

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

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In the Matter of	)	
	)	
Inquiry Concerning the Deployment of Advanced	)	
Telecommunications Capability to All Americans	)	
in a Reasonable and Timely Fashion, and Possible	)	GN Docket No. 14-126
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 COMPETITIVE CARRIERS ASSOCIATION**

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**COMMENTS OF COMPETITIVE CARRIERS ASSOCIATION**

Competitive Carriers Association (“CCA”) submits these comments to the Federal Communications Commission (the “FCC” or “Commission”) in response to the *Tenth Broadband Progress Notice of Inquiry (“NOI”)*<sup>1</sup> in the above-captioned proceeding, in which the Commission seeks comment on a series of issues relating to the state of the availability of broadband Internet services across the country. The Commission also seeks recommendations as to how broadband deployment might be accelerated, and how the landscape has changed since it last released a report. As the Commission looks to answer these important questions, CCA urges the Commission to acknowledge the important role that mobile broadband plays in the overall

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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*, Notice of Inquiry, GN Docket No. 14-126, FCC 14-113 (rel. Aug. 5, 2014) (“NOI”).

broadband ecosystem while recognizing both the differences between wired and mobile broadband services, and therefore take steps to further encourage mobile broadband deployment.

## **I. INTRODUCTION AND SUMMARY**

CCA is the principal association for competitive wireless providers across the United States, representing the interests of more than 100 members—including rural, regional, and national wireless carriers. CCA's members support the Commission's efforts to make broadband available to all Americans and urge the Commission to acknowledge the important benefits that mobile broadband brings to the table. The Commission has before it the opportunity to take several concrete, near-term steps to accelerate the deployment of mobile broadband.

First, the Commission should increase access to high-cost universal service funding for mobile broadband providers. Second, the Commission must ensure reasonable access by mobile broadband providers to critical spectrum resources at auction and on the secondary market. Third, the Commission should foster greater access to competitive data roaming arrangements, and, as part of this effort, the Commission should grant promptly T-Mobile's *Petition for Expedited Declaratory Ruling*. Finally, the Commission should take swift action regarding wireless facilities siting as well as ensure that all competitive carriers have access to the latest mobile devices.

As the Commission moves forward with these steps, it must do so in a manner that recognizes the differences among broadband technologies. All broadband technologies have their place in the ecosystem, and the Commission should not arbitrarily favor one over the other, ultimately picking winners and losers rather than letting consumers decide.

By taking the concrete steps discussed above, while simultaneously recognizing the unique characteristics of mobile broadband technology, the Commission will go a long way

towards accomplishing its goal of accelerating the deployment of broadband access to all Americans.

## **II. MOBILE TECHNOLOGY MUST BE RECOGNIZED AS A CRITICAL COMPONENT OF THE ECONOMY AND BROADBAND ECOSYSTEM**

In its last Notice of Inquiry, the Commission proclaimed that “tremendous efforts are being made . . . to bring broadband to all Americans.”<sup>2</sup> For its part, the wireless industry has expended significant amounts of capital resources to extend broadband services to all Americans<sup>3</sup> and has become a critical player in the domestic economy, contributing “more than \$150 billion in GDP annually[.]”<sup>4</sup> Today, the wireless industry is indisputably an “essential engine of U.S. economic growth[.]”<sup>5</sup> But with the right regulatory environment, CCA’s members are poised to meet the challenge of bringing wireless access to *all* Americans.

In addition to the overall economic benefits, mobile technology is a critical component of the broadband ecosystem. At the outset, the Commission should recognize current research indicating that consumers are increasingly relying on their mobile devices to access the Internet – even under circumstances where faster wired broadband alternatives may be available.

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<sup>2</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*, Ninth Broadband Progress Notice of Inquiry, GN Docket No. 12-228, 27 FCC Rcd. 10523, 10524 ¶ 2 (2012).

<sup>3</sup> See, e.g., National Broadband Plan at 40 (2010).

