

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

In the Matter of )  
)  
Inquiry Concerning the Deployment of ) GN Docket No. 11-121  
Advanced Telecommunications Capability to )  
All Americans in a Reasonable and Timely )  
Fashion, and Possible Steps to Accelerate Such )  
Deployment Pursuant to Section 706 of the )  
Telecommunications Act of 1996, as Amended )  
by the Broadband Data Improvement Act )

**REPLY COMMENTS OF CTIA – THE WIRELESS ASSOCIATION®**

CTIA – The Wireless Association® (“CTIA”) submits these reply comments in connection with the Federal Communications Commission’s (“FCC” or “Commission”) Eighth Broadband Progress Notice of Inquiry in the above-captioned proceeding.<sup>1</sup> The comments in this proceeding demonstrate that mobile wireless broadband deployment is already far exceeding the Section 706 “reasonable and timely” standard.<sup>2</sup> Moreover, numerous commenters agree with CTIA and urge the Commission to revise its definition of “broadband” in the *Eighth Broadband Progress Report* to account for mobile wireless services. In addition, the Commission should refrain from adopting any proposals that could undermine the rapid deployment of wireless technologies, such as imposing minimum threshold speeds for mobile broadband service or requiring wireless broadband providers to make additional speed- and cost-related disclosures. The Commission should, however, take key actions that will accelerate the deployment, availability, and adoption of mobile broadband.

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<sup>1</sup> *Inquiry Concerning the Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion, and Possible Steps to Accelerate Such Deployment Pursuant to Section 706 of the Telecommunications Act of 1996, as Amended by the Broadband Data Improvement Act*, GN Docket No. 11-121, Eighth Broadband Deployment Notice of Inquiry, FCC 11-124 (rel. Aug. 5, 2011).

<sup>2</sup> See 47 U.S.C. § 1302(b).

**I. NUMEROUS COMMENTERS AGREE THAT MOBILE WIRELESS BROADBAND DEPLOYMENT IS “REASONABLE AND TIMELY” AND THAT THE FCC’S ANALYSIS SHOULD ACCOUNT FOR MOBILITY.**

**A. The initial comments in this proceeding demonstrate that mobile wireless broadband deployment already is far exceeding the “reasonable and timely” standard set forth in Section 706.**

There is near-universal agreement among commenters that wireless providers are deploying, and consumers are embracing, mobile wireless broadband at an unprecedented rate.<sup>3</sup> As the Commission has found, more than 98 percent of Americans live in census blocks covered by 4G and/or 3G services.<sup>4</sup> In addition, as of June 2011, almost 93% of LTE subscribers and 67% of WiMax subscribers worldwide were in the U.S., even though the U.S. accounts for less than 6% of the total world wireless subscribers. This clearly demonstrates that advanced broadband deployment is occurring in the U.S. in a timely manner. Such widespread wireless coverage availability underscores the substantial investment that wireless providers have made – and will continue to make – in their 4G and 3G networks.<sup>5</sup>

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<sup>3</sup> See, e.g., Comments of AT&T Inc., GN Docket No. 11-121, 4-21 (filed Sept. 6, 2011) (“AT&T Comments”); Comments of Comcast Corporation, GN Docket No. 11-121, 6 (filed Sept. 6, 2011) (“Comcast Comments”); Comments of MetroPCS Communications, Inc., GN Docket No. 11-121, 9-13 (filed Sept. 6, 2011) (“MetroPCS Comments”); Comments of the Free State Foundation, GN Docket No. 11-121, 11-12 (filed Sept. 6, 2011) (“FSF Comments”); Comments of Verizon and Verizon Wireless, GN Docket No. 11-121, 2-8 (filed Sept. 6, 2011) (“Verizon Comments”); Comments of the Telecommunications Industry Association, GN Docket No. 11-121, 2-6 (filed Sept. 6, 2011) (“TIA Comments”); Comments of the National Association of Telecommunications Officers and Advisors, GN Docket No. 11-121, 8 (filed Sept. 6, 2011) (“NATOA Comments”).

