

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
)
Inquiry Concerning the Deployment of Advanced) GN Docket No. 14-126
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)
)

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

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To: The Commission

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

I. INTRODUCTION AND SUMMARY.

CTIA–The Wireless Association® (“CTIA”)¹ provides these comments on the Commission’s Tenth Broadband Progress Notice of Inquiry (“*NOI*”).² As discussed in more detail below, CTIA urges the Commission to assess broadband deployment under Section 706 in light of the following:

- In assessing broadband deployment, the Commission should take account of the services consumers are purchasing in the marketplace. Therefore, this assessment must include mobile broadband, which Americans increasingly have embraced and without which this report would be incomplete.

¹ CTIA is the international organization of the wireless communications industry for both wireless carriers and manufacturers. Membership in the organization covers Commercial Mobile Radio Service (“CMRS”) providers and manufacturers, including cellular, Advanced Wireless Service, 700 MHz, broadband PCS, and ESMR, as well as providers and manufacturers of wireless data services and products.

² *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. 14-126, Tenth Broadband Progress Notice of Inquiry, FCC 14-113 (rel. Aug. 5, 2014) (“*NOI*”).

- Speed, latency, and usage metrics similarly should be based on services consumers actually use rather than arbitrary benchmarks.
- The Commission already possesses extensive data to measure mobile broadband deployment, including but not limited to the recently augmented Form 477 data, and commercial data.
- These data, and other data presented herein, conclusively demonstrate what the Commission itself repeatedly has acknowledged – that mobile broadband is being deployed in the U.S. at a world-leading pace that is unquestionably reasonable and timely.
- Notwithstanding this fact, in recent prior reports, the Commission has concluded to the contrary, demonstrating the need for a fundamental shift in approach to recognize the prodigious year-over-year progress in mobile broadband deployment.

In light of these facts, CTIA urges the Commission to take the following steps to further advance the reasonable and timely deployment of mobile broadband, the Commission should:

- free up additional spectrum for wireless broadband;
- eschew onerous Open Internet regulations on mobile broadband providers;
- maintain its commitment to Mobility Fund support; and
- continue to facilitate wireless broadband infrastructure deployment.

II. ADVANCED TELECOMMUNICATIONS CAPABILITY SHOULD ACCOUNT FOR THE SERVICES CONSUMERS ARE BUYING IN THE MARKET, INCLUDING MOBILE BROADBAND.

A. Mobile Broadband Is an Important Component of Americans' Broadband Experience.

It is time for the Section 706 report to embrace mobile broadband and the extensive role it plays in Americans' lives. The Commission observed in its last report that the “growing impact and demand for mobile services is significant,”³ and this is even more true today. As of mid-year 2013 (the most recent FCC data available):

³ *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*

- Mobile broadband connections represented nearly *two-thirds* of *all* broadband connections at any speed.⁴
- Mobile broadband connections dominated every speed tier all the way up to 25 Mbps. For example, mobile broadband connections represented 70 percent of all connections in *each* of the 3 – 6 Mbps *and* 6 – 10 Mbps speed tiers.⁵

Mobile broadband connections are growing significantly faster than any other type of broadband connections. During the 24-month period from mid-year 2011 to mid-year 2013:

- Mobile wireless subscribers at download speeds of at least 3 Mbps grew from 25 percent to 57 percent of all users at that speed.⁶
- Mobile wireless accounted for almost 73 percent of all *new* connections offering download speeds of at least 3 Mbps, regardless of technology.⁷

At the end of first quarter 2014, there were 112 million LTE connections in the U.S., representing 30 percent of the total U.S. mobile market.⁸ Ericsson predicts that LTE will represent the majority of North American subscriptions in 2015 and 85 percent of subscriptions in 2019.⁹

Similarly, consumer usage continues to expand exponentially. In 2013, U.S. wireless providers handled more than 3.2 trillion megabytes (“MB”) of usage, a 120 percent increase

Broadband Data Improvement Act, GN Docket No. 11-121, Eighth Broadband Progress Report, 27 FCC Rcd 10342, 10382 ¶ 85 (2012) (“*Eighth Report*”).

⁴ FCC, Industry Analysis and Technology Division, Wireline Competition Bureau, *Internet Access Services: Status as of June 30, 2013*, at 30 Table 10 (June 2014).

⁵ *Id.*

⁶ *Id.* at 25 Table 7.

