

**Before the  
UNITED STATES DEPARTMENT OF COMMERCE  
NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION  
Washington, DC 20230**

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| In the Matter of                            | ) |                                |
|   | ) |                                |
| Relocation of Federal Systems in the        | ) | Docket No. 0906231085-91085-01 |
| 1710–1755 MHz Frequency Band:               | ) |                                |
| Review of the Initial Implementation of the | ) |                                |
| Commercial Spectrum Enhancement Act         | ) |                                |

**COMMENTS OF CRICKET COMMUNICATIONS, INC.**

Cricket Communications, Inc. (“Cricket”), a leading provider of unlimited wireless voice and broadband services and a wholly owned subsidiary of Leap Wireless International, Inc., hereby submits these comments to the National Telecommunications and Information Administration (“NTIA”) in response to the Notice of Inquiry in the above-captioned docket.<sup>1</sup>

**I. BACKGROUND**

Cricket offers unlimited voice and broadband service at affordable rates, without the typical strings that other providers attach to such service (such as long-term commitments or credit checks), which prevent many economically disadvantaged customers from obtaining wireless services. Upon this foundation of simplicity and affordability, Cricket and its joint venture partners have built a network that covers 91 million individuals in 34 states, and Cricket is steadily expanding into new markets where the telecommunications needs of the community are not being met by existing providers.

Cricket has been successful in reaching market segments that other carriers have ignored. Its subscriber base of approximately 4.5 million customers is quite unlike those of other wireless

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<sup>1</sup> Department of Commerce, National Telecommunications and Information Administration, *Relocation of Federal Systems in the 1710–1755 MHz Frequency Band: Review of the Initial Implementation of the Commercial Spectrum Enhancement Act*, Notice of Inquiry, 74 Fed. Reg. 32,131 (July 7, 2009).

providers: Its customers are more ethnically diverse, younger, and less financially secure than those who subscribe to the services of other wireless carriers. Furthermore, the company has a demonstrated commitment to bringing advanced telecommunications services, including broadband, to underserved and disadvantaged communities. In fact, nearly 50% of customers who have subscribed to Cricket's flat-rate wireless broadband service have never had Internet access at home before—not even dial-up.

Unlike the nation's largest wireless providers, many of which received their initial spectrum for free, Cricket has relied extensively on recently-allocated spectrum to develop and expand its wireless footprint. For example, Cricket was one of the largest successful bidders in Auction 66. It has worked closely with federal agencies to relocate or share the AWS spectrum it acquired so that consumers could benefit from the increased competition and innovative service that Cricket provides. Cricket has drawn from those experiences to offer the following feedback on the initial implementation of the Commercial Spectrum Enhancement Act ("CSEA").

Cricket generally supports the recommendations set forth in the August 22, 2008 report published by the Commerce Spectrum Management Advisory Committee ("CSMAC").<sup>2</sup> In these comments, Cricket highlights several points that it believes are particularly important to the success of future spectrum relocation efforts. As a guiding principle, all relocation policies should be designed to maximize utilization of spectrum resources for the benefit of the public.

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<sup>2</sup> See Commerce Spectrum Management Advisory Committee ("CSMAC"), *Recommendations for Improving the Process for Identifying Spectrum for Future Reallocation or Sharing* (August 18, 2008) ("CSMAC Report"), available at [http://www.ntia.doc.gov/advisory/spectrum/csmac\\_reports.html](http://www.ntia.doc.gov/advisory/spectrum/csmac_reports.html).

## **II. RECOMMENDATIONS**

### **A. Authority Should Be Centralized within the NTIA and Other Agencies Should Be Required to Dedicate Personnel for Spectrum Relocation**

Cricket greatly appreciates the assistance and cooperation it received from several federal agencies during the relocation process, and it found some agency officials extremely helpful in navigating the many hurdles for early entry into AWS spectrum that had been held or used by federal agencies. But the process was made far more complicated by the fact that each agency had different approaches and requirements, even when confronting similar issues.

