

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of

Review of Wireless Telecommunications
Bureau Data Practices

WT Docket No. 10-131

Review of Wireline Competition Bureau
Data Practices

WC Docket No. 10-132

REPLY COMMENTS OF T-MOBILE USA, INC.

INTRODUCTION

T-Mobile USA, Inc. (“T-Mobile”) submits these reply comments in response to the Federal Communication Commission’s (“FCC” or “Commission”) Public Notice (“PN”) seeking comment on the Wireline Competition Bureau’s (“Bureau”) data collection practices.¹ As previously explained by T-Mobile, a number of the Bureau’s data collections could be streamlined or eliminated in a manner that would substantially drive efficiencies and reduce existing reporting burdens without impairing the Commission’s access to the information it needs.² In addition, T-Mobile supports the recommendations of other commenters that the Commission continue to protect the confidentiality of provider-specific broadband data, clarify FCC Form 602 filing requirements for wholly-owned wireless subsidiaries, and permit spectrum subleasing applications to be filed electronically via FCC Form 608.

¹ *Pleading Cycle Established for Comments on Review of Wireline Competition Bureau Data Practices*, Public Notice, WC Docket No. 10-132, DA 10-1189 (released June 29, 2010).

² *See generally* Comments of T-Mobile USA, Inc., WC Docket No. 10-132 (filed Aug. 13, 2010) (“T-Mobile Comments”).

I. THE COMMISSION SHOULD MODIFY FORM 477 FOR MOBILE BROADBAND REPORTING.

As T-Mobile urged in its Comments, the Commission should modify Form 477 to more efficiently collect only the most essential information.³ Form 477 is intended to collect information about the deployment of broadband infrastructure and availability in order to assess competition in local telecommunications services.⁴ However, the information actually culled from the current form – *i.e.*, information on broadband subscribership rather than availability – is wireline-centric and fails to meet the Commission’s needs. With respect to mobile wireless providers, Form 477 should seek broadband and telephony data based on coverage areas. Such coverage data, as opposed to wireline-centric subscriber billing addresses or area codes, provides a more accurate gauge of where mobile subscribers have access to wireless service – including both broadband and telephony.

Furthermore, the Bureau should modify or eliminate speed tier, or transfer rate, reporting for mobile wireless broadband providers. Numerous factors such as weather, buildings, tower distance, traffic volume, and even the type of a user’s wireless device all affect transfer rates and make it extremely difficult to provide precise speed or throughput information.⁵ A single subscriber can fall within different speed tiers at different locations during different times, rendering any speed tier categorization for that subscriber arbitrary and unhelpful to the Commission. Because of the potential for less-than-accurate and biased speed data, the

³ See T-Mobile Comments at 3-6.

⁴ Federal Communication Commission, *Connecting America: The National Broadband Plan* at 42-43 (2010), available at <http://download.broadband.gov/plan/national-broadband-plan.pdf> (“NBP”).

⁵ See generally T-Mobile Comments at 5.

Commission should reject the calls of Free Press, New America, and others for wireless speed data, including use of inappropriate test methods such as crowdsourcing.⁶

For similar reasons, the Commission should flatly reject calls to rely on user-generated data to measure mobile wireless speeds. As CTIA has cogently explained, any voluntarily collected data is likely to be significantly biased as users experiencing difficulty with their wireless broadband connections will be far more likely to use available speed measurement and reporting tools.⁷ As a consequence, this data will not provide the Commission with a reliable measure of actual mobile broadband speeds or actual mobile user experience. In addition, mobile network speeds and user experiences are inherently variable and simply cannot be accurately captured through user-generated snapshots of network speed.⁸ Thus, the Commission should decline the invitation to rely on crowdsourcing or other user-generated measurements.