<sup>4</sup> The White House, Office of the Press Secretary, “FACT SHEET: Administration Provides Another Boost to Wireless Broadband and Technological Innovation” (June 14, 2013), available at <http://www.whitehouse.gov/the-press-office/2013/06/14/fact-sheet-administration-provides-another-boost-wireless-broadband-and->.

<sup>5</sup> Competitive Carriers Association, “A Framework for Sustainable Competition in the Digital Age: Fostering Connectivity, Innovation and Consumer Choice,” White Paper, at 5 (Jan. 2014), available at [http://competitivecarriers.org/wp-content/uploads/2014/01/CCA\\_SustainableCompetition\\_FINAL.pdf](http://competitivecarriers.org/wp-content/uploads/2014/01/CCA_SustainableCompetition_FINAL.pdf) (“CCA White Paper”) (citation omitted).

Consumers are recognizing the benefits of mobile wireless broadband – such as instant access wherever their location and inclusion of data use with many wireless plans (lowering the “entry cost” of Internet access for many users).

It is because of these benefits and many others that mobile broadband, by many accounts, has surpassed traditional wired broadband as a means of accessing the Internet. For example, according to a recent Nielsen study, “US adults spent on average 34 hours per month using the mobile internet on smartphones. By comparison, they spend 27 hours on the PC internet.”<sup>6</sup> The importance of this shift cannot be understated. Whereas even just a few years ago mobile broadband was a convenience for a subset of consumers, mobile is now the *preferred method* of accessing the Internet.<sup>7</sup>

Mobile broadband is a critical component to accessing the Internet for all types of consumers.<sup>8</sup> While a majority of consumers use their smartphones to access the Internet in some fashion, and spend more hours accessing broadband content on their mobile devices than on their

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<sup>6</sup> Greg Sterling, “Nielsen: More Time On Internet Through Smartphones Than PCs,” Marketing Land (Feb. 11, 2014), available at <http://marketingland.com/nielsen-time-accessing-internet-smartphones-pcs-73683>.

<sup>7</sup> This statement is supported by numerous other studies. For example, the majority of digital media consumption now takes place in mobile apps, and mobile now accounts for the majority of ecommerce traffic. See Sarah Perez, *Majority of Digital Media Consumption now Takes Place in Mobile Apps*, TechCrunch (Aug. 21, 2014), available at <http://techcrunch.com/2014/08/21/majority-of-digital-media-consumption-now-takes-place-in-mobile-apps/?ncid=twittersocialshare>; Posting of Tobias Lutke to *Ecommerce Marketing Blog* (Mobile Now Accounts for 50.3% of All Ecommerce Traffic), <http://www.shopify.com/blog> (Aug. 26, 2014) (finding that, based on data from over 100,000 ecommerce stores, 50.3% of traffic comes from mobile devices and 49.7% from computers).

<sup>8</sup> Indeed, in 2014, one percent of all U.S. households stopped paying for home Internet subscriptions and relied on wireless access alone, which outpaces the 0.4 percent of households that “cut the cord” on their pay TV subscriptions. See Anton Troianovski, *Cord-Cutters Lop Off Internet Service More Than TV*, Wall St. J. (May 29, 2013), available at <http://online.wsj.com/news/articles/SB20001424127887324682204578513262440196772>.

computers, more than one-third of Internet users rely on their phones as their *principal* means of accessing the Internet – a number that continues to grow.<sup>9</sup> Other studies echo these same findings, as CCA recently demonstrated to the Commission in a separate proceeding.<sup>10</sup> These studies demonstrate that the adoption and use of mobile broadband continues to grow, and that consumers are increasingly more likely to use mobile broadband to access the Internet as compared to other available technologies.

In addition, studies are indicating that wireless access to the Internet is of critical importance for several demographic groups that historically have had trouble obtaining access to broadband recourses, or proven resistant to adopting broadband. According to a recent study by the Pew Research Center, “young adults, non-whites, the less educated, and the less affluent . . . have said that they go online mostly using their cell phone at consistently high rates.”<sup>11</sup> As support, in 2013, the U.S Census Bureau found that smartphone use is significantly reducing the disparities in Internet use traditionally present for race and ethnicity groups.<sup>12</sup> Mobile service has proven to be a significant driver of broadband adoption among rural, minority and low-income Americans, and is a critical component of any well-rounded national broadband deployment roadmap.

