

May 24, 2022

The Honorable Frank Pallone, Jr.
Chairman
Committee on Energy & Commerce
U.S. House of Representatives
107 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Cathy McMorris Rodgers
Republican Leader
Committee on Energy & Commerce
U.S. House of Representatives
1035 Longworth House Office Building
Washington, D.C. 20515

The Honorable Mike Doyle
Chairman
Subcommittee on Communications & Technology
U.S. House of Representatives
2125 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Bob Latta
Republican Leader
Subcommittee on Communications & Technology
U.S. House of Representatives
2467 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Pallone, Republican Leader McMorris Rodgers, Chairman Doyle, and Republican Leader Latta:

Competitive Carriers Association (CCA)¹ commends the Subcommittee for holding today's hearing on "Strengthening our Communications Networks: Legislation to Connect and Protect" and respectfully requests this letter be included in the hearing record. CCA strongly supports congressional efforts to extend the Federal Communications Commission's ("FCC" or "Commission") general spectrum auction authority, currently set to sunset on September 30, 2022. This critical component of telecommunications policy lies at the crux of America's ability provide seamless communications products and innovate and apply next generation technologies across the U.S., especially to those living, working, and visiting rural America.

Since it first authorized the FCC to disseminate spectrum licenses through auctions, Congress has never allowed spectrum auction authority to lapse². CCA applauds the leadership of Representatives Sharice Davids, John Joyce, Peter Welch, and Bill Johnson for introducing H.R. 7783, the Extending America's

¹CCA is the nation's leading trade association for competitive wireless providers and stakeholders across the United States, and our members range from small, rural carriers serving fewer than 5,000 customers to regional and nationwide providers serving millions of customers, as well as vendors and suppliers that provide products and services throughout the wireless communications ecosystem.

² Congress first authorized the FCC to establish "a system of competitive bidding" for spectrum in the Omnibus Reconciliation Act of 1993 (P.L. 103-66), and has consistently extended that auction authority since, including in the Balanced Budget Act of 1997 (P.L. 105-33), The Deficit Reduction Act of 2005 (P.L. 109-171), The DTV Delay Act (P.L. 111-4), and the Middle Class Tax Relief and Jobs Creation Act (P.L. 112-96).

Spectrum Auction Leadership Act of 2022, and urges its swift consideration. This bipartisan bill will immediately ensure that the FCC can successfully complete the 2.5 GHz spectrum auction and other pending auction activities. As FCC Chairwoman Rosenworcel has stated to the Subcommittee, the Commission is “reviewing a number of spectrum bands in various stages of the rulemaking process, some of which could be good candidates for some form of auction.”³ More specifically, the FCC’s FY 2023 Budget Estimate to Congress noted for the 2.5 GHz band that the “auction is likely to conclude before the end of FY 2022, and certain post-auction activities requiring Commission staff resources, including those related to the Rural Tribal Priority Window, may continue into FY 2023.”⁴ Absent extension of auction authority, activities in fiscal year 2023 could be called into question.

The 2.5 GHz band is particularly attractive to rural and regional carriers as it is the first band in many years to be auctioned in small geographic license areas tailor-made for the competitive deployment of broadband in small towns and rural communities across the United States. A lapse in auction authority could jeopardize the success of the auction and have a chilling effect on wireless broadband deployment in these areas. Alternatively, an extension will provide carriers with the certainty needed to fully participate. Missing this opportunity eliminates an important chance for carriers to have access to spectrum needed to expand and strengthen their networks.

As twenty CCA members said in a letter to you earlier this year, “Smaller carriers and carriers serving rural America are at greatest risk of harm if FCC spectrum auction authority were to lapse. Particularly for carriers that may have challenges securing spectrum on the secondary market, FCC-led spectrum auctions are the primary way to have a meaningful opportunity to access this critical resource and in turn provide the latest wireless services in small towns and rural communities that may otherwise be left behind.”⁵

CCA thanks the Subcommittee for addressing this fundamental issue and for providing leadership to ensure access to spectrum resources. We encourage the timely passage of this bill to ensure certainty for carriers, the continued success of FCC auctions to advance wireless connectivity, and most importantly the deployment of next-generation wireless broadband services and technologies to small towns and rural communities across America.

Sincerely,



Steven K. Berry
President & CEO

³ Letter from FCC Chairwoman Jessica Rosenworcel to Chairman Pallone, Chairman Doyle, Ranking Member McMorris Rodgers and Ranking Member Latta in response to questions on the FCC’s spectrum auction program. March 30, 2022.

⁴ FCC 2023 Budget-In-Brief March 2022, page 29. March 15, 2022.

⁵ Letter for the Record to Chairman Pallone, Chairman Doyle, Republican Leader McMorris Rodgers, and Republican Leader Latta on Energy and Commerce Subcommittee on Communications and Technology hearing “5G and Beyond: Exploring the Next Wireless Frontier.” March 16, 2022.