<sup>4</sup> *Annual Report and Analysis of Competitive Market Conditions with Respect to Mobile Wireless, including Commercial Mobile Services*, WT Docket No. 10-133, Fifteenth Report, FCC 11-103 ¶ 46 tbl. 7, ¶ 120 tbl. 13 (rel. June 27, 2011) (“*Fifteenth Wireless Competition Report*”); *Annual Report and Analysis of Competitive Market Conditions with Respect to Commercial Mobile Services*, Fourteenth Report, 25 FCC 11407 ¶ 120 tbl.13, ¶ 45 tbl. 7 (2010).

<sup>5</sup> As of the end of 2010, the cumulative capital investment made by U.S. wireless carriers’ exceeded \$310 billion. CTIA–The Wireless Association®, Semi-Annual Wireless Survey (Dec. 31, 2010 Installment) (“CTIA Semi-Annual Survey”), available at <http://www.ctia.org/advocacy/research/index.cfm/AID/10316> (last accessed Sept. 29, 2011). Between 2012 and 2016, wireless telecommunications companies in the United States are forecasted to invest

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As CTIA discussed in its comments, the reach and affordability of mobile wireless broadband makes it particularly well-suited to address the challenges for rural residents, minority users, and low-income consumers who have historically lagged in adopting broadband technology.<sup>6</sup> Wireless broadband service is already available to 93.7% of consumers in rural areas,<sup>7</sup> and adoption rates will continue to rise as mobile carriers continue to build out and enhance their networks in those regions. For example, Verizon Wireless underscores its ongoing efforts to build out a rural wireless broadband network through the LTE in Rural America program, a collaborative effort with rural carriers to build and operate 4G networks in rural communities by employing the rural carrier's tower and backhaul facilities.<sup>8</sup> And the Navajo Nation identifies the partnership between Commnet Wireless, LLC and the Navajo Tribal Utility Authority as central to the provision of 4G and 3G services to residents of the Navajo Nation.<sup>9</sup> Similarly, the affordability of wireless broadband service will enhance adoption rates among minorities and low-income residents, who are more likely to subscribe to wireless broadband service than fixed broadband service.<sup>10</sup>

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between \$25 and \$53 billion on 4G networks. Deloitte, *The Impact of 4G Technology on Commercial Interactions, Economic Growth, and U.S. Competitiveness*, 7 (Aug. 2011), available at <http://www.deloitte.com/us/impactof4g> (last accessed Sept. 29, 2011).

<sup>6</sup> See, e.g., CTIA Comments at 8-9, 13-16.

<sup>7</sup> *Fifteenth Wireless Competition Report* at 22 (representing availability from at least one provider).

<sup>8</sup> Verizon Comments at 4; see also LTE in Rural America, Verizon Wireless, <http://aboutus.vzw.com/rural/Overview.html>. In addition, TIA notes AT&T's 4G deployment, which will cover "mostly rural and smaller communities," as evidence of wireless growth in underserved areas. TIA Comments at 5.

<sup>9</sup> Comments of the Navajo Nation Telecommunications Regulatory Commission, GN Docket No. 11-121, 8-9 (filed Sept. 6, 2011).

<sup>10</sup> Pew Internet & American Life Project, "Internet, Broadband, and Cell Phone Statistics," <http://www.pewinternet.org/Reports/2010/Internet-broadband-and-cell-phone-statistics/Report.aspx> (Jan. 5, 2010) (finding that 46% of households with income less than \$30,000 per year have wireless broadband access, compared to 42% who have a fixed broadband connection) ("*Pew Report*").