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<sup>9</sup> See Maeve Duggan and Aaron Smith, Cell Internet Use 2013, Pew Internet Research Project (Sep. 16, 2013), available at <http://www.pewinternet.org/2013/09/16/cell-internet-use-2013/>.

<sup>10</sup> See Comments of Competitive Carriers Association, *Connect America Fund*, WC Docket No. 10-90, at 11 (filed Aug. 8, 2014) (“CCA CAF Comments”).

<sup>11</sup> See Maeve Duggan and Aaron Smith, Cell Internet Use 2013, Pew Internet Research Project (Sep. 16, 2013), available at <http://www.pewinternet.org/2013/09/16/cell-internet-use-2013/>.

<sup>12</sup> See Thom File, *Computer and Internet Use in the United States: Population Characteristics*, U.S. Census Bureau (Pub. No. P20-569, May 2013), available at <http://www.census.gov/prod/2013pubs/p20-569.pdf>.

The conclusions of the studies cited above, and the experience of CCA's own carrier members, lead to one inescapable conclusion: mobile access to the Internet is important to consumers and absolutely necessary to support the Commission's goal of accelerating broadband deployment to all Americans.

### **III. THE COMMISSION SHOULD LEVERAGE THE PROLIFERATION OF MOBILE BROADBAND TO ACCELERATE THE DEPLOYMENT OF BROADBAND TO ALL AMERICANS**

The Commission notes in the *NOI* that "if the Commission finds that broadband is not being deployed to all Americans in a reasonable and timely fashion, then the Commission must take immediate action to accelerate deployment of such capability by removing barriers to infrastructure investment and by promoting competition in the telecommunications market."<sup>13</sup> Unfortunately, advanced telecommunications capabilities are not being deployed to all Americans in a reasonable and timely manner. Although the FCC claims that "nearly 99.5 percent of the U.S. population today (and the road miles associated with that population) is covered by some form of mobile broadband technology,"<sup>14</sup> CCA has found that the true number falls far short of this. In CCA's comments in the Connect America Fund Proceeding, an industry expert concluded that "service offerings at download speeds above 3 Mbps in the states sampled often fall below 90 percent."<sup>15</sup> Significantly, "wireless coverage in rural counties ranges as low as 76.7 percent of the population in West Virginia and 81.1 percent in North Carolina. Furthermore service coverage at download speeds at or above 3 Mbps ranges as low as 78.6

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<sup>13</sup> *NOI* at para. 49.

<sup>14</sup> *Connect America Fund, Universal Service Reform – Mobility Fund, et al.*, WC Docket Nos. 10-90, 10-208 *et al.*, Report and Order, Declaratory Ruling, Order, Memorandum Opinion and Order, Seventh Order on Reconsideration, and Further Notice of Proposed Rulemaking, FCC 14-54 (rel. June 10, 2014).

<sup>15</sup> *CCA CAF Comments*, Katz Declaration, at 2.

percent in Kentucky and 86.3 percent in New Hampshire.”<sup>16</sup> Even where mobile broadband is available, rural consumers often lack the provider choices that their urban counterparts enjoy.<sup>17</sup> The Commission simply cannot look at these facts and find that broadband is being deployed to all Americans in a reasonable and timely manner.

In anticipation of this finding, the Commission asks a series of questions regarding actions it can take to accelerate broadband deployment across the nation. As CCA has shown, wireless broadband is a significant driver of broadband use among all consumers. Thus, the Commission should encourage the proliferation of mobile broadband networks by increasing the size of the Mobility Fund, providing access to spectrum, and promoting increased data roaming, facilities deployment and robust access to iconic devices.