⁷ *See id.* (share based on change in total connections offering this download speed attributable to mobile wireless between June 2011 and June 2013).

⁸ 4G Americas, News Release, *LTE Hits 30% Share of Cellular Market in North America* (June 5, 2014), <http://www.4gamericas.org/index.cfm?fuseaction=pressreleasedisplay&pressrelease-id=5645>.

⁹ ERICSSON, ERICSSON MOBILITY REPORT ON THE PULSE OF THE NETWORKED SOCIETY, at 8 (June 2014), available at <http://www.ericsson.com/mobility-report>.

from the previous year and a 732 percent increase since 2010. According to Cisco, Ericsson, and other research firms, data usage in the year 2018 will be 383 times the traffic delivered in 2008.¹⁰ Given these patterns, it is not surprising that a McLaughlin & Associates and 2013 Penn Schoen Berland survey revealed that 91 percent of wireless customers remain “highly satisfied” with their wireless service.¹¹

Given this enormous value that consumers have come to place on mobile broadband, the Commission’s Section 706 report would be incomplete without inclusion of mobile broadband. This approach is also consistent with the Commission’s decision in the *USF/ICC Transformation Order* that mobility is a distinct universal service goal.¹²

B. Speed, Latency, and Usage Metrics Should Be Based on Services Consumers Actually Use.

In setting an “appropriate definition of advanced telecommunications capability for purposes of the next report,”¹³ the Commission should refrain from identifying specific “benchmarks” – speed, latency, usage, and other characteristics¹⁴ – and instead should report on the services that consumers actually are buying in the marketplace.

¹⁰ See CTIA, ANNUAL YEAR-END 2013 TOP-LINE SURVEY RESULTS, at 2 (2013), available at http://www.ctia.org/docs/default-source/Facts-Stats/ctia_survey_ye_2013_graphics-final.pdf?sfvrsn=2.

¹¹ MyWireless, 2013 Annual Consumer Survey, available at <http://www.mywireless.org/media-center/data-center/2013-national-survey> (last visited Aug. 31, 2014).

¹² *Connect America Fund, et al.*, WC Docket Nos. 10-90 *et al.*, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663, 17682 ¶ 53 (2011) (“*USF/ICC Transformation Order*”), *aff’d sub nom In re: FCC 11-161*, 753 F.3d 1015 (10th Cir. 2014). See also *id.* at 17771 ¶ 295 (concluding that “ubiquitous mobile coverage must be a national priority”).

¹³ *NOI* at ¶ 5.

¹⁴ *Id.* at ¶¶ 6-32.

The Commission should analyze mobile broadband speeds in light of existing marketplace offerings. Such an approach is particularly warranted in the competitive mobile wireless sector, where providers are aggressively vying to provide the fastest speeds and most extensive network coverage. Since 2010, U.S. smartphone speeds have increased eight fold.¹⁵ And, as demonstrated above, market performance overwhelmingly demonstrates that consumers place enormous value on 3G and 4G mobile broadband.¹⁶

A market-based approach aligns with the approach that the Commission took in the *USF/ICC Transformation Order*. In Mobility Fund Phase I, the Commission required applicants to provide either 3G or 4G data services in order to be eligible for support, at the election of the provider, and is proposing to require the provision of 4G service in Phase II.¹⁷

In this proceeding, the Commission similarly should assess the range of mobile broadband offerings in the marketplace rather than setting an arbitrary threshold to “define” mobile broadband. The Commission’s report should study the mobile broadband technologies available in the marketplace and note the speeds and other characteristics that they are able to provide. In particular, the Commission should avoid setting arbitrary latency or usage thresholds that exclude mobile broadband offerings that are widely deployed in the market and demonstrably valued by consumers.

¹⁵ See e.g., Cisco VNI Mobile Forecast Highlights, 2013-2018, available at http://www.cisco.com/assets/sol/sp/vni/forecast_highlights_mobile/index.html#~Country.

¹⁶ See *supra* Section II.

¹⁷ *Connect America Fund*, WC Docket No. 10-90, Report and Order, Declaratory Ruling, Order, Memorandum Opinion and Order, Seventh Order on Reconsideration, and Further Notice of Proposed Rulemaking, 29 FCC Rcd 7051, 7128 ¶ 241 (2014) (“*2014 Universal Service Order*”).

