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**Subject:** CTIA Comments in Response to Broadband Opportunity Council Notice  
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Good afternoon,

Attached, please find comments from CTIA – The Wireless Association® in response to the Notice issued by the Rural Utilities Service and the National Telecommunications and Information Administration requesting public comment to inform the deliberations of the Broadband Opportunity Council.

If you have any questions, please let us know.

All the best,  
-Kara Romagnino

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**Before the  
DEPARTMENT OF AGRICULTURE  
Rural Utilities Service**

**and**

**DEPARTMENT OF COMMERCE  
National Telecommunications and Information Administration**

|                               |   |                              |
|-------------------------------|---|------------------------------|
| In the Matter of              | ) |                              |
|                               | ) |                              |
| Broadband Opportunity Council | ) | Docket No. 150414365-5365-01 |
| Request for Comment           | ) |                              |

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

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**COMMENTS OF CTIA – THE WIRELESS ASSOCIATION<sup>®</sup>**

CTIA – The Wireless Association<sup>®</sup> (“CTIA”)<sup>1</sup> hereby responds to the April 24, 2015 request for comment issued by the Rural Utilities Service (“RUS”) and the National Telecommunications and Information Administration (“NTIA”) seeking input to inform the work of the Broadband Opportunity Council (“BOC”).<sup>2</sup> CTIA and its members support the goals of the President’s March 23, 2015 Memorandum to expand broadband deployment and adoption, and the President’s June 12, 2012 Executive Order 13616 to facilitate broadband infrastructure deployment.<sup>3</sup> CTIA identifies below a number of efforts in which federal agencies – acting both collectively and individually – can work to expand broadband deployment and opportunities.

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<sup>1</sup> CTIA – The Wireless Association<sup>®</sup> 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. More information about CTIA is available on the Association’s website at <http://www.ctia.org/aboutCTIA/>.

<sup>2</sup> *Broadband Opportunity Council Notice and Request for Comment*, 80 Fed. Reg. 23785, Docket No. 150414365-5365-01 (rel. Apr. 29, 2015) (“Notice”).

<sup>3</sup> Presidential Memorandum – *Expanding Broadband Deployment and Adoption by Addressing Regulatory Barriers and Encouraging Investment and Training* (Mar. 23, 2015), available at <https://www.whitehouse.gov/the-press-office/2015/03/23/presidential-memorandum-expanding-broadband-deployment-and-adoption-addr> (“Presidential Broadband Memo”); Exec. Order No. 13616, 77 Fed. Reg. 36903 (2012) (“2012 Executive Order”).

In particular, CTIA encourages the BOC and its agencies to:

- Develop incentives for agencies to improve their spectrum usage in order to free up additional capacity for providing wireless broadband service;
- Coordinate multi-agency activities by unifying the definition of broadband and simplifying foreign ownership review processes for complex transactions;
- Improve cross-agency processes relating to installation of wireless broadband facilities, including streamlining antenna siting processes on Tribal and federal land;
- Encourage growth of federal mobile wireless platforms, mobile health (“mHealth”) and mobile learning (“mLearning”) applications, and programs to drive additional broadband deployment;
- Defer to expert agency determinations on matters that fall within their expertise (*e.g.*, rely on the Small Business Administration to define a “small business”) to minimize regulatory costs and provide incentives to providers to maximize broadband deployment;
- Promote greater access to U.S. Department of Agriculture (“USDA”) funding; and
- Work with Congress to align tax policies with broadband investment.

CTIA offers more detail regarding these and other proposals below. By acting on these recommendations, the BOC can help promote broadband deployment and adoption across the country and better ensure that all Americans have access to competitive broadband service offerings.

## **I. INTRODUCTION**

The Presidential Broadband Memo directs executive agencies to “identify and address regulatory barriers that may unduly impede either wired broadband deployment or the infrastructure to augment wireless broadband deployment.”<sup>4</sup> It mandates the creation of the BOC, comprised of members from 27 agencies, to identify steps to expedite broadband deployment<sup>5</sup> and to “take all necessary actions” to remove barriers to broadband deployment.<sup>6</sup>

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<sup>4</sup> Presidential Broadband Memo § 3.