**A. The Commission Must Increase Access to Funding for Mobile Broadband Providers to Enable Competitive Carriers to Expand and Improve Their Broadband Networks**

First, the Commission must take steps to ensure that critical universal service funding is provided to mobile broadband providers on an equitable basis to promote broadband deployment, rather than restricting it. Despite its lack of competitive and technology neutral reform efforts to date, the Commission can and should adopt a number of recommendations within its current framework to help facilitate mobile broadband deployment. Specifically, the Commission should increase the funding available to mobile broadband providers through the Mobility Fund to reflect the true state of mobile deployment in the United States, and abandon its

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<sup>16</sup> *Id.*

<sup>17</sup> *In the Matter of Implementation of Section 6002(b) of the Omnibus Budget Reconciliation Act of 1993; Annual Report and Analysis of Competitive Market Conditions With Respect to Mobile Wireless, Including Commercial Mobile Services*, WT Docket No. 11-186, Sixteenth Report, 28 FCC Rcd. 3700, ¶ 2 at 28 (2013) (finding that while 92.4% of non-rural Americans were covered by four or more mobile broadband service providers as of October 2012, only 37.4% of rural Americans had access to a similar amount of choice).

proposal to accelerate the phase-down of legacy high-cost support to mobile broadband providers. As shown by CCA in the Universal Service Fund (USF) proceeding, the Commission has significantly overestimated the status of 4G LTE deployments by the two largest wireless carriers for purposes of allocating high-cost support,<sup>18</sup> and accelerating the phase-down would have the perverse effect of restricting or eliminating broadband deployment—contrary to the Commission’s goals in this proceeding.

In addition, the Commission should: (i) make funding available irrespective of the technology, provided the Commission’s broadband performance requirements are satisfied; (ii) adopt a consistent approach to whether both mobile and fixed providers should be supported in a given area; (iii) define performance obligations in a manner achievable by a wide variety of fixed and mobile technologies; and (iv) utilize auction mechanics for CAF II that select “winners” based on objective criteria.<sup>19</sup> These recommendations would help ensure that Phase II of CAF is implemented in a manner that increases efficiency and minimizes competitive distortions.

The Commission must ensure that this critical source of funding for unserved and underserved areas remains open and available for mobile broadband providers. Improving access to funding opportunities will allow consumers to reap the benefits of access to the mobile Internet, for which CCA has demonstrated there is increasing demand.

**B. Providing Access to Much-Needed Wireless Spectrum Will Encourage the Deployment of Mobile Broadband Networks**

Competitive carriers need access to additional spectrum to effectuate the rollout of mobile broadband services to new areas. CCA credits Congress and the Commission for working to alleviate the spectrum crunch through the upcoming AWS-3 auction and the

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<sup>18</sup> *CCA CAF Comments*, Katz Declaration at 2.

<sup>19</sup> *Id.* at 3-4.

ambitious broadcast incentive auction. However, the Commission must ensure that the incentive auction is and all future auctions are conducted on a level playing field that will allow meaningful opportunities for competitive carriers to obtain spectrum licenses.

The Commission should be commended for adopting pro-competitive service and auction rules for the AWS-3 band such as interoperability with AWS-1 and rejecting package bidding. In that same vein, rules regarding interoperability, geographic license sizes and reserve spectrum for providers who lack sufficient low-band spectrum will each promote participation in the incentive auction by a broad range of parties, which, in turn, will encourage the deployment of mobile broadband. Nevertheless, as the Commission considers key issues for the incentive auction such as how to establish minimum prices, the spectrum reserve trigger and the amount of upfront payments, it should do so with pro-competitive policies in mind.<sup>20</sup> Prices should not be set so low that necessary levels of revenues are not generated, but also cannot be set so high that otherwise willing sellers and buyers are prevented from transitioning 600 MHz spectrum to its highest use. In addition, as the Commission devises the auction procedures for the incentive auction, it should resist the temptation to “create an aggregation of the largest PEA licenses.”<sup>21</sup> CCA, along with a wide cross-section of the wireless industry, crafted the PEA compromise proposal as a means of maximizing carrier participation. Aggregating many of these license areas together would undo the benefits of this work. Such aggregation would put this extremely valuable spectrum out of reach to competitive carriers who are most likely to deploy services to

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<sup>20</sup> *Policies Regarding Mobile Spectrum Holdings; Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, WT Docket No. 12-269; Docket No. 12-268, Report and Order, FCC 14-63, para. 195 (rel. June 2, 2014) (“*Mobile Spectrum Holdings R&O*”).

