⁹ *See* Plan Comments at 2.

A. A Critical Component of the National Broadband Plan's Success Is Access to Spectrum.

For the Plan to succeed as a national policy, mobile providers need access to additional spectrum. As Neville Ray said at the August 12 Wireless Workshop,

[O]ne of the key issues that we see...specifically in the U.S., is that the ongoing deployment and success of wireless broadband deployment hinges on more spectrum being made available in a number of bands. If you look at the penetration rates of spectrum that's available for commercial services today in the U.S., it's extremely high. The demand from consumers is ever-growing and ever-burgeoning....As an example, the G1 product that we launched last year is consuming over 300 megabits per month. It's phone-like...but driving extreme usage on the network.¹⁰

Mr. Ray stressed that “new spectrum is critically important not only to improve the speed of service that we can deliver to consumers, but also the quality and capacity.”¹¹

In its Plan Comments, T-Mobile outlined a clear process to obtain more spectrum for commercial use. As an initial step, the Commission and the National Telecommunications and Information Administration (“NTIA”) should conduct an inventory of federal and non-federal spectrum allocations and uses from 300 MHz to 3.5 GHz.¹² The inventory process should be high-level enough to allow current users to gather and submit information in a cost-effective manner, and comprehensive enough to allow the agencies sufficient data to identify the bands most appropriate for reallocation.

¹⁰ August 12 Wireless Tr. at 12-13.

¹¹ *Id.* at 13; *see also id.* at 31 (Comments of Brian Ponte, Lemko Corp.). *See also* August 13 Technology/Wireless Tr. at 11 (Comments of Sten Andersson, Ericsson N. America); *id.* at 17, 19 (Comments of Scott Corson, Qualcomm Flarion Techs.); August 19 Building the Fact Base Tr. at 18 (Comments of Chris Guttman-McCabe, CTIA).

¹² *See* Plan Comments at 14-18. T-Mobile acknowledges the efforts of Senators Kerry and Snow to move in this direction by introducing S. 649, the Radio Spectrum Inventory Act on March 19, 2009. *See* Radio Spectrum Inventory Act, S. 649, 111th Cong. (2009).

Second, the Plan should propose to allocate and auction at least an additional 200 MHz of spectrum for commercial mobile broadband use throughout the United States, with 50 percent coming from the current government allocations managed by NTIA and 50 percent from spectrum regulated by the Commission. The 200 MHz of spectrum identified should be globally harmonized to the extent possible and reside below 3.5 GHz to ensure that the spectrum can be used economically to deliver mobile broadband services. The need for spectrum in frequencies with desirable technical characteristics is especially significant for rural communities and providers.¹³ As Mr. Ray emphasized, T-Mobile would be able to serve rural areas in a more cost-effective manner if it held spectrum in the 700, 800, or 900 MHz bands (in addition to its PCS and AWS spectrum at higher frequencies).¹⁴

Third, the spectrum should be readily available for use, with a path to efficient and expeditious relocation of incumbent users. The Plan should seek any necessary Congressional action and establish a schedule by which this 200 MHz would be available for commercial use. T-Mobile recommends that a significant portion of the identified spectrum be reallocated and ready for auction within the next three to four years, with additional bands released to the commercial market shortly thereafter.¹⁵

The Plan also should help streamline the process of spectrum reallocation from federal use by proposing improved administrative procedures for federal agencies to identify appropriate spectrum and relocate existing federal users expeditiously. The Plan

¹³ See August 12 Wireless Tr. at 31 (Comments of Brian Ponte, Lemko Corp.).

¹⁴ See *id.* at 84.

¹⁵ Experience has shown that without an aggressively-enforced deadline, spectrum reallocation and assignment can be a long-term endeavor. For example, the reallocation and auction of AWS spectrum took more than a decade. See Plan Comments at 17.

should base its proposals on the detailed procedures set forth in H.R. 3019, introduced by Representative Inslee and co-sponsored by Chairman Boucher and Rep. Upton.¹⁶

B. Improved Regulation of Special Access Service Is Crucial for Mobile Broadband Growth.

The August 12 Wireless Workshop highlighted the importance of backhaul—or “middle mile” broadband—to wireless networks for the provision of mobile broadband service nationwide. As Mr. Ponte of Lemko Corporation explained, “It used to be that the radio was the bottleneck in the networks. Now, with fast radio technology we're seeing that the backhaul is becoming the bottleneck.”¹⁷ Jake MacLeod of Bechtel Telecommunications said that “as soon as you see LTE come on to the landscape, you're going to see all the carriers prepared, hopefully, for the backhaul, because it will be a significant issue.”¹⁸ Mr. Ray cautioned that while “competitive forces work in metro areas where there's a lot of fiber, be that from the utility company, from the cable company, from the existing... telco...those challenges do become tougher, much tougher, as you start to thin out in terms of POP density.”¹⁹

As Mr. Ray made clear and as explained in the Plan Comments,²⁰ T-Mobile attempts to use alternative backhaul suppliers where available. Nonetheless, in many markets, independent mobile providers like T-Mobile still must rely on incumbent local exchange carriers (“ILECs”) to obtain special access services for backhaul. In these areas,

¹⁶ See Spectrum Relocation Improvement Act of 2009, H.R. 3019, 111th Cong. (2009).

¹⁷ August 12 Wireless Tr. at 30.

¹⁸ *Id.* at 47.

¹⁹ *Id.* at 45-46.

