

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Service Rules for Advanced Wireless Services in the 2000-2020 MHz and 2180-2200 MHz Bands)	WT Docket No. 12-70
)	
Fixed and Mobile Services in the Mobile Satellite Service Bands at 1525-1559 MHz and 1626.5- 1660.5 MHz, 1610-1626.5 MHz and 2483.5-2500 MHz, and 2000-2020 MHz and 2180-2200 MHz)	ET Docket No. 10-142
)	
Service Rules for Advanced Wireless Services in the 1915-1920 MHz, 1995-2000 MHz, 2020-2025 MHz and 2175-2180 MHz Bands)	WT Docket No. 04-356
)	

**REPLY COMMENTS OF
THE RURAL TELECOMMUNICATIONS GROUP, INC.**

The Rural Telecommunications Group, Inc. (“RTG”),¹ by its attorneys, submits these Reply Comments in response to comments filed pursuant to the Federal Communications Commission’s (“FCC” or “Commission”) Notice of Proposed Rulemaking and Notice of Inquiry in the above-captioned proceedings. The NPRM proposes to remove barriers to the flexible use of spectrum in the 2GHz band currently assigned to the Mobile Satellite Service (“MSS”). Specifically, the FCC proposes to establish rules to promote the use of the 2000-2020 MHz and 2180-2200 MHz bands (“AWS-4”) for the provision of terrestrial mobile broadband service. The FCC proposes that once it adopts AWS-4 service rules, it will issue an Order of Proposed

¹ RTG is a Section 501(c)(6) trade association dedicated to promoting wireless opportunities for rural telecommunications companies through advocacy and education. RTG’s members have joined together to speed delivery of new, efficient, and innovative communications technologies to the populations of remote and underserved sections of the country. Many of RTG’s members are competitive eligible telecommunications carriers. RTG’s members are comprised of both independent wireless carriers and wireless carriers that are affiliated with rural telephone companies. Each of RTG’s members serves less than 100,000 subscribers.

Modification to modify the authority of DISH Network Corporation (“DISH”), the sole incumbent 2 GHz MSS licensee, to include nationwide authority to provide full terrestrial services in the 2000-2020 MHz and 2180-2200 MHz bands.

RTG supports the comments filed by the National Telecommunications Cooperative Association (“NTCA”), which express concern over DISH, another large wireless carrier, entering the marketplace without the FCC adopting rules and regulations to promote competition and to protect rural consumers.

RTG’s members provide wireless service in rural territories that are often unserved or underserved by the large carriers. Yet, like NTCA’s members, RTG’s members oftentimes find that large carriers, such as AT&T and Verizon, are reluctant or unwilling to enter into roaming agreements. Or, if the large carriers are willing to negotiate roaming agreements, the terms are so onerous that the only way for a rural carrier’s customers to have nationwide roaming on the large carrier’s network is if the rural carrier pays exorbitant roaming rates. These anticompetitive behaviors make it impossible, or prohibitively expensive, for rural carriers to provide rural consumers with seamless nationwide roaming plans. Without access to the nationwide wireless network, a rural consumer’s mobile phone service ends at the end of the rural carrier’s service territory. Unfortunately, access by rural wireless carriers to the nationwide wireless network is overwhelmingly bottlenecked by the two entities that hold the majority of the spectrum: AT&T and Verizon.

The frequent refusal of large carriers to fairly negotiate roaming agreements with rural carriers is directly injuring rural consumers. Many rural consumers either: (1) have a mobile phone that only works on his/her home network; (2) have a mobile phone that only works away from home or (3) pay monthly fees for two phones - one that works on the customer’s home

network and one that works away from home where the customer works or travels. Urban consumers have access to several providers of wireless service and they never need to think about whether their phones will work at home and while they are travelling to another state. The same is not true for rural consumers. Rural consumers have to pay for two mobile wireless service plans in order to have service at home and while they are traveling.

This proceeding is an excellent opportunity for the Commission to require DISH² to negotiate fair roaming agreements with rural carriers. As stated by NTCA, the FCC should require DISH to “offer reciprocal roaming to small, rural mobile wireless providers on terms and conditions that are no less favorable than what it offers other roaming partners.”³ Additionally, under no circumstances should DISH be allowed to establish wholesale roaming rates that are higher than its retail rates. Rural consumers should not continue to be required to purchase two wireless service plans merely because they wish to communicate at home and while travelling.

RTG supports NTCA’s recommendation that DISH be permitted to meet its deployment benchmarks by meaningfully partnering with rural wireless carriers. NTCA suggests that the population served by rural carriers that DISH meaningfully integrates into its network count toward DISH’s build-out benchmarks to the extent DISH “offers reciprocal roaming, marketing, leasing or in any other way effectively integrates the rural carrier’s spectrum into its network or operation.”⁴ DISH should also be required to sell or lease its spectrum in rural areas if it is

² RTG directly references DISH in these comments because it is the only incumbent MSS licensee currently operating in the AWS-4 spectrum band and the FCC proposes to authorize only the incumbent MSS licensee to provide terrestrial mobile broadband service in the AWS-4 band. However, RTG urges the Commission to impose these requirements on all current and future licensees authorized to provide terrestrial mobile broadband service in the AWS-4 band.

³ NTCA Comments at page 3.

⁴ NTCA Comments at page 4.

unable to build it out within three to five years. This would result in a win-win for DISH and rural consumers. Rural carriers need access to spectrum to deploy 4G LTE and urban networks to ensure their rural customers have access to nationwide roaming. NTCA's build-out proposal would provide DISH with an effective incentive to help rural carriers achieve such access.

CONCLUSION

Many rural consumers would be unserved or underserved were it not for small rural wireless carriers. The FCC should take this opportunity to reduce the adverse impacts of current large carrier policies felt by rural carriers and their customers by requiring DISH to offer reciprocal roaming to small rural carriers with terms and conditions that are no less favorable than those terms and conditions offered to other roaming partners and in no circumstances more than what DISH charges its retail customers. In addition, RTG strongly urges the FCC to adopt NTCA's proposal that DISH be permitted to count a rural carrier's population toward its build-out requirements to encourage DISH to effectively partner with rural carriers.

Respectfully submitted,

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