<sup>21</sup> *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Docket No. 12-268, Report and Order, FCC 14-50, para. 511 (rel. Jun. 2, 2014).

the rural areas that currently lack access to robust broadband; it would discourage (rather than encourage) mobile network deployments.

In combination with the recommendations above, the Commission must also diligently enforce its findings in the *Mobile Spectrum Holdings R&O*, particularly with respect to secondary market transactions for spectrum below 1 GHz. As CCA has demonstrated, secondary market transactions are dominated by AT&T and Verizon, especially for transactions involving low-band spectrum.<sup>22</sup> The Commission similarly notes in the *Mobile Spectrum Holdings R&O* that Verizon and AT&T have aggregated vast amounts of low-band spectrum, holding licenses for 90 percent of all Cellular spectrum, and 72 percent of all 700 MHz spectrum.<sup>23</sup> Because low-band spectrum “possesses distinct propagation advantages for network deployment, particularly in rural areas and indoors”<sup>24</sup> and has become “particularly concentrated,” the Commission now treats further concentration of below 1 GHz spectrum as an “enhanced factor” of its case-by-case analysis of secondary market transactions.<sup>25</sup> The Commission has also stated that “in principle, spectrum weighting has the potential to enhance [the FCC’s] competitive analysis of proposed spectrum acquisitions,”<sup>26</sup> as has CCA.<sup>27</sup> As industry consolidation continues, the Commission must rigorously analyze the potential competitive harms resulting from transactions involving all

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<sup>22</sup> See, e.g., Petition to Condition of Competitive Carriers Association, WT Docket No. 13-193, at 10 (filed Sep. 27, 2013) (“*CCA AT&T/Leap Petition*”).

<sup>23</sup> *Mobile Spectrum Holdings R&O* at para. 46.

<sup>24</sup> *Mobile Spectrum Holdings R&O* at para. 48; see also *id.* at para. 50 (recounting findings by the U.K.’s OfCom that “the physical properties of such spectrum ‘provide a benefit disproportionate to its quantity . . . .’”).

<sup>25</sup> *Id.* at para. 283.

<sup>26</sup> *Id.* at para. 274,

<sup>27</sup> See *Ex Parte* Letter from Rebecca Murphy Thompson, General Counsel, CCA to Marlene H. Dortch, Secretary, FCC, GN Docket No. 12-268, WT Docket No. 12-269 at 2 (filed May 9, 2014).

spectrum, but particularly valuable spectrum below 1 GHz, which is already concentrated in the hands of the two largest carriers.

**C. Increasing Access to Commercially Reasonable Roaming Arrangements Will Accelerate Broadband Deployment**

As CCA has consistently stated, “[d]ata roaming is essential to promoting competition and providing consumers with the ubiquitous mobile broadband services that they demand and increasingly rely upon.”<sup>28</sup> CCA is an ardent supporter of the data roaming rules adopted by Commission. Still, “competitive carriers continue to face significant difficulties in reaching data roaming agreements with the largest national carriers” despite the existing Data Roaming Order.<sup>29</sup> Fixing this roaming problem would be a concrete step toward making mobile broadband more uniformly available to rural wireless subscribers. Moreover, without increased access to roaming, rural carriers who build and deploy wireless networks in unserved and underserved areas may be forced to exit the market due to an inability to provide nationwide roaming, thereby decreasing broadband availability.

One immediate step that the Commission can take is to grant T-Mobile’s *Petition for Expedited Declaratory Ruling* promptly. As CCA has stated, “adopting T-Mobile’s proposed clarifications would establish more predictable criteria that would expedite roaming negotiations by narrowing the issues and enabling parties to arrive at commercially reasonable terms in a

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<sup>28</sup> Comments of Competitive Carriers Association, *T-Mobile USA, Inc., Petition for Expedited Declaratory Ruling, Reexamination of Roaming Obligations of Commercial Mobile Radio Service Providers and Other Providers of Mobile Data Services*, WT Docket No. 05-265, at 1 (filed Jul. 10, 2014) (“*CCA T-Mobile Petition Comments*”).