III. THE COMMISSION HAS EXTENSIVE INFORMATION TO MEASURE MOBILE BROADBAND DEPLOYMENT.

Given the extensive broadband service reporting to which wireless carriers already are subjected, additional reporting is not necessary in order to include mobile broadband in the annual Section 706 Report. Wireless carriers already report on their voice and broadband deployment on FCC Form 477. This year, the Commission is requiring mobile providers to provide shapefile maps of their coverage areas, which will provide the Commission with even more detailed coverage information regarding mobile broadband. The FCC also has access to the historical data collected by the National Telecommunications and Information Administration through the State Broadband Initiative (“SBI”).

No new data collections are necessary to perform this analysis. In addition, the Commission should continue to use commercial data sources about mobile coverage, including Mosaik Solutions’ extensive collection of carriers’ own data regarding the scope of their networks.¹⁸ Also, the wireless industry and the Commission currently are cooperating on an initiative to use third-party software to “crowd-source” broadband performance information.¹⁹ Crowd-sourcing tools can be a useful adjunct source of data, particularly when used in conjunction with the other data sources discussed above.

Indeed, additional reporting obligations simply would serve to divert carrier resources away from the deployment of broadband networks. Smaller wireless carriers, in particular, would be burdened by more extensive reporting obligations.

¹⁸ See *Eighth Report*, 27 FCC Rcd at 10367-68 ¶ 40.

¹⁹ See, e.g., FCC, *Measuring Mobile Broadband Methodology - Technical Summary*, available at <http://www.fcc.gov/measuring-broadband-america/mobile/technical-summary> (last visited Aug. 31, 2014).

IV. MOBILE BROADBAND IS BEING DEPLOYED IN A REASONABLE AND TIMELY FASHION.

A. Mobile Broadband Is Being Deployed at a Remarkably Rapid Pace.

In the *NOI*, the Commission seeks comment on whether broadband is being deployed in a reasonable and timely fashion.²⁰ Wireless service providers are rapidly deploying and upgrading mobile wireless broadband networks across America to meet staggering consumer demand, far ahead of any “reasonable and timely” benchmark, indeed, far ahead of any other country in the world.

High-speed mobile broadband has been deployed more rapidly than any modern technology. Despite its very recent emergence, high-speed mobile broadband is already available to the overwhelming majority of Americans, due to herculean efforts by industry over the past several years. As the Commission itself noted in its last report,

In the summer of 2010, there was no LTE deployment in the United States. Just 18 months later, in January 2012, three mobile wireless providers had launched LTE networks, and best available estimates are that these LTE networks (combined) covered 211 million people.²¹

And the pace of growth has not slowed. Today, AT&T’s network covers 290 million POPs, Sprint’s covers 225 million POPs, T-Mobile’s covers 230 million POPs, and Verizon’s covers 306 million POPs.²² Regional providers offering LTE-based service across markets that

²⁰ *NOI* at ¶¶ 42-44.

²¹ *Eighth Report*, 27 FCC Rcd at 10348 ¶ 6 (citations omitted).

²² See AT&T, Press Release, *AT&T Provides Update on Network Transformation, Second-Quarter Trends and Full-Year 2014 Financial Guidance* (June 3, 2014), available at http://about.att.com/story/att_provides_update_on_network_transformation_second_quarter_trends_and_full_year_2014_financial_guidance.html; Sprint, Press Release, *Sprint Accelerates Progress on America’s Newest Network, Delivering Faster 4G LTE Speeds to 225 Million People and 41 New Cities* (Apr. 29, 2014), available at <http://newsroom.sprint.com/news-releases/sprint-accelerates-progress-on-americas-newest-network-delivering-faster-4g-lte->

are home to millions include U.S. Cellular, Appalachian Wireless, Bluegrass Cellular, Cellcom, Chariton Valley, Chat Mobility, Cross Wireless, Custer Telephone Cooperative, Inc., Mid-Rivers Wireless, MTA Wireless, Pioneer Cellular, Thumb Cellular, NorthwestCell, and Strata Networks. Additional companies offering or constructing LTE networks include Carolina West Wireless, Copper Valley Telecom, C Spire, KPU (Ketchikan Public Utilities), Nemont Wireless, Ntelos, and S and R Communications.²³

According to the Commission's most recent *Mobile Competition Report*, 82 percent of U.S. consumers have access to service from four or more mobile broadband providers, nearly 92 percent of U.S. consumers have access to three or more mobile broadband providers, and nearly 98 percent of consumers have access to two or more.²⁴ Mobile providers invested more than \$33

