



Competitive Carriers Association
Rural • Regional • Nationwide®

July 22, 2015

The Honorable Fred Upton
Chairman
House Committee on Energy and
Commerce
2125 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Frank Pallone
Ranking Member
House Committee on Energy and
Commerce
2125 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Greg Walden
Chairman
Subcommittee on Communications and
Technology
House Committee on Energy and
Commerce
2125 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Anna Eshoo
Ranking Member
Subcommittee on Communications and
Technology
House Committee on Energy and
Commerce
2125 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Upton, Ranking Member Pallone, Chairman Walden, and Ranking Member Eshoo:

Competitive Carriers Association (CCA) respectfully submits this letter for the record regarding today's hearing on "Promoting Broadband Infrastructure Investment." Broadband access is a critical component of modern life, and CCA members provide innovative mobile broadband services, many to otherwise underserved or unserved areas of the United States.

Mobile broadband availability has spurred broad benefits, including access to telemedicine, education and employment opportunities, and enabled precision farming and agricultural advancements. Indeed, nearly half of all United States households are now "wireless only," and PEW Research recently found that "nearly two-thirds of Americans are now smartphone owners, and for many these devices are a key entry point to the online world." While this progress is commendable, the job is not done. CCA supports the Subcommittee's focus on continued broadband investment and growth, and particularly encourage efforts to provide mobile carriers with additional opportunities and foster greater certainty through procompetitive policies, including tower siting, Universal Service, and access to spectrum.

Facilities Siting

Competitive carriers depend on reasonable facilities siting policies in order to deploy critical wireless infrastructure needed to serve their customers. The Federal Communications Commission (FCC) has recognized that obtaining regulatory and zoning approvals from federal and local authorities is a significant constraint to the

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deployment of wireless services. Efforts to streamline the process and remove unnecessary red tape encourage additional deployment of mobile broadband infrastructure.

Wireless infrastructure providers deserve prompt responses from state and local governments on siting applications in a timely manner. Shot clocks and other defined timeframes and parameters allow sufficient application consideration without creating unnecessary delays that can create obstacles for carriers to expand facilities. Failing to provide carriers with adequate information, clear reasons for denying a siting application, or provide timely responses, ties up limited resources better used to expand mobile broadband services. The Supreme Court's ruling in *T-Mobile South LLC v. City of Roswell*, which requires local and state governments to act expeditiously and clearly state their objections to tower siting, is a step in the right direction. Should further disputes regarding state and local authority continue to arise, we encourage Congress and the FCC to provide additional guidance to provide clear rules of the road for tower siting.

Many competitive carriers serve the most rural areas of the United States, and have often faced challenges obtaining rights of way for siting on federal lands. The Bureau of Land Management, National Parks Service, United States Forest Service, Fish and Wildlife Service, and other Federal agencies control significant portions of land, particularly in western and rural states. While expanded broadband infrastructure and mobile service will increase public safety and economic opportunity in and around these areas, competitive carriers seeking to deploy mobile broadband often have faced unreasonable delays and other impediments. To the extent current statutory or regulatory requirements cause delays or otherwise impede expansion of broadband infrastructure, policymakers should consider ways to streamline these requirements to promote deployment on federal lands, particularly in rural and hard-to-serve areas.

Facilities siting issues are not limited to new sites, and CCA applauds Congressional action through provisions to streamline siting in the Spectrum Act and recent FCC actions to update rules to accommodate smaller cells and more frequent updates to existing sites. These common sense policies will speed deployments of state-of-the-art mobile broadband facilities. As technology continues to evolve, policymakers must ensure that regulations keep pace with carriers' needs to maintain and deploy the infrastructure needed to provide service.

Removing red tape where appropriate can be instrumental in encouraging continued innovation and deployment in the telecommunications marketplace. Congress should continue to support competition and certainty in policies that guide siting applications and access to rights-of-way to deploy the latest mobile broadband facilities.

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Universal Service Fund

Congress created the Universal Service Fund (USF) to provide reasonably comparable services in urban and rural areas, requiring that support be predictable and sufficient. Uncertainty regarding existing and future support has the potential to delay or prevent deployment of broadband infrastructure in rural and high cost areas.

Indeed, wireless carriers invest significant private sector resources to expand service in rural and high cost areas in large part because of USF support. These policies have enabled years of expansion of mobile wireless services in rural America. Questions regarding future support have the chilling effect of stalling deployments and forcing carriers to make difficult decisions regarding existing and planned services in rural areas, especially in some of the most challenging terrain. Congress must continue its oversight to ensure that USF support is sufficient and predictable to support wireless services in rural America. Uncertainty regarding future USF support has the potential to strand existing investments, leaving behind a legacy of rusty towers and reduced services. Understanding that USF will be the focus of future Subcommittee efforts, we look forward to continued engagement on this important issue.

In conclusion, CCA supports all efforts that provide carriers with certainty while eliminating or streamlining burdensome procedures to encourage investment and expansion in mobile broadband infrastructure and all things that connect to it. We appreciate the opportunity to contribute to the record for today's hearing, and look forward to continued work with the Committee, Subcommittee, its Members, and the FCC on these important issues to expand mobile broadband services and support competition in the industry. Please do not hesitate to contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven K. Berry". The signature is fluid and cursive, with a long, sweeping tail on the letter "y".

Steven K. Berry
President & CEO