**B. The Commission should revise its definition of “broadband” in the Eighth Broadband Progress Report to include mobile wireless services.**

In view of the critical role that mobile broadband has, and will continue to have, on broadband deployment and adoption, the Commission should revise its definition of “broadband” in the Eighth Broadband Progress Report to include mobile wireless services.<sup>11</sup> Even NATOA, which often has opposed efforts designed to accelerate deployment of wireless service, acknowledges that the “growth and popularity” of mobile services necessitate their inclusion in the Commission’s Section 706 review.<sup>12</sup> Designating throughput speed as the sole metric for determining what types of service constitute “broadband” results in an incomplete picture of how broadband is actually deployed and adopted in the United States.<sup>13</sup> As the Free State Foundation notes, any analysis of broadband deployment in the United States that fails to account for wireless broadband service will lack reliability and credibility.<sup>14</sup> Other commenters agree, noting that the Commission’s last two broadband progress reports, which concluded that broadband was not being deployed to all Americans in a reasonable and timely manner, ignore the reality that millions of consumers categorized by the Commission as “unserved” in fact have access to mobile wireless broadband services.<sup>15</sup>

Moreover, the Commission’s outmoded focus on throughput speed may hinder the development of wireless technologies and limit the ability of wireless carriers to help address the Commission’s and the Administration’s broadband goals. For example, if the Commission

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<sup>11</sup> See MetroPCS Comments at 3; Verizon Comments at 9; TIA Comments at 2; AT&T Comments at 21; Comcast Comments at 6-8; FSF Comments at 2-3, 10; NATOA Comments at 8.

<sup>12</sup> NATOA Comments at 8.

<sup>13</sup> See FSF Comments at 3, 11-12.

<sup>14</sup> *Id.* at 3.

<sup>15</sup> See, e.g., MetroPCS Comments at 3-4; Verizon Comments at 9-10; Comcast Comments at 6-7; Comments of the United States Telecom Association, GN Docket No. 11-121, 13 (filed Sept. 6, 2011).

implements universal service and intercarrier compensation reforms that rely upon its Section 706 reports, wireless providers may be precluded from receiving valuable funding resources that could help finance wireless infrastructure, particularly in rural areas. This result would deny rural consumers access to reasonably comparable mobile broadband services. Several rural wireline carrier groups advocate for just such a result,<sup>16</sup> even though wireless broadband service is often the most cost-effective and technologically feasible option in rural and high-cost areas.<sup>17</sup> Moreover, excluding mobile wireless from its assessment of where broadband is available also may lead the Commission to fund service in areas where no support is needed. Such a result would no doubt frustrate the FCC's broadband goals and undermine the public interest.

In view of the foregoing, the Commission should adopt a definition of "broadband" that reflects how consumers actually receive and use broadband.<sup>18</sup> Even though 4G service offers throughput speeds that exceed those of the Commission's benchmark, speed is not an essential service element for the many consumers who are willing to accept slower speeds for the convenience of mobility and other functionality.<sup>19</sup> In fact, the Commission itself has acknowledged that consumers will consider a variety of factors, including mobility and speed, when evaluating broadband services.<sup>20</sup> Consequently, a large and growing number of consumers

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<sup>16</sup> See Comments of the Organization for the Promotion and Advancement of Small Telecommunications Companies, the National Telecommunications Cooperative Association, and the Western Telecommunications Alliance, GN Docket No. 11-121, 12-13 (filed Sept. 6, 2011).

<sup>17</sup> See *The Broadband Availability Gap*, OBI Technical Paper No. 1, 13, 61, Exh. 1-J (2010); see also Acting Chairman Michael J. Copps, *Bringing Broadband to Rural America: Report on a Rural Broadband Strategy* ¶ 142 (May 22, 2009) ("*Rural Broadband Report*").

<sup>18</sup> See, e.g., CTIA Comments at 17-21.

<sup>19</sup> See MetroPCS Comments at 9; TIA Comments at 4, 6; Verizon Comments at 10-11. The fact that consumers analyze broadband service across a range of factors, and that each consumer's multivariate analysis weighs each factor differently, is no different than the multiple factors consumers consider when purchasing an automobile – in addition to price, some consumers consider speed as the most important factor, others fuel economy, while others may require a certain number of seats or cargo space.

<sup>20</sup> See National Broadband Plan at 40-41.

rely upon wireless broadband as their primary means of broadband access, and increasingly as a substitute for fixed service.<sup>21</sup> Assertions to the contrary simply ignore the realities of the broadband marketplace, where wireless and fixed broadband services vigorously compete.