[speeds-to-225-million-people-and-41-new-cities.htm](#); Phil Goldstein, *T-Mobile passes Sprint with 230M LTE POPs while Verizon dominates with 306M LTE POPs*, FIERCEWIRELESS, July 1, 2014, available at <http://www.fiercewireless.com/story/t-mobile-passes-sprint-230m-lte-pops-while-verizon-dominates-306m-lte-pops/2014-07-01>; Verizon Commc'ns Inc., Quarterly Report (Form 10-Q), at 20 (Apr. 24, 2014), available at <http://www.verizon.com/investor/secfiling.htm>.

²³ See e.g., Appalachian Wireless, *4G LTE – Frequently Asked Questions*, <http://www.appalachianwireless.com/?page=ltefaq> (last visited Aug. 31, 2014); Bluegrass Cellular, *In the News*, <http://bluegrasscellular.com/about/news> (last visited Aug. 30, 2014) (multiple listings of expanding LTE coverage); *Carolina West starts 4G buildout*, WILKES J. PATRIOT, Feb. 7, 2014, available at http://www.journalpatriot.com/news/article_e0100442-9021-11e3-9bc6-0017a43b2370.html; see also Joan Engebretson, *Thirteenth Verizon Rural LTE Network Turned-Up, Courtesy of Matanuska*, TELECOMPETITOR, Sept. 5, 2013, <http://www.telecompetitor.com/thirteenth-verizon-rural-lte-network-turned-courtesy-matanuska>; Pioneer Cellular, Press Release, *Pioneer Cellular has announced the expansion of 4G LTE service into five additional markets including Alva, Canton, Fairview, Okeene and Woodward* (Apr. 1, 2013), available at http://www.ptci.com/index.php?pressreleases&a=view&article_id=134; Scott Webster, *U.S. Cellular leans further into LTE in 2014*, CNET, Apr. 8, 2014, <http://www.cnet.com/news/u-s-cellular-details-major-4g-lte-expansion-plans> (U.S. Cellular plans to expand coverage in 13 states and have 4G speeds in more than 93 percent of its network before the year is out).

²⁴ *Annual Report and Analysis of Competitive Market Conditions With Respect to Mobile Wireless, Including Commercial Mobile Services*, Sixteenth Report, 28 FCC Rcd 3700, 3749-50 ¶ 48 and Table 8 (2013) (“*Mobile Competition Report*”).

billion in their networks in 2013,²⁵ and, the annual investments by the wireless industry exceed those of the country's major oil and gas and auto companies.²⁶

The Commission itself recently cited the “significant commercial deployment of mobile broadband services” in its further notice of proposed rulemaking on universal service issues, noting that nearly 99.5 percent of the U.S. population today is covered by mobile broadband.²⁷ It goes so far as to propose a reduction in the amount of Mobility Fund support as a result. Although, as CTIA has pointed out, these data do not justify a reduced commitment to the Mobility Fund,²⁸ they clearly are relevant to the instant inquiry about whether mobile broadband deployment is reasonable and timely. If mobile broadband deployment since 2011 has been so rapid and thorough that the Commission could even consider reducing Mobility Fund support, these data certainly justify a finding that such deployment is reasonable and timely.

B. The U.S. Leads the World in Mobile Wireless Broadband Deployment and Adoption.

The deployment and investment described above have vaulted the U.S. to the top of the international rankings when it comes to high-speed mobile wireless broadband. The U.S. has

²⁵ DIDIER SCEMAMA, ET AL., 2014 WIRELESS CAPEX: BRICS & EUROPE TO PICK UP THE SLACK, BANK OF AMERICA MERRILL LYNCH, GLOBAL TELECOM EQUIPMENT, Table 2 (2014) (“Scemama Report”).

²⁶ See WHITE HOUSE OFFICE OF SCI. AND TECH. POLICY & THE NAT’L ECON. COUNCIL, FOUR YEARS OF BROADBAND GROWTH, at 2 (June 2013), available at http://www.whitehouse.gov/sites/default/files/broadband_report_final.pdf.

²⁷ 2014 Universal Service Order, 29 FCC Rcd at 7127 ¶ 238 (citation omitted).