<sup>5</sup> *Id.* at 2.

The President expressly recognized that “[a]ccess to high-speed broadband is no longer a luxury; it is a necessity for American families, businesses, and consumers.”<sup>7</sup>

The Presidential Broadband Memo broadens the scope of the 2012 Executive Order, which is designed to facilitate wired and wireless broadband infrastructure deployment on federal lands, buildings, and rights of way (“ROW”), federally assisted highways, and Tribal and individual Indian trust lands, particularly in underserved communities.<sup>8</sup> The 2012 Executive Order also established a Federal Property Working Group to coordinate implementation. In August 2013, this Working Group issued a status report concluding that the Department of Agriculture and the Department of the Interior have the majority of applications and processes related to broadband deployment procedures on federal lands and buildings. The Working Group also (i) identified a number of steps that could be taken at the federal level to streamline and expedite Section 106 historic preservation review and (ii) committed to exploring ways to develop more efficient and expeditious broadband deployment application and review processes across federal agencies.<sup>9</sup>

The wireless industry is uniquely well positioned to help meet the goals of the President’s March 23, 2015 Memorandum and June 2012 Executive Order. By the middle of last year, 44 percent of American households relied exclusively upon a wireless connection for voice service,<sup>10</sup> and an increasing percentage of Americans use wireless devices for Internet access.

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<sup>6</sup> Notice at 23785.

<sup>7</sup> Presidential Broadband Memo § 2.

<sup>8</sup> See 2012 Executive Order; see also Implementing Executive Order 13616: Progress on Accelerating Broadband Infrastructure Deployment, Progress Report (Aug. 2013), available at [https://www.whitehouse.gov/sites/default/files/microsites/ostp/broadband\\_eo\\_implementation.pdf](https://www.whitehouse.gov/sites/default/files/microsites/ostp/broadband_eo_implementation.pdf) (“FPWG Broadband Deployment Report”).

<sup>9</sup> See FPWG Broadband Deployment Report.

<sup>10</sup> See Stephen J. Blumberg, Ph.D., and Julian V. Luke, Division of Health Interview Statistics, National Center for Health Statistics, *Wireless Substitution: Early Release of Estimates From the National Health Interview Survey, January-June 2014* (Dec. 2014), available at

This trend is particularly pronounced in low-income and other underserved communities where broadband adoption is most needed. The findings of the recent Pew Internet & American Life Project reflect that approximately 60 percent of Americans with incomes of less than \$30,000 per year use wireless devices for occupational or health reasons. This reflects an astonishing and recent shift in how Americans access information and important services.

The BOC should therefore be particularly mindful of means by which to remove barriers to, and encourage investment in, *wireless* broadband. With this in mind, CTIA's comments focus on four broad areas. *First*, we identify actions that should be taken across multiple federal agencies. *Second*, we present several specific initiatives that individual BOC-member agencies may undertake. *Third*, we note potential initiatives that non-BOC federal agencies may take that the BOC may facilitate. *Finally*, we identify an initiative for consideration by Congress to incentivize and accelerate broadband construction in the near future.

## **II. EFFORTS ACROSS MULTIPLE FEDERAL AGENCIES**

CTIA commends the Administration for recognizing the importance of spectrum policies that facilitate broadband adoption and deployment. The directives outlined in the Presidential Broadband Memo, along with the important mandates detailed in the 2012 Executive Order and the Spectrum Act, have been instrumental in promoting broadband investment and deployment, providing much-needed licensed spectrum for robust wireless broadband deployment, and encouraging efficiencies by federal and industry stakeholders. As the 2010 Broadband Memo reported, expanded wireless broadband access can “trigger the creation of innovative new businesses, provide cost-effective connections in rural areas, increase productivity, improve public safety, and allow for the development of mobile telemedicine, telework, distance learning,

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<http://www.cdc.gov/nchs/data/nhis/earlyrelease/wireless201412.pdf> (“Dec. 2014 Wireless Substitution Estimates”).