**II. THE FCC SHOULD REJECT NATOA’S CALLS FOR WIRELESS SPEED THRESHOLDS AND OTHER ACTIONS THAT COULD UNDERMINE BROADBAND DEPLOYMENT EFFORTS.**

**A. The Commission should refrain from establishing minimum speed thresholds for wireless broadband service.**

Although NATOA correctly encourages the Commission to consider wireless services in its broadband analysis, it demonstrates its “tunnel vision” by suggesting that speed thresholds are necessary to spur wireless broadband deployment and adoption.<sup>22</sup> As discussed above, such a narrow focus on speed discounts the reality that consumers weigh multiple factors (of which speed is, at best, only one) when assessing their broadband options. Likewise, NATOA’s proposal would further distort the Commission’s view regarding the extent of wireless broadband deployment in the United States and could hinder the future growth of wireless technologies. Moreover, NATOA’s salute to fiber as the only source of “true broadband”<sup>23</sup> suggests that they are, in fact, completely ignoring not only their constituents but also the real-world benefits that mobile broadband is bringing to tens of millions of Americans. It also undermines the Commission’s efforts in this proceeding, the National Broadband Plan, and the Administration’s National Wireless Initiative, and overlooks the staggering innovation in the areas of mobile education, mobile health, smart grid, inventory and traffic management, and more, that is

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<sup>21</sup> Verizon Comments at 13; TIA Comments at 4; AT&T Comments 11-12, 27.

<sup>22</sup> See NATOA Comments at 8.

<sup>23</sup> *Id.* at 18 (stating that fiber is the “*sine qua non*” of true broadband).

happening under these “telecommunications officers” watch. Accordingly, the Commission should reject NATOA’s request.

**B. The Commission also should reject NATOA’s other proposals regarding wireless broadband service, such as the imposition of mandatory speed- and cost-related disclosures beyond those that wireless carriers already provide.**

Contrary to NATOA’s unfounded assertion that consumers are “mistakenly” choosing wireless broadband service as a substitute for wireline service, consumers are in fact fully capable of choosing between mobile and traditional fixed services in an informed manner, as the Commission has already found.<sup>24</sup> According to research firm IDC, by 2015 more Americans will access the Internet using mobile networks than via wireline networks.<sup>25</sup> Indeed, many consumers prefer mobile broadband service over fixed service because of such benefits as the mobility and the ubiquity of mobile devices. Characterizing such consumers – which include rural and low-income residents who are more likely to choose wireless service as a substitute for fixed service – as “unwary”<sup>26</sup> disregards their ability to make informed decisions. Likewise, NATOA’s assertion that mobile broadband service is more expensive than wireline service lacks support and is belied by the fact that more low-income residents subscribe to wireless broadband

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<sup>24</sup> See *IT&E Overseas, Inc., Transferor, and PTI Pacifica Inc., Transferee*, Memorandum Opinion and Order and Declaratory Ruling, 24 FCC Rcd 5466, 5478 ¶ 24 (2009) (noting that consumers who subscribe to both a mobile service and a wireline service will generally allocate their use of each service in an optimal manner, seek the lowest possible charge, and consider other variables, such as service quality and time of use).

<sup>25</sup> Press Release, *IDC: More Mobile Internet Users Than Wireline Users in the U.S. by 2015*, Sept. 12, 2011, available at <http://www.idc.com/getdoc.jsp?containerId=prUS23028711> (noting that “the number of mobile Internet users will grow by a compound annual growth rate (CAGR) of 16.6% between 2010 and 2015”)

<sup>26</sup> NATOA Comments at 8.

service than fixed broadband service.<sup>27</sup> As the Commission has noted, the affordability of mobile broadband service is largely responsible for its increased adoption among consumers.<sup>28</sup>