²⁸ Comments of CTIA, WC Docket No. 10-90, at 5-6 (filed Aug. 8, 2014) (“CTIA Comments”).

nearly half of the world’s LTE subscribers, despite having only 5 percent of the world’s total mobile subscribers.²⁹

The U.S. leads the world in mobile broadband – despite its dispersed population and large land mass – due in large part to comparatively larger private investments in wireless broadband infrastructure. U.S. wireless carriers invested four times more per subscriber than the rest of the world.³⁰

C. The Commission’s Current Approach to Assessing Deployment Should Be Modified to Recognize the Significant Deployment of Mobile Broadband.

In the 2012 *Eighth Report* the Commission concluded that the industry had “made great progress,”³¹ and then-Chairman Genachowski characterized that report as “reflect[ing] the huge strides that both the private and public sector have made to extend broadband.”³² And yet, the Commission, in that report, concluded that broadband deployment is not “reasonable and timely.”³³ Given the data above, any such finding here would be a clear mismatch, demonstrating the need for clearer and more reasonable measures of progress.

The disconnect between the gathered facts and the ultimate conclusion is a result of a flawed methodology in executing Section 706’s mandate. The statute charges the Commission with determining if “reasonable and timely” progress is being made toward the ultimate goal of

²⁹ CTIA, Wireless Quick Facts, World Leader, <http://www.ctia.org/your-wireless-life/how-wireless-works/wireless-quick-facts> (last visited Aug. 31, 2014).

³⁰ Scemama Report at Table 2.

³¹ *Eighth Report*, 27 FCC Rcd at 10344 ¶ 2.

³² *Id.* at 10509 (Chairman Genachowski Statement).

³³ *Eighth Report*, 27 FCC Rcd at 10344 ¶ 1.

bringing broadband to “all Americans.”³⁴ Yet rather than evaluating *progress* toward the goal of universal access to broadband, the Commission has evaluated *attainment* of the goal.

Instead of evaluating the achievement of a single, final milestone, the Commission should establish practical standards and then measure progress toward achieving that ultimate goal, as Section 706 directs. Stated another way, the Commission should “read the word ‘reasonable’ to refer objectively to a degree of progress that is ‘appropriate.’”³⁵

The *NOI* suggests some useful yardsticks in this regard. For example, as the Commission has noted, “broadband deployment is more likely to be reasonable and timely if communities in the United States compare favorably to foreign communities on broadband service capability metrics.”³⁶ As discussed above, and as the Commission has acknowledged, the U.S. compares very favorably to foreign communities with regard to wireless broadband deployment and adoption – indeed, the U.S. leads the world in deployment and adoption of LTE.³⁷ Using the Commission’s own measure of international comparisons, wireless broadband certainly is being deployed in the U.S. in a “reasonable and timely” fashion.

The Commission also seeks comment on the extent to which broadband is being deployed to “all Americans.”³⁸ The *NOI* observes that access to broadband is lower in rural and Tribal areas than in urban areas.³⁹ However, the FCC’s data also show that rural and Tribal

³⁴ 47 U.S.C. § 1302.

³⁵ *NOI* at ¶ 42.

³⁶ *Id.* at ¶ 39.

³⁷ *See supra* Section IV.B.

³⁸ *NOI* at ¶¶ 40-41.

³⁹ *Id.*

access is improving, and at a more rapid rate than urban access. For example, the data cited in the *NOI* show that, in the last three years, availability of 10 Mbps download / 1 Mbps upload service has increased by a factor of 3.1 percent in urban areas, while it has increased 11.7 percent in rural areas.⁴⁰ Similarly, availability of 25 Mbps download / 10 Mbps upload service has increased by 48 percent in urban areas, but 110 percent in rural areas.⁴¹

In sum, no one questions that the ultimate goal is universal broadband coverage (or very nearly so). But full attainment of this goal cannot be the standard to judge “reasonable and timely” deployment of advanced telecommunications capability within the meaning of Section 706. The FCC should return to an approach where it selects and assesses relevant, objective measures of progress in deployment activity.

V. THE COMMISSION SHOULD FREE ADDITIONAL SPECTRUM FOR BROADBAND, ESCHEW ONEROUS OPEN INTERNET OBLIGATIONS, MAINTAIN MOBILITY FUND SUPPORT, AND FACILITATE DEPLOYMENT OF WIRELESS INFRASTRUCTURE TO PROMOTE CONTINUED DEPLOYMENT OF MOBILE BROADBAND.