Commenters calling for even more broadband data collection fail to show how any benefits of such collection would outweigh the tremendous costs and burdens. Commenters like the New America Foundation (“NAF”) ask the Commission to adopt a breathtakingly detailed wireless broadband data reporting regime without offering any meaningful discussion of the

⁶ See Comments of Free Press, MB Docket No. 10-103, WC Docket No. 10-132, WT Docket No. 10-131, at 5 (filed Aug. 13, 2010) (“Free Press Comments”); Comments of New America Foundation, WT Docket No. 10-131, at 4-5, 18-23 (filed Aug. 13, 2010); Comments of New America Foundation, WC Docket No. 10-132, at 8 (filed Aug. 13, 2010) (“NAF Comments”); *but see* Comments of CTIA – The Wireless Association @, CG Docket No. 09-158, CC Docket No. 98-170, WC Docket No. 04-36, at 18-12 (filed July 8, 2010) (“CTIA Comments”) (explaining that crowdsourcing “may implicate serious legal, security, and privacy issues”).

⁷ CTIA Comments at 17.

⁸ CTIA’s real world testing demonstrates the very limited utility of these snapshots, as its test results across various networks and devices show substantial “fluctuations from moment to moment” even across the same networks and devices. *Id.* at 17-18.

actual cost of compliance.⁹ Moreover, the benefits asserted by NAF run headlong into the variability of wireless broadband speeds. Additional information will simply confirm what CTIA has demonstrated¹⁰ – wireless broadband speed cannot be effectively captured by static measurements.

Additional data collection as suggested by NAF would also be redundant and wasteful as NTIA has an ongoing effort to prepare a National Broadband Map with the goal of providing consumers with information on broadband availability. This effort by the NTIA and the states is focused on providing consumers with the broadband information they need, and the Commission should defer to its governmental partners as they work to collect and disseminate the best available broadband information. At minimum, the Commission should decline to impose additional broadband data requirements on providers until NTIA has completed its broadband mapping work, and should in no event adopt data collection requirements that duplicate data being gathered by NTIA or other FCC processes.

Finally, T-Mobile wholly supports the recommendation of Verizon and Verizon Wireless (“Verizon”) that the Form 477 interface be redesigned so that each filer has the option to fill in the information for all parts of all applicable states and then upload the information as one data file.¹¹ T-Mobile agrees that redesigning the Form 477 to allow for such an “all-state filing” would help reduce the form completion time for many broadband providers without limiting the information received by the Commission in any way.

⁹ See, e.g., NAF Comments Appendix at 4-6; Appendix at 25 (“We cannot comment on the cost associated for providers to measure their network performance or assist with a measurement effort.”).

¹⁰ CTIA Comments at 17-18.

¹¹ See Comments of Verizon and Verizon Wireless, WC Docket No. 10-132, MB Docket No. 10-103, WT Docket No. 10-131, at 8 (filed Aug. 13, 2010) (“Verizon Comments”).

II. THE COMMISSION SHOULD STREAMLINE FORM 499-A.

As T-Mobile explained in its Comments, there are several key ways in which the Bureau should streamline the Form 499-A (“Form 499”) in order to reduce the burden on carriers and provide the Commission with revenue data which more accurately reflects the manner in which providers offer services today.¹² First, the Bureau should consolidate those portions of Form 499 that require wireless and interconnected VoIP to disaggregate local and long distance revenue. Inasmuch as the Commission already has a separate 499-A section for mobile wireless providers, it should permit those providers to report all telecommunications revenues (with the only potential differentiation being between bundled and separately stated and jurisdictional charges). Such consolidation would better mirror the current market, in which customers often buy all-distance services, and would greatly simplify auditing processes.

Second, the Commission should modify reseller certification requirements to recognize the validity of those certifications of a period of five years, unless there is a change in a reseller’s status. Because the fundamental obligation to obtain reseller certificates would remain in place, eliminating the annual certification procedure would merely reduce the existing paperwork burden on wholesale providers and increase efficiency for the Commission. Moreover, the Commission should eliminate the requirement that carriers verify their wholesale customers’ contributor status via the Commission’s website since the site is not always accurate or up-to-date and the verification requirement similarly places unreasonable burdens on wholesale providers.

¹² See T-Mobile Comments at 6-8.