and other new applications that will transform Americans' lives.”<sup>11</sup>

That's as true now as it was five years ago. As the Brattle Group recently found, the economic impact of licensed spectrum is staggering. Spectrum licensed to U.S. wireless carriers generates more than \$400 billion annually in economic activity, including \$172 billion in direct spending on U.S. wireless services and an additional \$228 billion in indirect and induced impacts.<sup>12</sup> To help wireless providers reach their optimal potential, it is increasingly important for the FCC to deliver on the goals of the 2010 Broadband Memo and other Administrative and Congressional directives. At this time, however, the Federal Communications Commission (“FCC”) has only reallocated 149.5 megahertz of the 300 megahertz it identified as needed for mobile use by this year.<sup>13</sup> The U.S. therefore has met only about 50 percent of the FCC's five-year spectrum target. This suggests that an even larger future spectrum deficit must be made up by 2020, when a total of 500 MHz of federal and non-federal spectrum suitable for both mobile and fixed wireless broadband use is to be made available.<sup>14</sup> So, while much has been accomplished, more work must still be done to ensure that wireless broadband can be effectively and efficiently deployed to all Americans. Accordingly, CTIA recommends the following agencies take the actions detailed below to help facilitate broadband adoption and deployment.

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<sup>11</sup> *Presidential Memorandum: Unleashing the Wireless Broadband Revolution* (June 28, 2010), available at <https://www.whitehouse.gov/the-press-office/presidential-memorandum-unleashing-wireless-broadband-revolution> (“2010 Broadband Memo”).

<sup>12</sup> *See Mobile Broadband Spectrum: A Vital Resource for the U.S. Economy*, The Brattle Group (May 11, 2015), available at [http://www.ctia.org/docs/default-source/default-document-library/brattle\\_spectrum\\_051115.pdf](http://www.ctia.org/docs/default-source/default-document-library/brattle_spectrum_051115.pdf) (“Mobile Broadband Spectrum White Paper”).

<sup>13</sup> *See Mobile Broadband Spectrum White Paper* at 8; *see also Connecting America: The National Broadband Plan*, at 75 (2010), available at <http://www.broadband.gov/plan/> (“National Broadband Plan”) (recommending that the FCC “make 500 megahertz newly available for broadband use within the next 10 years, of which 300 megahertz between 225 MHz and 3.7 GHz should be made newly available for mobile use within five years”).

<sup>14</sup> *See National Broadband Plan* at 95; *see also* 2010 Broadband Memo.



**A. Provide Incentives for all Federal Agencies to Improve Spectrum Usage.**

The explosive growth of the wireless marketplace has created the need for more spectrum dedicated to wireless broadband use. Spectrum is the essential resource without which wireless broadband will not work. As noted above, an increasing number of consumers have chosen to go “wireless-only”<sup>15</sup> and are relying heavily on their wireless device for Internet access, particularly for spectrum-intensive applications like mobile video. It is estimated that video now constitutes approximately 45-55 percent of the mobile traffic over 4G networks.<sup>16</sup> And this trend is only expected to grow. While forecasts vary, Ericsson projects mobile data traffic in the U.S. and Canada in 2019 will be five times the traffic in 2014.<sup>17</sup> Meanwhile, Cisco projects mobile data traffic in North America will increase by seven times in the same time period.<sup>18</sup> Even the most conservative estimates predict *multiples* of increases, rather than merely *percentage* increases. Accordingly, it is critical that there continues to be spectrum capacity to meet these skyrocketing demands. Adding to the amount of spectrum available for use for mobile broadband will not only add capacity for existing providers, but could also create new opportunities for competitive entrants to offer advanced services.

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<sup>15</sup> See Dec. 2014 Wireless Substitution Estimates at 1.

<sup>16</sup> See Ericsson, *Ericsson Mobility Report: On the Pulse of the Networked Society*, at 3 (Nov. 2014), available at <http://www.ericsson.com/res/docs/2014/ericsson-mobility-report-november-2014.pdf>; Sandvine, *Global Internet Phenomena Report 2h 2014*, at 7 (2014), available at <https://www.sandvine.com/trends/global-internet-phenomena/> (estimating that “real-time entertainment” – comprised of streaming video and audio – traffic accounts for 40 percent of the downstream bytes on mobile networks in North America).