NATOA's request to impose additional obligations on wireless carriers is not entirely surprising, given its practice of favoring unnecessary regulation over the deployment of mobile broadband infrastructure. For years, NATOA's advocacy has delayed mobile broadband deployment by thwarting wireless carriers in their tower siting efforts. In 2009, NATOA opposed the Commission's tower siting "shot clock" decision, even though the decision was intended to "end the unnecessary delays and speed the deployment of 4G networks, while also respecting the legitimate concerns of local authorities and preserving their control over local zoning and land use policies."<sup>29</sup> NATOA also sought reconsideration of the Commission's order.<sup>30</sup> Even after the Commission denied the reconsideration request and affirmed the shot clock decision,<sup>31</sup> NATOA continued to hamper efforts by the Commission to accelerate access to wireless facilities and thereby accelerate mobile broadband deployment when it participated in the appeal of the *Shot Clock Declaratory Ruling*.<sup>32</sup> It seems strange that NATOA is questioning

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<sup>27</sup> See, e.g., *Pew Report*.

<sup>28</sup> *Reexamination of Roaming Obligations of Commercial Mobile Radio Service Providers and Other Providers of Mobile Data Services*, Second Report and Order, 26 FCC Rcd 5411, 5428 ¶ 31 (2011); see also *Rural Broadband Report* ¶ 142 (noting that "wireless broadband service can offer cost-effective connectivity where no broadband exists, as well as complementary or competitive service where it does").

<sup>29</sup> *Petition for Declaratory Ruling to Clarify Provisions of Section 332(c)(7)(B) to Ensure Timely Siting Review and to Preempt under Section 253 State and Local Ordinances that Classify All Wireless Siting Proposals as Requiring a Variance, Declaratory Ruling*, 24 FCC Rcd 13994 (2009) ("*Shot Clock Declaratory Ruling*"), recon. denied, 25 FCC Rcd 11157 (2010), pet. for rev. pending sub nom. *City of Arlington v. FCC*, No. 10-60039 (5th Cir. filed Jan. 21, 2011) (Statement of Chairman Julius Genachowski).

<sup>30</sup> *Petition for Reconsideration or Clarification*, WT Docket No. 08-165 (filed Dec. 17, 2009).

<sup>31</sup> See *Petition for Declaratory Ruling to Clarify Provisions of Section 332(c)(7)(B) to Ensure Timely Siting Review and to Preempt under Section 253 State and Local Ordinances that Classify All Wireless Siting Proposals as Requiring a Variance*, Order on Reconsideration, 25 FCC Rcd 11157 (rel. Aug. 4, 2010).

<sup>32</sup> See *City of Arlington, Tex. v. FCC*, No. 10-60039 (5th Cir.) (Pet. for Rev. filed Jan. 14, 2010).

the speed and use of mobile broadband while at the same time pursuing an advocacy strategy that will hamper mobile broadband upgrades. Instead of denying the reality that consumers are increasingly turning to wireless broadband service for valid reasons, NATOA should support the deployment of wireless broadband infrastructure in the U.S., including educating and working with its members to streamline local proceedings and regulations to expedite wireless infrastructure build-out.

### **III. CTIA AGREES WITH COMMENTERS THAT THE FCC SHOULD REDUCE BARRIERS TO FURTHER BROADBAND DEPLOYMENT.**

In addition to confirming that mobile wireless broadband deployments are “reasonable and timely” and including mobile wireless services in its Section 706 analysis, the Commission should take further action to accelerate the deployment, availability, and adoption of mobile broadband. As CTIA and other commenters previously explained, there is an urgent need for additional spectrum available for mobile broadband services.<sup>33</sup> The Commission’s efforts to bring more spectrum to market will greatly enhance mobile broadband deployment. In addition, the Commission should act promptly on its commitments to streamline regulation affecting wireless infrastructure build-out. Finally, the Commission should reform the legacy intercarrier compensation and universal service mechanisms to reflect the value of, and demand for, mobile services.

### **IV. CONCLUSION**

CTIA urges the Commission to find that mobile wireless broadband deployment is exceeding the “reasonable and timely” standard set forth in Section 706 and acknowledge that such services provide critical broadband access for millions of Americans. Additionally, the

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<sup>33</sup> See, e.g., CTIA Comments at 25-26; TIA Comments at 11-12; Verizon Comments at 19; AT&T Comments at 31; MetroPCS Comments at 17-19.