As noted above, CTIA believes that mobile broadband deployment is occurring on a reasonable and timely basis. However, the Commission can further promote mobile broadband deployment and thereby fulfill its obligations under Section 706 by making further efforts to free additional spectrum for wireless broadband, avoiding onerous Open Internet regulations on mobile broadband networks, maintaining a commitment to Mobility Fund support, and continuing to facilitate deployment of wireless infrastructure.

⁴⁰ *Id.* at ¶ 41 (figures represent comparison of the rate of change in urban versus rural areas).

⁴¹ *Id.* (same).

A. Further Efforts to Free Additional Spectrum for Mobile Broadband Are Crucial.

Despite significant efforts to make additional mobile broadband spectrum available, there remains an urgent need for additional spectrum for mobile broadband services. As Chairman Wheeler recently told Congress: “Consumer demand for mobile broadband is exploding With increased consumer demand comes increased demand for spectrum – a finite resource that is in short supply.”⁴²

CTIA applauds the Commission, NTIA, the Obama Administration, and Congress (on a bipartisan basis) for establishing the identification and allocation of wireless broadband spectrum as a key policy objective, and CTIA encourages the Commission to work with stakeholders to rapidly free up the spectrum necessary to achieve its goal.

First, the Commission should act to ensure that the upcoming Incentive Auction results in sufficient spectrum being made available for mobile broadband. Given the structure of the auction, it will be of little value unless broadcasters make useable blocks of spectrum available, and in areas where the need for additional spectrum is greatest.

The Commission also should continue to explore other possibilities for additional spectrum for wireless broadband. For example, the Commission should continue to work with NTIA to allocate additional federal spectrum for commercial use. CTIA commends the Commission’s and NTIA’s work in this regard, and urges continued efforts.

⁴² Statement of FCC Chairman Tom Wheeler, Subcommittee on Communications and Technology, Committee on Energy and Commerce, U.S. House of Representatives, Hearing on Oversight of the Federal Communications Commission, at 1 (May 20, 2014), *available at* https://apps.fcc.gov/edocs_public/attachmatch/DOC-327165A1.pdf.

B. The Commission Should Not Adopt Onerous Open Internet Regulations That Undermine Continued Reasonable and Timely Deployment of Mobile Broadband Networks.

The prodigious pace of mobile broadband deployment described in these comments has occurred in a regulatory environment free from overly restrictive requirements, and this is no accident. As CTIA described in its comments in the *Open Internet* proceeding, mobile broadband providers face unique technical and operational considerations due to the nature of spectrum-based networks, and operate in a highly competitive environment.⁴³

The Commission's 2010 Open Internet rules specifically accounted for these special considerations by avoiding restrictive rules, such as a blanket no-blocking rule, that would undermine the flexibility that mobile providers need to address the day-to-day challenges of managing spectrum-based broadband networks. Similarly, mobile broadband services should not be subject to a "commercial reasonableness" requirement or additional transparency rules.

If the Commission takes a different course in the current phase of the proceeding and imposes more onerous requirements on mobile broadband providers, this will almost certainly undermine investment in mobile broadband networks. Thus, to advance the goals of Section 706, the Commission should eschew imposing more burdensome Open Internet requirements on mobile broadband providers.

C. Additional Mobility Fund Support Will Broaden Deployment.

In its comments in response to the last Section 706 notice of inquiry, CTIA expressed concern about the relatively paltry size of the Mobility Fund, particularly as compared to the

⁴³ Comments of CTIA, GN Docket No. 14-28 (filed July 18, 2014).

funding mechanisms for wireline providers.⁴⁴ Instead of increasing the amount of support available for mobility, however, the Commission recently has sought comment on whether the budget for Mobility Fund Phase II should be reduced.⁴⁵ This approach would be plainly contrary to the goals of Section 706.

CTIA continues to believe that Mobility Fund support is essential to reaching areas of the country for which no business case for private deployment of mobile broadband exists.⁴⁶ Maintaining its commitment to this goal is a concrete way that the Commission can advance the goals of Section 706. At minimum, however, the Commission must acknowledge that it would be nonsensical to find that mobile broadband deployment has been so robust that the Mobility Fund budget should be reduced, yet also find that mobile broadband deployment has not been reasonable and timely.