<sup>29</sup> *CCA T-Mobile Petition Comments* at 2.

more efficient manner.”<sup>30</sup> Providing *all* carriers with reasonable access to data roaming will stimulate broadband deployment across the nation.

**D. The Commission Should Take Prompt Action on its *Wireless Facilities NPRM***

The *NOI* seeks comment on the relationship between broadband deployment and “costs and delays in building out networks”<sup>31</sup> – two concepts that are inextricably intertwined. Whether constructing new sites or upgrading existing technology, carriers are anxious to deploy LTE across their networks. But Congress has recognized that state and local regulation of siting applications may impede “rapid deployment of new telecommunications technologies.” In fact, zoning approval for new wireless facilities” has been “both a major cost component and a major delay factor in deploying wireless systems. And, in a fast changing market, technology delay is technology denial.

The Commission has pending before it the *Wireless Facilities NPRM*,<sup>32</sup> which touches on many important aspects of wireless facility siting. CCA and many others in the wireless industry have urged the Commission to take immediate action to improve the ability of mobile broadband providers to expand their networks rapidly to meet consumer demand. Specifically, CCA has urged the Commission to: (i) confirm that Section 6409(a) applies broadly to all

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<sup>30</sup> *CCA T-Mobile Petition Comments* at 7.

<sup>31</sup> *NOI* at para. 50.

<sup>32</sup> *Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies*, WT Docket No. 13-238, *Acceleration of Broadband Deployment: Expanding the Reach and Reducing the Cost of Broadband Deployment by Improving Policies Regarding Public Rights of Way and Wireless Facilities Siting*, WC Docket No. 11-59, *Amendment of Parts 1 and 17 of the Commission’s Rules Regarding Public Notice Procedures for Processing Antenna Structure Registration Applications for Certain Temporary Towers*, RM-11688 (terminated), 2012 *Biennial Review of Telecommunications Regulations*, WT Docket No. 13-32, *Notice of Proposed Rulemaking*, 28 FCC Rcd 14238 (2013) (“*Wireless Facilities NPRM*”).

wireless services and technologies;<sup>33</sup> (ii) streamline the wireless facility siting process and ensure that states adhere to any mandated approval timetables;<sup>34</sup> (iii) establish a categorical exclusion from review under the National Environmental Policy Act and the National Historic Preservation Act for small cell and DAS deployment;<sup>35</sup> and (iv) permanently exempt temporary towers from the pre-construction environmental notification process.<sup>36</sup> Prompt action in this proceeding will ensure that mobile broadband providers are not required to deal with unnecessary barriers while deploying or improving their networks.

**E. The Commission Must Ensure That All Competitive Carriers Have Access to the Latest Mobile Broadband Devices**

As the Commission understands, merely increasing broadband deployment is meaningless without a corollary increase in broadband adoption by those served.<sup>37</sup> A competitive carrier with a superior network has no chance of winning customers if that network cannot operate at peak performance because the carrier lacks access to cutting edge devices. The Commission simply cannot hope to promote deployment and adoption of broadband without ensuring that all carriers have meaningful access to the latest mobile devices. These devices not only facilitate improvements in broadband adoption, but also foster improvements in broadband speeds and consumer experience.

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<sup>33</sup> Comments of Competitive Carriers Association, *Acceleration of Broadband Deployment by Improving Wireless Siting Policies*, WT Docket No. 13-238, at 4 (filed March 5, 2014) (“*CCA Wireless Facilities Comments*”).

<sup>34</sup> *CCA Wireless Facilities Comments* at 7.

<sup>35</sup> *Id.* at 11.

<sup>36</sup> *Id.* at 12.

<sup>37</sup> *See NOI* at para. 50 (seeking comment on the relationship between adoption and deployment of broadband service).