²⁰ See *id.*; see also Plan Comments at 18.

competition is insufficient to discipline the prices and conditions for special access imposed by the ILECs, and the premature deregulation of these services has only exacerbated the problem. Thus, the Commission should set a timetable for reforming special access regulation where practical competitive alternatives are not available.²¹

The Commission also could improve the viability of competitive wireless backhaul by making spectrum—particularly a portion of the TV white spaces spectrum—available for this use. White spaces spectrum can be used effectively as a “foundational tool for new entrants and existing carriers to construct wireless networks across large regions of the country.”²²

C. Mobile Broadband Build-Out Requires Reform of the Commission’s Roaming Rules.

As noted in the August 12 Wireless Workshop, roaming is a significant component of providing mobile broadband.²³ Many mobile providers do not have network facilities in all parts of the United States and must rely on roaming relationships with other mobile providers to provide service to their traveling customers at affordable rates. The “home market exclusion” to the automatic roaming rule, which defines home market as any location in which the requesting carrier has “spectrum rights,” has harmed the roaming marketplace and will limit the availability of reasonably-priced mobile

²¹ See also August 12 Deployment – Unserved and Underserved Tr. at 64-65 (Comments of Mark Cooper, Consumer Fed’n of America).

²² See *Optimizing the TV Bands White Spaces*, att. to Ex Parte Letter from Michele C. Farquhar, Special Counsel, FiberTower Corp. and Rural Telecomms. Group, Inc., ET Docket Nos. 04-186, 02-380, at 7 (Oct. 2, 2007).

²³ See generally August 12 Wireless Tr. at 109-110 (colloquy between Rob Curtis, FCC, and Neville Ray). Cf. August 13 Technology/Wireless Tr. at 107, 168 (Comments of Vanu Bose, Vanu, Inc.).

services.²⁴ The home market exclusion favors the two largest wireless carriers, AT&T and Verizon, by effectively insulating them from complaints under Section 208 of the Communications Act about roaming rates, terms, and conditions. The Commission should commit to revise or eliminate the home market exclusion, as numerous independent wireless providers have urged since the exclusion was created in 2007.

D. The Commission Should Streamline the Tower Siting Process and Commit to Pole Attachment Reforms.

At the August 12 Wireless Panel, Stephen Bye of Cox Communications and Jake MacLeod of Bechtel Telecommunications noted the importance to mobile broadband deployment of timely tower siting and pole attachment processes.²⁵ T-Mobile agrees that obtaining zoning and other authorizations from local authorities has become increasingly cumbersome. To help ensure that mobile broadband is deployed expeditiously, the Commission should set a federal shot clock of 45 days for final action on collocation requests and 75 days for ruling on all other state and local tower siting applications.²⁶

The Commission also should commit to the pole attachment reforms suggested by Fibertech Networks, LLC and Kentucky Data Link, Inc. to promote the availability of competitive backhaul.²⁷ Current pole attachment regulations and practices can impede broadband deployments by making it more difficult for suppliers to construct backhaul or for mobile providers to self-supply backhaul using poles or conduits owned by others.

²⁴ See *Reexamination of Roaming Obligations of Commercial Mobile Radio Service Providers*, Report and Order and Further Notice of Proposed Rulemaking, 22 FCC Rcd 15817 (2007), *recon. pending*

²⁵ See August 12 Wireless Tr. at 74-75.

²⁶ See Petition for Declaratory Ruling of CTIA, WT Docket No. 08-165 (Jul. 11, 2008); Comments of T-Mobile, WT Docket No. 08-165 (Sept. 29, 2008).

E. The National Broadband Plan Should Commit to a Timeline for Intercarrier Compensation and Universal Service Reform.

The workshops reinforced need for prompt Commission action on comprehensive intercarrier compensation (“ICC”) and universal service fund (“USF”) reform so that consumers, especially in underserved and unserved areas, can enjoy the benefits of greater broadband availability. Panelists at the August 12, 2009, workshop entitled “Deployment-Wired” indicated that these programs, if properly structured, can provide the proper economic incentives for efficient pricing and deployment of broadband services.²⁸ The Commission should set an aggressive schedule for comprehensive ICC/USF reform that builds on the proposals presented in the *ICC/USF Notice*.²⁹ In particular, the Draft Proposal in Appendix A to that notice represents significant progress. The Commission should adopt the Draft Proposal with the changes that T-Mobile has previously proposed to help encourage broadband deployment.³⁰

The Commission likewise should commit to reform the current USF regime as part of the Plan. Eliminating the disparities in universal service funding caused by the existing cap on competitive eligible telecommunications carrier support and adoption of a

²⁷ See Letter from Brita D. Strandberg, Counsel, Fibertech Networks and Kentucky Data Link, WC Docket No. 07-245, GN Docket No. 09-29, at 4-5 (Apr. 16, 2009).

²⁸ See, e.g., August 12 Deployment–Wired Tr. at 133-35 (Comments of Hunter Newby, Allied Fiber).

²⁹ See *High-Cost Universal Service Support, et al.*, Order on Remand and Report and Order and Further Notice of Proposed Rulemaking, 24 FCC Rcd 6475 (2008) (“*ICC/USF Notice*”).

³⁰ See Comments of T-Mobile, *High-Cost Universal Service Support, et al.*, WC Docket No. 05-337 (Nov. 26, 2008).

targeted Lifeline-Linkup program for broadband would help speed the deployment of broadband services to the consumers and areas most in need of assistance.³¹

IV. CONCLUSION.

The breadth and scope of the National Broadband Plan workshops affirm the Commission's determination to develop the Plan holistically. As the Commission works to complete the Plan, T-Mobile urges it to recognize the unique benefits that mobile broadband service brings to the United States.

Respectfully submitted,

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³¹ See August 19 Programmatic Tr. at 77 (Comments of Laurie Itkin, Cricket Commc'ns, Inc./Leap Wireless, Inc.); *see also* August 13 Technology/Wireless Tr. at 19 (Comments of Scott Corson, Qualcomm Flarion Techs.).