III. THE COMMISSION SHOULD REVISE OUTAGE REPORTING REQUIREMENTS.

T-Mobile reiterates that the Commission should work with key industry players to develop more effective and efficient outage-reporting rules.¹³ Both the initial notification period and the overall costs of compliance are unduly burdensome on carriers. Accordingly, T-Mobile supports the recommendation of the Alliance for Telecommunications Industry Solution's Network Reliability Steering Committee ("NRSC") that the Commission consider a longer notification timeframe for outages which are not related to vandalism or terrorism, special facilities (such as airports or 911/E911 facilities), or Signaling System 7 (SS7) disruptions. The Commission should also work with the NRSC to develop best practices for outage reporting for VoIP and broadband Internet service disruptions. While new standards are developed, the Commission should refrain from imposing interim mandatory reporting requirements for broadband.

IV. THE COMMISSION SHOULD CLARIFY THAT WHOLLY-OWNED WIRELESS SUBSIDIARIES DO NOT NEED TO FILE A SEPARATE FORM 602 WHEN THE SUBSIDIARY IS LISTED ON ITS PARENT COMPANY'S CURRENT FORM 602.

As Verizon suggested in its Comments, the Commission should clarify that wholly-owned wireless subsidiaries do not need to file a separate FCC Form 602 reporting on ownership when the subsidiary is listed on its parent company's Form 602 and the parent company's ownership report is current.¹⁴ Because neither the rules nor Form 602 instructions address this issue, such a clarification would enable all licensees to satisfy the Commission's data collection requirement using consistent Form 602 filing practices and decrease the burdens on carriers while ensuring that the Commission continues to receive the information it needs.

¹³ *See id.* at 9-11.

¹⁴ *See* Verizon Comments at 8-9.

V. THE COMMISSION SHOULD PERMIT SPECTRUM SUBLEASING APPLICATIONS TO BE FILED ELECTRONICALLY ON FORM 608.

T-Mobile also agrees with Verizon's recommendation that the Commission permit spectrum subleasing applications to be filed electronically on FCC Form 608 rather than requiring applicants to file paper copies of their applications.¹⁵ Verizon is correct in stating that such paper filing often slows deployment of new services due to the additional time required for delivery, sorting, and approval of the applications.¹⁶ Moreover, promoting electronic filing is consistent with the FCC's efforts to "Reboot" its own services, tapping into the efficiencies of broadband.¹⁷

VI. THE COMMISSION SHOULD CONTINUE TO PROTECT THE CONFIDENTIALITY OF PROVIDER-SPECIFIC BROADBAND DATA.

T-Mobile supports AT&T Inc.'s ("AT&T") request that the Commission continues to safeguard highly confidential data.¹⁸ While T-Mobile similarly recognizes the importance of sharing data with the public to ensure that policy issues are fully evaluated the Bureau, disclosure of highly confidential data could implicate national security concerns and adversely impact the ability of a provider to compete in both the broadband market and in the telecommunications market as a whole. Contrary to the urgings of Free Press and others,¹⁹ protective orders are not

¹⁵ *See id.* at 9.

¹⁶ *Id.*

¹⁷ *See, e.g.*, <http://reboot.fcc.gov/reform/data> ("Data underpins every activity at the Federal Communications Commission. By better involving data in open and transparent rule-making, the FCC can better serve the public while enabling public innovation. . . . To that end, 'data' is a fundamental part of the current reform effort. . . . As a major step towards these ends, we are launching FCC.gov/data - an online clearinghouse for the public data of the Federal Communications Commission."); *see also* <http://reboot.fcc.gov/reform> ("The FCC is overhauling and reforming the systems available at FCC.gov, from updating the Electronic Comment Filing System to creating a Consolidated Licensing System.").

¹⁸ *See* Comments of AT&T Inc., WC Docket No. 10-132, at 4-6 (filed Aug. 13, 2010).

¹⁹ *See* Free Press Comments at 7-8.

well-suited to the sharing of such commercially sensitive information with any and all competitors and third-parties, as the Commission has repeatedly recognized in its transaction review proceedings. The Commission should, instead, make such information available only in the aggregate.

CONCLUSION

T-Mobile appreciates the Commission's detailed review of the Bureau's data collection practices. By adopting the recommendations outlined above, data collection by the Bureau could be modified or eliminated in such a manner that would substantially increase efficiencies and reduce reporting burdens while simultaneously allowing the Commission to continue to receive the information it needs for well-measured, thoughtful decision-making.

Respectfully submitted,

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September 13, 2010