<sup>17</sup> See Ericsson, *North America Ericsson Mobility Report Appendix*, at 5 (Nov. 2014), <http://www.ericsson.com/res/docs/2014/emr-november2014-regional-appendices-rnam.pdf>; Ericsson, Traffic Exploration Tool, <http://www.ericsson.com/TET/trafficView/loadBasicEditor.ericsson> (last visited June 10, 2015).

<sup>18</sup> See Cisco, *Cisco Visual Networking Index: Global Mobile Data Traffic Forecast Update, 2014-2019*, at App. A, Tbl. 6 (Feb. 3, 2015), available at [http://www.cisco.com/c/en/us/solutions/collateral/service-provider/visual-networking-index-vni/white\\_paper\\_c11-520862.pdf](http://www.cisco.com/c/en/us/solutions/collateral/service-provider/visual-networking-index-vni/white_paper_c11-520862.pdf).

While making additional spectrum available is the subject of a separate Presidential Memorandum,<sup>19</sup> the BOC may nevertheless take steps to encourage more efficient use of spectrum – which will free up spectrum for reallocation. Federal agencies today have little incentive to use spectrum efficiently.<sup>20</sup> This means that some agencies may be relying on less efficient or potentially outdated systems or may be using more spectrum than they otherwise require, preventing that spectrum from becoming available for commercial wireless operations.<sup>21</sup>

Agencies can and should be encouraged to use spectrum more efficiently. Agencies could, for instance, be motivated to use spectrum more efficiently if they are provided access to funding unrelated to spectrum auctions to cover costs, including research and development expenses, to evaluate spectrum relocation, efficiency, and sharing.<sup>22</sup> Additionally, in the auctions context, the White House should consider working with Congress on ways to provide greater incentives to agencies. For instance, the White House and Congress could work with agencies to explore whether it is advisable to amend the Miscellaneous Receipts Act<sup>23</sup> to allow for negotiations and compensation post-auction.

The BOC also can perform a valuable function by establishing best practices for agencies to adopt. These best practices could require agencies to, among other things: (1) evaluate the potential use of commercial facilities; (2) explore further sharing among federal agencies; (3) investigate upgrading to the most current, efficient technologies; and (4) consider spectrum as an

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<sup>19</sup> See 2010 Broadband Memo.

<sup>20</sup> See CTIA Response to House White Paper on Modernizing U.S. Spectrum Policy, at 9 (filed Apr. 25, 2014), available at [http://energycommerce.house.gov/sites/republicans.energycommerce.house.gov/files/analysis/CommActUpdate/WP2\\_Responses\\_14-25.pdf](http://energycommerce.house.gov/sites/republicans.energycommerce.house.gov/files/analysis/CommActUpdate/WP2_Responses_14-25.pdf).

<sup>21</sup> *Id.* at 9-10.

<sup>22</sup> *Id.* at 10-11.

<sup>23</sup> 31 U.S.C. § 3302.

economic good in the budgeting process. If agencies take these steps, they will free up valuable spectrum that can be repurposed to broadband use, an essential prerequisite toward expanding broadband deployment. The BOC can assist in this effort by establishing best practices that incorporate these suggestions.

If federal agencies use existing spectrum capacity more efficiently, they can help free up additional capacity for use in increasing broadband availability, deployment, and adoption, consistent with the BOC's objectives.

### **B. Reconcile Disparate Broadband Definitions.**

Federal agencies should agree on a single definition of broadband and encourage independent agencies like the FCC to follow suit. Presently, providers are faced with conflicting broadband definitions that create confusion. For example, in January of this year, the FCC adopted a definition of broadband service of a minimum of 25 Mbps download speed and 3 Mbps upload speed, a substantial increase from its previous 4 Mbps down/1 Mbps up definition.<sup>24</sup> The 4 Mbps down/1 Mbps up definition is the speed Congress established as a minimum target rate in enacting the 2014 Farm Bill, which among other things authorizes the RUS to issue loans to those seeking to build broadband networks in rural areas.<sup>25</sup> Confusing matters further, in a recent order addressing recipients of funding from the Connect America Fund, the FCC established a target speed of 10 Mbps down/1 Mbps up for broadband service.<sup>26</sup>

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<sup>24</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*, 2015 Broadband Progress Report and Notice of Inquiry on Immediate Action to Accelerate Deployment, 30 FCC Rcd. 1375, 1403 ¶¶ 45-46 (2015).

