

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)
)
Petition for Rulemaking regarding 700 MHz) RM-11592
Band Mobile Equipment Design and)
Procurement Practices)

To: Chief, Wireless Telecommunications Bureau

COMMENTS OF THE CONSUMER ELECTRONICS ASSOCIATION

The Consumer Electronics Association (“CEA”) respectfully submits these comments in response to the Wireless Telecommunications Bureau’s Public Notice¹ seeking comment on a Petition for Rulemaking filed by an alliance of Lower 700 MHz A Block licensees.² The Alliance proposes a rule that would require all commercial mobile equipment for the 700 MHz band to be capable of operating on any 700 MHz block of paired spectrum designated for commercial operation; the group also seeks a freeze that would halt the equipment authorization process for equipment that is lawful but does not meet the Alliance’s proposed requirement.³ As the principal U.S. trade association of the consumer electronics and information technology industries, CEA hereby expresses its concerns about the application of such burdens on the manufacture and marketing of mobile equipment. What the Alliance seeks is unprecedented and

¹ Public Notice, *Petition for Rulemaking regarding 700 MHz Band Mobile Equipment Design and Procurement Practices*, DA 10-278 (Feb. 18, 2010), 75 Fed. Reg. 9210 (March 1, 2010).

² 700 MHz Block A Good Faith Purchaser Alliance Petition for Rulemaking Regarding the Need for 700 MHz Mobile Equipment to be Capable of Operating on All Paired Commercial 700 MHz Frequency Blocks, filed Sept. 29, 2009 (“Petition”) by the “700 MHz Block A Good Faith Purchaser Alliance,” consisting of Cellular South Licenses, Inc.; Cavalier Wireless, LLC; Continuum 700, LLC; and King Street Wireless, L.P. (“Alliance”).

³ Petition at 12.

would be detrimental to consumers and to the deployment of broadband services. The Commission should deny the Petition.

To start, mandating all-band capability would pose a serious obstacle to the timely roll-out of 700 MHz broadband service and could also affect the willingness of companies to invest in developing equipment and networks. For example, Verizon Wireless is reportedly on track to offer 4G service using LTE in 25 to 30 markets by the end of this year.⁴ The proposal by the Alliance would place a new and unwarranted requirement on the developers of the devices to be used on this network, and on the carriers deploying services. It could delay the availability of broadband service and raise its cost. Licensees bid on and acquired 700 MHz spectrum based on the Commission's auction terms and conditions that authorized flexible band use. The FCC should not now mandate new conditions on how the spectrum is used, or on how equipment is developed and manufactured to meet consumer needs.

In addition, the Alliance members bid for and won Lower A Block licenses that use spectrum directly adjacent to TV channel 51, and they were aware that there would be technical challenges posed by that adjacency that would not encumber the other blocks. While the Commission should encourage the Alliance members to take the opportunity to work with equipment developers to produce devices capable of using the Lower A Block, it should not impose potentially unfeasible mandates on all 700 MHz licensees that could set back deployment and drive up the cost of equipment for networks and their users.

Further, manufacturers, network operators, and others have been working on the standards for LTE as a long-term global collaborative standards-making process. The specific band classes with which the Alliance takes issue are part of the LTE standards, not the FCC

⁴ See Michelle Maisto, eWeek, *Verizon Wireless on Track for Big LTE Rollout in 2010* (March 8, 2010), available at <http://www.eweek.com/c/a/VOIP-and-Telephony/Verizon-Wireless-on-Track-for-Big-LTE-Rollout-in-2010-287875/>.

rules. The Commission should encourage the Alliance to participate in the standards-making process rather than imposing new up-front technological mandates that could affect the timing and viability of LTE deployment and the availability of consumer devices.

In any event, there are significant obstacles to developing and producing equipment that is capable of working in multiple bands. Each frequency band poses its own challenges and may require unique filters, duplexers, or other components. At a minimum, the cost will rise if additional bands must be accommodated to start. There may also be adverse effects on performance, power consumption, and the form factor of the device.⁵ Again, imposition of such a mandate would negatively impact licensee, manufacturer and consumer expectations, and would impact broadband service deployment.

Finally, the “freeze” on the 700 MHz equipment authorization process that the Alliance seeks is entirely unwarranted. The Alliance seeks to shut down the equipment authorization process for paired-channel 700 MHz devices altogether except for devices that meet its proposed requirements. The equipment authorization process is intended to ensure compliance with FCC rules. Equipment meeting the current rules should be eligible for certification. The fact that a given device does not meet a requirement that four licensees are *proposing* — and the Commission has never even considered — is no basis for preventing the development and marketing of such a device. The freeze would tie the entire broadband ecosystem to the Alliance’s demands. Again, such a requirement would be unprecedented and would clearly delay the deployment of important broadband services to the public.

⁵ The space required to accommodate additional components may even foreclose some equipment designs.

For all these reasons, the Commission should promptly deny the Alliance's Petition.

Respectfully submitted,

CONSUMER ELECTRONICS ASSOCIATION

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