



**advocate for rural wireless telecommunications providers
Washington, DC**

February 28, 2012

Via Electronic Delivery

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW, TW-A325
Washington, DC 20554

**Re: Rural Telecommunications Group, Inc. Petition for Rulemaking to Impose a
Spectrum Aggregation Limit on All Commercial Terrestrial Wireless
Spectrum Below 2.3 GHz
RM - 11498**

Dear Ms. Dortch:

On Tuesday, February 21, 2012, the Rural Telecommunications Group, Inc. (“RTG”) filed two separate petitions to deny in reference to the Verizon Wireless-SpectrumCo/Cox¹ and the Verizon Wireless-Leap Wireless² proceedings before the Federal Communications Commission (“FCC” or “Commission”). In both of these filings, RTG expressed the need for both a reinstatement of a “spectrum cap” and a lowering of the existing spectrum screen used to analyze license assignments.

The Commission has recently stated that it would likely revisit the matter of adjusting the spectrum screen.³ A lower spectrum screen and a spectrum aggregation limit (of 110 megahertz of spectrum below 2.3 GHz in any individual county) are inextricably tied and would be vital Commission tools to keep the wireless industry competitive. It has been almost four full years since the conclusion of Auction 73, the last significant auction of spectrum intended for commercial mobile wireless services. The lack of new spectrum available in the primary

¹ *In re Applications of SpectrumCo, LLC, Transferor, Cox TMI Wireless, LLC, Transferor, and Cellco Partnership d/b/a Verizon Wireless, Transferee, for Consent to the Assignment of AWS-1 Licenses*, Petition to Deny, WT Docket No. 12-4 (filed February 21, 2012) (“Petition to Deny of RTG”).

² *In re Applications of Cellco Partnership d/b/a Verizon Wireless and Leap Wireless International, Inc. Seek FCC Consent to the Exchange of Lower 700 MHz Band A Block, AWS-1, and Personal Communications Service Licenses*, Petition to Deny, ULS File Nos. 0004942973, 0004942992, 0004952444, 0004949596 and 0004949598 (filed February 21, 2012).

³ *In the Matter of Application of AT&T Inc. and Qualcomm Incorporated for Consent to Assign Licenses and Authorizations*, Order, WT Docket No. 11-18, FCC 11-188 (released December 22, 2011) at ¶ 42 (“[w]e anticipate that as we consider the input market for spectrum in future transactions, revisions to the screen may be necessary.”).



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marketplace necessitates immediate reinstatement of a spectrum cap so that deals in the secondary marketplace currently under review by the Commission do not put scarce spectrum resources in the hands of just a few industry players. RTG's pending Petition for Rulemaking ("Petition") requesting the reinstatement of a spectrum cap is an ideal vehicle for initiation of a rulemaking to consider revising the spectrum screen and imposing a spectrum cap. RTG notes that its Petition has been pending for over three years and has been cited by several parties⁴ who have opposed the SpectrumCo/Cox sale of spectrum to Verizon Wireless⁵ and by RTG in its opposition to the sale of spectrum from Leap to Verizon Wireless.⁶

Should you have any questions or require additional information, please do not hesitate to contact me.

Respectfully submitted,

Rural Telecommunications Group, Inc.

By: /s/ Caressa D. Bennet
Caressa D. Bennet
General Counsel

cc: Chairman, Hon. Julius Genachowski
Commissioner Robert M. McDowell
Commissioner Mignon Clyburn
Rick Kaplan, Chief, Wireless Telecommunications Bureau
Amy Levine, Senior Legal Advisor to Chairman Genachowski
Angela Giancarlo, Senior Legal Advisor to Commissioner McDowell
Louis Peraertz, Legal Advisor to Commissioner Clyburn

⁴ *In re Applications of SpectrumCo, LLC, Transferor, Cox TMI Wireless, LLC, Transferor, and Cellco Partnership d/b/a Verizon Wireless, Transferee, for Consent to the Assignment of AWS-1 Licenses*, WT Docket No. 12-4; Petition to Deny of Free Press at p. 12 (filed February 21, 2012); Petition to Deny of Public Knowledge, *et. al.*, at pp. 34, 47 (filed February 21, 2012); Petition to Deny of RTG at pp. 7, 17-19 (filed February 21, 2012).

⁵ *See generally, In re Applications of SpectrumCo, LLC, Transferor, Cox TMI Wireless, LLC, Transferor, and Cellco Partnership d/b/a Verizon Wireless, Transferee, for Consent to the Assignment of AWS-1 Licenses*, WT Docket No. 12-4.

⁶ *See generally, In re Applications of Cellco Partnership d/b/a Verizon Wireless and Leap Wireless International, Inc. Seek FCC Consent to the Exchange of Lower 700 MHz Band A Block, AWS-1, and Personal Communications Service Licenses*, ULS File Nos. 0004942973, 0004942992, 0004952444, 0004949596 and 0004949598.