<sup>25</sup> 7 U.S.C. § 950bb(e)(1) (providing that, subject to future adjustments via rulemaking by the Secretary of the Department of Agriculture, “the minimum acceptable level of broadband service for a rural area shall be at least [ ] a 4-Mbps downstream transmission capacity; and [ ] a 1-Mbps upstream transmission capacity”).

<sup>26</sup> *Connect America Fund, et al.*, Report and Order, 29 FCC Rcd. 15644, 15650-51, ¶ 19 (2014).

The imposition of multiple broadband speed definitions creates two issues for CTIA members and other broadband providers. First, it establishes a moving target for providers trying to evaluate whether or not to participate in a particular broadband deployment program. A provider who can deliver Internet service that meets a lower threshold (*e.g.*, 4 down/1 up) might not participate in a broadband deployment program due to the inability to meet (or, in certain cases, a mistaken belief the provider must meet) one of the higher threshold definitions of broadband. Second, the minimum speed definitions often reflect aspirational levels of service, and not the actual speed levels that consumers use and expect in the marketplace.<sup>27</sup>

In order to resolve these discrepancies, the BOC and federal agencies should use the 2014 Farm Bill’s definition of broadband (4 Mbps down/1 Mbps up). This less stringent definition will encourage more complete broadband competition and deployment. There are a number of current technologies – both wireline and wireless – that can be used to meet the 4 Mbps down/1 Mbps up requirement, as evidenced by the fact that mobile connections represent 70 percent of all connections for speeds of 3-6 Mbps and 6-10 Mbps in at least one direction.<sup>28</sup> Using a 4 Mbps down/1 Mbps up threshold means that providers will have greater flexibility to use mixes of technologies to increase deployment and expand the number of options available to consumers. Moreover, providers will be better able to provide service at price points that will not prevent low-income persons from obtaining service.

Using a definition of broadband service that reflects existing consumer use and expectations will ensure that a maximum number of providers – both wireline and wireless – will

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<sup>27</sup> See, *e.g.*, FCC Comments of CTIA, GN Docket No. 14-126, at 5 (filed Sep. 4, 2014) (encouraging the FCC to “avoid setting arbitrary latency or usage thresholds that exclude mobile broadband offerings that are widely deployed in the market and demonstrably valued by customers”).

<sup>28</sup> *Id.* at 3 (citing FCC, Industry Analysis and Technology Division, Wireline Competition Bureau, *Internet Access Services: Status as of June 30, 2013*, at 30 Table 10 (June 2014)).

participate in broadband deployment programs going forward. Adopting a 4 Mbps down/1 Mbps up standard could serve to encourage more providers to enter the market, which will encourage deployment of even faster service. Consumer demands in the market – not government mandates about network speed – have driven wireless providers to compete on speed and network coverage. Once a broadband provider enters a market offering speeds meeting the appropriate thresholds, increases in speeds will follow based on consumer demand and decreasing costs over time of technological upgrades. By maximizing the number of providers that can participate in broadband deployment programs through adoption of a reasonable standard like 4 Mbps down/1 Mbps up that Congress set for the 2014 Farm Bill, federal agencies will facilitate a platform for consumer demands to drive increasing network speeds.

**C. Speed Team Telecom Review.**

Whenever the FCC contemplates issuance of a new license or approval of commercial transaction in which there is direct or indirect ownership of 25 percent or more of the applicant or acquirer,<sup>29</sup> the agency seeks input from “Team Telecom,” which generally consists of representatives of the Departments of Homeland Security, Justice, and Commerce. The purpose of Team Telecom review is to ensure that granting the application or allowing the acquisition to proceed will not threaten national security, law enforcement, or public safety. While the FCC grants great deference to Team Telecom, the agencies that participate in Team Telecom review are not obliged to follow any particular timetables or regulatory processes.

While Team Telecom review is valuable to protect our vital national security interests, the process is often opaque, with little information as the evaluation proceeds and no firm guidelines for action. Team Telecom practices should be more streamlined and transparent with

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<sup>29</sup> 47 C.F.R. § 63.11(a).

established timeframes for action and greater accessibility to the process for participants. This will remove procedural impediments to acceptable foreign investments in broadband, furthering the BOC's goals of both expanding broadband availability and looking for avenues to increase competition among broadband providers.