Cricket wholeheartedly agrees with the CSMAC's finding that that the relocation process would be greatly improved by "centraliz[ing] oversight responsibility for the relocation process within the executive branch and hav[ing] dedicated relocation personnel there to interface with auction winners."<sup>3</sup> The NTIA is in the best position to perform this role, and it has the authority under the CSEA to do so.<sup>4</sup> In the same vein, other agencies should assign specific personnel to work under the direction of and in coordination with the NTIA to promote coordination and communication.

The NTIA should take a greater role both before and after any future auctions involving spectrum re-allocated from government to commercial use, to ensure that relocation occurs in an efficient and sensible manner. Specifically, the NTIA should establish a standard framework that all agencies must follow in determining relocation cost and time estimates, and the NTIA (along with the Office of Management and Budget) should conduct a careful and meaningful review of reported timeframes to ensure that they are realistic and based on accurate data.

Furthermore, the NTIA should remain actively involved after the auction by monitoring

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<sup>3</sup> CSMAC Report at 23.

<sup>4</sup> See 47 U.S.C. § 923(g)(6) ("The NTIA shall take such actions as necessary to ensure the timely relocation of Federal entities' spectrum-related operations from frequencies defined in paragraph (2) to frequencies or facilities of comparable capability.").

agencies' coordination efforts with successful bidders and taking reasonable steps to move the process along.

**B. Commercial Entities Need Better Access to Information and More Accurate Data**

Before any future auctions involving re-allocated government spectrum, affected agencies should make available all possible details that would likely be material in assessing relocation costs and timing. In some circumstances, agencies appeared to provide an overly conservative estimate on the timeframe for relocation, and even after the auction, Cricket had difficulty obtaining information necessary to identify challenges and propose solutions in order to facilitate commercial deployment. Greater information sharing and more accurate information would reduce uncertainty, promote greater participation in future auctions, and ultimately yield better auction results.

Cricket agrees with CSMAC's recommendation that all agencies adopt a standardized, automated process for sharing information.<sup>5</sup> The Department of Defense ("DoD") portal used in connection with AWS spectrum clearing provides a good model for future relocation efforts. That mechanism permitted the DoD to inform AWS developers of specific problems with a project without having to reveal the underlying confidential information. Although the DoD system was not perfect, it substantially improved the transparency and availability of information relative to other agencies. In addition to adopting a uniform system, representatives of commercial entities with appropriate security clearances should be given access to data that could facilitate the relocation process, and the NTIA should be given authority to review an agency's determination as to whether certain information can be made available to successful bidders.

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<sup>5</sup> CSMAC Report at 21.

### **C. Agencies Should Be Given Greater Incentives to Encourage Prompt and Efficient Relocation**

Even with close monitoring by the NTIA and better transparency, agencies generally would not be motivated to vacate allocated spectrum in a timely fashion unless they obtained some other benefit as a result. As the CSMAC Report suggested, “[a] direct correlation between spectrum relinquishment and funding would be a strong incentive to identify spectrum for relocation/sharing and to modify systems as soon as practicable.”<sup>6</sup> Cricket would support legislative efforts to give agencies a greater share of proceeds from the auction (or some other financial benefit) in exchange for vacating spectrum promptly, particularly if those agencies exceed their reported benchmarks. This approach would not only maximize commercial use of spectrum for the benefit of the public interest but would also provide agencies with additional funding to accomplish other important societal objectives.

### **III. CONCLUSION**

As wireless broadband and other high-capacity data services have become more prevalent and more important to consumers, there is an overwhelming need for additional spectrum to be made available for commercial purposes. The success of future spectrum relocation efforts will undoubtedly impact the ability of wireless providers to offer advanced services. Furthermore, the availability of additional spectrum assets is crucial to achieving the stated objective of ubiquitous broadband deployment and adoption. The specific recommendations highlighted in these comments will facilitate spectrum relocation and will maximize utilization of spectrum resources for the benefit of the public.

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<sup>6</sup> CSMAC Report at 25

Respectfully submitted,

/s/

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