Although many strides have been made towards promoting device availability, such as the Commission-guided voluntary 700 MHz interoperability agreement and the recent handset unlocking bill, more can be done. CCA reiterates its recommendation that the Commission should hold informational workshops on OEM device procurement, similar to the workshops being held on the upcoming incentive auction.<sup>38</sup> Increasing access to devices by all mobile broadband providers will promote both deployment *and* adoption, improve mobile broadband speeds, and facilitate the Commission’s mandate to rapidly deploy advanced telecommunications capabilities to all Americans.<sup>39</sup>

#### **IV. THE COMMISSION MUST RECOGNIZE THE DIFFERENCES AMONG BROADBAND TECHNOLOGIES**

In the *NOI*, the Commission asks whether a single benchmark should be established for all network technologies (such as wired broadband, wireless broadband or broadband provided by satellite), or if separate benchmarks should be established for determining what constitutes an “advanced telecommunications capability.”<sup>40</sup> Any reasonable assessment of the broadband ecosystem would conclude that all network technologies are not created equal, and that benefits and challenges exist for each separate network technology, and particularly for mobile technology.

CCA recently stated in comments that mobile services “provide[] significant benefits to consumers and to first responders, as the Commission has recognized, even though those benefits

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<sup>38</sup> CCA White Paper at 17.

<sup>39</sup> See, e.g., Hattiesburg Middle School Pilots C Spire WiFi and Fiber Internet, <http://cspire.tumblr.com/post/95316134748/hattiesburg-middle-school-pilots-c-spire-wifi-and-fiber> (Aug. 20, 2014) (recounting cooperative efforts to put mobile learning tools into the hands of schoolchildren in Hattiesburg, Mississippi).

<sup>40</sup> *NOI* at para. 32.

are not reflected in narrow assessments of speed, latency, and usage allowances.”<sup>41</sup> Mobile broadband providers operate under constraints that are not applicable to other technology providers. However, despite these challenges, mobile broadband provides its users with mobility, the ability to cost-effectively deploy in hard-to-reach places, and represents a significant and growing portion of minority and low-income Internet access. The Commission’s review and conclusions should reflect the differences among and between the various network technologies, and not operate under a one-size-fits-all approach.

Although mobile broadband technology provides unique benefits, the Commission should not “adopt a higher download speed benchmark, such as 10 Mbps, to more appropriately reflect the statutory requirements in section 706.”<sup>42</sup> Due to constrained access to necessary inputs such as spectrum, backhaul and the latest devices, many smaller providers may not currently be able to offer download speeds in excess of 10 Mbps, even if they have deployed LTE technology in their networks.

A recent study shows that, within the context of mobile services, consumers value *price* over *speed* of service.<sup>43</sup> Thus, an immediate upward adjustment to 10 Mbps ignores broadband services provided by smaller mobile broadband providers. Should the Commission choose to adopt revised speed benchmarks (although such revisions are unnecessary at this time) the Commission must recognize that mobile broadband is different, and adopt, if anything, only

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<sup>41</sup> *CCA CAF Comments* at 21.

<sup>42</sup> *NOI* at para. 14.

<sup>43</sup> Press Release, Vasona Networks, “Surge in Smartphone Users Demanding Flawless Mobile Broadband Service” (Aug. 28, 2014), *available at* <http://www.vasonanetworks.com/#/news> (finding that while 32 percent of respondents list mobile Internet performance as the most important factor in choosing a mobile provider, 56 percent list the price of a service plan as the most important factor).

incremental speed increases. Anything else would have the unfortunate consequence of improperly discounting the mobile broadband service provided in many areas.<sup>44</sup>

## V. CONCLUSION

Accelerating the deployment of broadband to all Americans is a laudable and important Commission goal. As CCA has shown, mobile broadband is a critical part of this initiative, and the Commission must take steps to accelerate the proliferation of mobile broadband deployment across the nation. In doing so, the Commission must recognize the unique benefits of mobile broadband, and the challenges that mobile broadband providers face in offering mobile broadband service to consumers.

Respectfully submitted,

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<sup>44</sup> CCA also urges the Commission not to adopt the “household use” standard when determining broadband speeds. *NOI* at paras. 10-12. Unlike in traditional wireline households, mobile broadband connections are not generally used to support multiple connected devices at one time, making the proposed per-connection bandwidth thresholds overly inflated.