### **III. EFFORTS BY BOC-MEMBER EXECUTIVE AGENCIES**

#### **A. Facilitate Antenna Siting on Federal, Tribal, and Private Properties and Streamline Environmental, Historic, and Cultural Review Processes.**

Although the Presidential Broadband Memo specifically applies to 27 federal agencies, CTIA addresses below how certain key BOC-member agencies can facilitate broadband deployment by taking steps to streamline and expedite antenna siting decisions.

##### **1. Department of Defense (“DoD”)**

DoD administers millions of acres in military bases, training ranges, and other facilities.<sup>30</sup> The deployment of wireless broadband service brings substantial benefits to DoD families who often reside on military bases in rural areas with few broadband options. However, applicants seeking to site wireless facilities on DoD land have experienced two significant problems – cost and time.

CTIA's members report that some of the most expensive lease terms – well above market rates – are imposed by DoD. The BOC should encourage DoD to implement a more reasonable leasing rate schedule. Ideally, a uniform rate schedule could be adopted that would apply to all federal lands, including those managed by DoD.

The BOC also should encourage DoD to streamline the review process for wireless applications. Requests to deploy on DoD land generally trigger radiofrequency (“RF”) studies and analysis by the Joint Spectrum Command, a process that can take six months to a year to

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<sup>30</sup> See CRS Report for Congress, *Federal Land Ownership: Overview and Data* (Feb. 8, 2012).

complete. The costs associated with complying with this DoD review process are considerably greater than deployments on private lands. By shortening the review process and decreasing the costs associated with the process, wireless broadband facilities can be deployed more quickly and at a lower cost to serve areas on and around military bases and other DoD-managed properties.

## **2. Department of Transportation (“DOT”)**

DOT is one of the agencies represented on the BOC charged with evaluating ways to expedite broadband deployment. The Federal Aviation Administration (“FAA”), which resides within DOT, reviews proposed facilities and, in appropriate instances, requires marking and lighting in order to preserve air navigation safety. The FAA should complete action on two items already well-underway that would increase clarity for antenna structure owners, help to reduce avian mortality, and streamline deployment of temporary towers to address emergency situations.

### **a. Revised Advisory Circular**

More than three years ago, in May 2012, the FAA released its “Evaluation of New Obstruction Lighting Techniques to Reduce Avian Fatalities” (“Conspicuity Study”).<sup>31</sup> The purpose of the study was to determine whether certain tower lighting requirements could be removed without posing a significant threat to avian mortality. The Conspicuity Study concluded that several changes could be made to the FAA’s obstruction lighting standards.

The results of the FAA’s Conspicuity Study have been incorporated into a revised draft FAA Advisory Circular, which has been subjected to significant internal review. The revised Advisory Circular would permit the removal of red side-mounted lights that have been shown to

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<sup>31</sup> See James W. Patterson, Jr., FAA, DOT, *Evaluation of New Obstruction Lighting Techniques to Reduce Avian Fatalities* (May 2012), available at <http://www.airporttech.tc.faa.gov/safety/downloads/TC-TN12-9.pdf>.

be the most dangerous for migratory birds. In addition to reducing avian mortality, the removal of the red side-mounted light requirements would significantly reduce the costs of monitoring and maintaining towers. These savings may be passed on to consumers, redirected to further network buildout and maintenance, or both. Given these benefits and the fact that the Advisory Circular already has been through extensive review, the FAA should release the new Advisory Circular as promptly as possible.

**b. Expedited Review Criteria for Temporary Towers**

In order to accelerate wireless broadband deployment, the FCC adopted rules exempting temporary towers from various regulations that could potentially slow deployment.<sup>32</sup> In order to qualify for treatment as a temporary tower, however, the tower owner must notify the FAA and receive an FAA determination that marking and lighting are not required.<sup>33</sup>

The industry has been working with the FAA toward the release of expedited review criteria so that temporary towers can receive the FAA's no-marking and no-lighting determinations more quickly. Expediting such review would allow carriers to deploy towers more quickly in response to sudden, albeit temporary, demand spikes. Unfortunately, there appears to be no concrete timetable for FAA adoption and release of these expedited review criteria. The BOC should encourage the FAA to issue these criteria without substantial further delay.

