

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of	)	
	)	
Framework for Broadband Internet	)	GN Docket No. 10-127
Service	)	
	)	

**REPLY COMMENTS OF THE CDMA DEVELOPMENT GROUP**

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August 12, 2010

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The CDMA Development Group (“CDG”) respectfully submits these reply comments in response to the Commission’s Notice of Inquiry (“Notice”) regarding the appropriate legal framework for broadband Internet services.<sup>1</sup>

**I. INTRODUCTION**

The CDG is a non-profit international consortium of over 100 companies, including the world’s leading operators and manufacturers of digital cellular and third generation (3G) systems based on Code Division Multiple Access (CDMA) technology.<sup>2</sup> The CDG’s mission is to lead the rapid evolution and deployment of 3G and fourth generation (4G) systems, based on open standards and encompassing all core architectures to meet the needs of markets around the world.

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<sup>1</sup> Framework for Broadband Internet Service, Notice of Inquiry, FCC 10-114, GN Docket No. 10-127 (released June 17, 2010) (“Notice”).

<sup>2</sup> CDMA is a digital air interface that builds on the concept of employing a unique code to distinguish each call, enabling the most efficient use of a given spectrum range, and providing greater capacity over a wireless network. CDMA is a spread spectrum technology that allows many users to occupy the same time and frequency allocations in a given band. It is the basis of several International Telecommunication Union standards for third generation networks, i.e., CDMA2000, WCDMA/UMTS, and TD-SCDMA.

The CDG advocates a progressive, technology-neutral approach to regulating the wireless communications market that ensures that CDMA is allowed to co-exist and compete with other wireless standards. A transparent and non-discriminatory approach to allocating and authorizing spectrum for mobile operators provides certainty for investors and, most importantly, facilitates market competition, resulting in continued service innovation and greater consumer choices.

## **II. THE COMMISSION SHOULD MAINTAIN A LIGHT TOUCH APPROACH TO ENSURE THAT COMPETITIVE GROWTH CONTINUES IN THE WIRELESS BROADBAND MARKETPLACE**

The CDG believes that the substantial investment and innovation evidenced today in the wireless industry comes as a result of the Commission taking a light touch approach with respect to regulating the mobile marketplace. This has stimulated deployment of 3G broadband systems in the United States, and the introduction of a wide selection of advanced broadband services for the consumers and enterprise markets as well as the public sector. As an example, CDMA2000<sup>®</sup> – a leading 3G technology in the United States – offers nationwide broadband coverage, and a selection of devices including smartphones, laptops and electronic readers. Nearly 70 million users subscribe to CDMA2000 broadband services, based on EV-DO technologies,<sup>3</sup> and access a broad range of applications. Moreover, many CDMA2000 operators are investing billion of dollars to supplement their existing networks with OFDMA technologies, such as LTE and WiMAX, to provide greater network capacity, higher data speeds, improved latencies and enhanced network management schemes. These substantial investments will bring

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<sup>3</sup> Source: CDMA Development Group,, March 2010

major improvements in quality of service and will support new advanced broadband mobile services.

In the first round of comments, numerous parties noted the significant investment, growth, and innovation that has occurred in the mobile marketplace resulting from the Commission's reliance on a regulatory approach predicated on Title I of the Communications Act.<sup>4</sup> This approach has served the mobile industry and consumers well, promoting vibrant competition in the retail marketplace and encouraging the development of new devices and applications. For example, in its comments Leap noted that the Commission has previously recognized that the unique aspects of wireless platforms generally warrant a light regulatory touch.<sup>5</sup> Wireless network operators currently are constrained by limited spectrum availability, and wireless broadband data services are still developing.<sup>6</sup> Sprint Nextel Corporation noted that it has been the combination of light touch regulation and intense retail competition in mobile services that has resulted in the tremendous innovation, investment and consumer adoption of mobile broadband that is seen today.<sup>7</sup> As Verizon indicated, the existence of a vigorously competitive mobile marketplace – as evidenced by four nationwide carriers and a proliferation of consumer choice in devices, calling plans, innovative applications and features – has evolved by virtue of the current mobile regulatory regime.<sup>8</sup>

Qualcomm stated its belief that the current regulatory regime for wireless offers the best means for meeting the recommendations outlined in the National Broadband

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<sup>4</sup> Telecommunications Act of 1996, Pub. L. 104-104, 110 Stat. 56 (1996).

<sup>5</sup> Comments of Leap Wireless International, Inc. and Cricket Communications Inc., GN Docket No. 10-127, at 2 (July 15, 2010).

<sup>6</sup> *Id.*

<sup>7</sup> Comments of Sprint Nextel Corporation, GN Docket No. 10-127, at 6 (July 15, 2010).

<sup>8</sup> Comments of Verizon and Verizon Wireless, GN Docket No. 10-127, at 76 (July 15, 2010).

Plan.<sup>9</sup> “Indeed the very goal that the Commission seeks to further with respect to mobile – namely, universal broadband connectivity – would be thwarted were the agency to impose additional regulatory burdens upon mobile broadband networks.”<sup>10</sup> CDG concurs with these statements; there is no reason to believe that additional regulation will lead to greater deployment of wireless broadband, and every reason to believe that it will create greater market uncertainty and serve to deter additional investment, innovation and growth.

Based on the substantial evidence to date, the CDG believes that the Commission should, with respect to mobile broadband, continue to rely on a regulatory regime under Title I to ensure the continued growth of this market.

### **III. THE COMMISSION’S EFFORTS SHOULD FOCUS ON EXPANDING CRITICAL SPECTRUM RESOURCES**

As the Commission seeks to promote continued expansion of broadband services based on wireless technologies, the CDG believes that there is much work to be done with respect to spectrum policy. In particular, we find that it is critical to develop and implement policies that encourage the freeing up of appropriate spectrum resources that will support and sustain the mobile marketplace. As such, the CDG urges the Commission to continue to focus its efforts on the development of policies that respond to this challenge and allocate additional spectrum resources that will secure the growth of mobile broadband.

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<sup>9</sup> Comments of Qualcomm Incorporated, GN Docket No. 10-127, at 7 (July 15, 2010).

<sup>10</sup> *Id.*

#### **IV. CONCLUSION**

The CDG appreciates the opportunity to submit these reply comments. We believe that the Commission should stay the course in how it regulates the wireless marketplace in order to ensure that continued growth, innovation and investment result in significant benefits for consumers.

Respectfully submitted,

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