D. The Commission Should Continue to Facilitate Deployment of Wireless Infrastructure.

The deployment of mobile broadband networks in a “reasonable and timely” fashion depends on mobile providers’ ability to site and maintain the physical facilities such as towers that make up these networks. Consistent with CTIA’s prior comments regarding the Section 706 report, CTIA urges the Commission to continue its commitment to facilitating wireless infrastructure deployment. CTIA also commends the Commission on adopting the Part 17 Antenna Structure Report and Order last month.⁴⁷ Streamlining and modernizing regulations

⁴⁴ Comments of CTIA, GN Docket No. 12-228, at 22 (filed Sept. 20, 2012).

⁴⁵ *2014 Universal Service Order*, 29 FCC Rcd at 7129 ¶ 243.

⁴⁶ See CTIA Comments at 5-6.

⁴⁷ *2004 and 2006 Biennial Regulatory Reviews – Streamlining and Other Revisions of Parts 1 and 17 of the Commission’s Rules Governing Construction, Marking and Lighting of Antenna Structures*, WT Docket No. 10-88, Report and Order, FCC 14-117 (rel. Aug. 8, 2014).

concerning the maintenance of wireless facilities is essential to enabling wireless tower owners to keep pace with consumer demand and continue the economic growth made possible through the expanding mobile ecosystem.

CTIA urges the FCC to act expeditiously on its wireless broadband facilities deployment notice of proposed rulemaking.⁴⁸

Wireless carriers continue to face a multitude of regulatory and procedural obstacles to rapid infrastructure deployment. By adopting four reforms to meaningfully expedite wireless infrastructure deployment, the FCC could eliminate key delays and unnecessary steps associated with wireless investment.

- Limit the ability of state and local authorities to delay the collocation and replacement of wireless infrastructure that have minimal impact on communities.
- Permit the speedy deployment of temporary towers used to respond to local emergencies and newsworthy events and to assist local law enforcement.
- Curtail unnecessary delays at the local level by imposing a 45-day limit on collocation approvals. After all, as Congress recognized, these wireless facilities already have received the necessary zoning approval, so further impediments are unnecessary.
- Streamline the environmental and historic review process for distributed antenna systems (“DAS”) , including by adopting certain exclusions from the review process warranted by the small size and flexible placement of DAS.

The Commission also should act as an information resource to local jurisdictions and provide technical and legal guidance concerning these regulations and processes. By advising local agencies on their roles and responsibilities, and on best practices in tower siting, the FCC will help ensure that the timing of local approvals is regular, predictable, and minimized.

⁴⁸ *Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies*, Notice of Proposed Rulemaking, 28 FCC Rcd 14238 (2013).

For example, the FCC should encourage local governments to provide as much information as possible to applicants through their websites. Putting such information online improves local processes and is a critical step toward addressing the alleged problem of incomplete applications. The FCC also should encourage local governments, where possible, to develop online application submission procedures, and share its expertise in this area with localities.⁴⁹

Furthermore, the Commission should consider sponsoring a “Municipal Race to the Top” program as recommended by the Technological Advisory Council Chairman’s Report.⁵⁰ Such a program would reward municipalities that adopt best practices for approving wireless infrastructure deployment projects, and would provide a platform for advertising and publicizing such best practices. This program would motivate rapid approvals while continuing to respect the role of local authorities.

CONCLUSION

For the above reasons, the Commission should evaluate mobile broadband deployment as an integral part of its Section 706 analysis. This analysis should evaluate the “reasonable and timely” deployment and adoption of broadband by measuring existing deployment and adoption. Wireless broadband metrics should be based on services now in the market. Based on the best data available, the Commission should conclude that the U.S. is currently leading the world in the deployment and adoption of high-speed mobile broadband, and that such deployment is “reasonable and timely.” However, the Commission can and should act to preserve and promote

⁴⁹ See generally, Reply Comments of CTIA, WT Docket No. 11-59, at ii and throughout (filed Sept. 30, 2011).

⁵⁰ Memorandum from Tom Wheeler, Technical Advisory Council Chairman, to Julius Genachowski, Chairman, FCC, at 1 (rel. Apr. 22, 2011), available at http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-306065A1.pdf.

the current success by freeing up spectrum for wireless broadband, avoiding adoption of onerous Open Internet regulations on mobile broadband providers, maintaining its commitment to Mobility Fund support for rural wireless broadband, and facilitating the deployment of wireless infrastructure.

Respectfully submitted,

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