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<sup>32</sup> *Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies*, Report and Order, 29 FCC Rcd. 12865, 12913-12923 (2014).

<sup>33</sup> *Id.* at 12917.



### **3. Department of the Interior (“DOI”)**

The Presidential Broadband Memo requires the Secretary of the Department of the Interior, or an appropriate designee, to serve on the BOC.<sup>34</sup> Within the DOI, the Bureau of Indian Affairs (“BIA”), the Bureau of Land Management (“BLM”), and the National Park Service (“NPS”) all play important roles in the process of siting broadband facilities on federal and Tribal lands.

#### **a. The Bureau of Indian Affairs**

BIA plays a critical role in the rights of way processes with respect to lands held by the United States in trust for a Tribe, for lands to which title is held by the Tribe but are also subject to federal restrictions against alienation and encumbrance, and trust or trust-restricted lands individually owned by members of federally recognized Tribes.<sup>35</sup> The Federal Property Working Group identified BIA as one of the major players in the federal siting debate. In particular, the Working Group noted concerns about project delays related to Section 106 consultations with Tribal Nations and other information requests by Tribal Nations that may unnecessarily delay broadband deployment.<sup>36</sup> CTIA understands and supports the importance of the Tribal consultation process, but there are certain aspects of that process that can get bogged down and cause undue delay and expense in the antenna siting process. As the Presidential Broadband Memo makes clear, it is important for federal agencies to pay attention to opportunities to promote broadband adoption on Tribal lands. By making available licensed spectrum on Tribal lands for commercial use, wireless carriers can provide the Tribes with access to a valuable resource that gives rise to a number of economic, social, and public safety benefits. According

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<sup>34</sup> Presidential Broadband Memo § 2.

<sup>35</sup> See 25 C.F.R. § 169, *et seq.* (Rights-Of-Way Over Indian Lands).

<sup>36</sup> FPWG Broadband Deployment Report at 12.

to recent research, every dollar spent on wireless service resulted in \$2.32 of total spending, and every person employed by the wireless industry results in an additional 6.5 people finding a job.<sup>37</sup> But while broadband – and wireless broadband in particular – can be a boon for economic development, this is only true if broadband can be and is actually deployed. Steps can and should therefore be taken to streamline the consultation process, while protecting Tribal interests and cultural resources. Specifically, BIA should take the following steps to facilitate wireless broadband deployment on Tribal lands.

First, BIA should conclude its pending proceeding to streamline the ROW approval process. On June 17, 2014, BIA sought comments on new rules that would streamline the process of obtaining BIA grants of rights-of-way on Indian lands.<sup>38</sup> BIA recognized that the rules, which were last updated in 1980, were burdensome and outdated.<sup>39</sup> CTIA supports the proposed changes to the extent they would expedite broadband deployment on Tribal lands. Parties filed comments in November 2014 and BIA held Tribal consultations during August 2014. Thus, this item is ripe for action and CTIA urges BIA to conclude the proceeding expeditiously.

Second, BIA should consider ways to implement or encourage uniformity in the Tribal consultation process. For example, Tribes generally do not follow uniform timetables for responding to Tower Construction Notification System (“TCNS”) notifications. Tribes often enter the process late and then seek additional information regarding a project, which merely delays action. CTIA recommends that Tribes have a standardized window not only to respond to the initial TCNS notifications of a proposed facility, but also for responding to information

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<sup>37</sup> Mobile Broadband Spectrum White Paper at 2.

<sup>38</sup> Rights-of-Way on Indian Land, 79 Fed. Reg. 34455 (2014).

<sup>39</sup> *Id.*

subsequently provided by the applicant to the Tribe at the Tribe's request. The Tribal application process should also be standardized to the extent possible. That way, applicants are better able to provide necessary materials and information to Tribes at the outset. A more simplified application process also could simplify and streamline review. In addition, BIA should encourage use of a uniform fee schedule by federally recognized Tribes for reviewing and processing wireless applications. The fees should be cost-based and used to ensure that Tribes are not penalized for protecting their cultural rights.

Finally, BIA should make clear that Tribal monitoring should be limited to situations of particular concern where the proposed site and excavation indicates that a potential impact on items or areas of Tribal significance is likely, based on clearly articulated factors. Monitoring can be an expensive process. In some cases, negotiation of these monitoring agreements, or the actions of monitors themselves, has delayed projects. For example, Tribal monitors have effectively shut down projects by refusing to oversee work until the financial terms of their employment are re-negotiated. BIA should work with Tribes to narrow the scope of antenna siting actions that require Tribal monitoring, subject at all times to the applicant's obligation to cease excavation and construction immediately upon the discovery of any items of cultural significance. In this way, the relevant Tribe(s) can be consulted during the most sensitive siting projects without impeding the deployment of valuable broadband services in areas where extensive Tribal monitoring is not needed.

**b. Bureau of Land Management and National Park Service**

Pursuant to the Wilderness Act, BLM is responsible for managing 221 Wilderness Areas with 8.7 million acres in 10 Western states. The NPS, in turn, manages all U.S. national parks, as well as many national monuments. Leases to place new sites on lands regulated by BLM and NPS can take two or three years to negotiate. Even simple lease renewals can take 12-18

months. In addition, even though BLM generally requires applicants to collocate antennas at existing sites (reducing the impact on subject lands), its processing of applications for “joint use of facilities” is time consuming. Both agencies should take steps to ensure that applications necessary for the deployment of wireless broadband service are processed without delay. As a first step in this process, BLM and NPS should consider adopting more standardized and streamlined procedures for processing wireless broadband siting applications.

#### **4. Department of Agriculture (“USDA”)**

The Secretary of USDA co-chairs the BOC and oversees two agencies within USDA – the Forest Service and the U.S. Fish and Wildlife Service (“USFWS”) – that play a substantial role in the wireless siting process. A few simple changes could have significant impact on the ability to expand wireless broadband services into the areas managed by these agencies.

##### **a. Forest Service**

The Forest Service is responsible for managing 193 million acres in more than 150 national forests and grasslands.<sup>40</sup> Many of these areas are isolated and difficult to reach during certain times of the year due to rain and snow. Due to weather conditions, many siting applicants only have a relatively small window of time within which to obtain approval and construct a site. Thus, slight delays in the approval process can result in very lengthy deployment delays – *i.e.*, if a small delay results in approval in the rainy/winter season, construction may need to be postponed until the spring. To help prevent against unnecessary delays which may postpone deployment substantially, the Forest Service should streamline its review process and consider each proposed site individually. Additionally, if issues arise relating to previously proposed or deployed sites, those issues should be resolved via inquiries

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<sup>40</sup> See USDA, The U.S. Forest Service - An Overview, [http://www.fs.fed.us/documents/USFS\\_An\\_Overview\\_0106MJS.pdf](http://www.fs.fed.us/documents/USFS_An_Overview_0106MJS.pdf) (last visited June 5, 2015).

specific to those sites; issues outside the scope of the particular siting request at hand should not serve to delay an unobjectionable infrastructure deployment. By taking these steps, the Forest Service can help ensure that its review processes foster timely infrastructure deployment.

**b. Fish and Wildlife Service**

Applicants must consult with the local USFWS office when environmental reviews conducted by the applicant reveal the possible presence of threatened or endangered species, critical habitats, or migratory birds in the project area.<sup>41</sup> Section 1.1307(a)(3) of the FCC's rules requires applicants, licensees, and tower owners to consider the impact of proposed facilities under the Endangered Species Act.<sup>42</sup> Applicants must determine whether any proposed facilities may affect listed, threatened, or endangered species or designated critical habitats, or are likely to jeopardize the continued existence of any proposed threatened or endangered species or designated critical habitats. In order to make this determination, applicants must consult with USFWS.

When a project requires USFWS consultation and review, the project cannot proceed until the USFWS has issued a finding of no impact to the environment or, if it finds a potential threat, until an environmental assessment is filed and USFWS issues a finding of no significant impact.<sup>43</sup> USFWS thus plays a major role in the antenna siting process. CTIA recommends three steps that USFWS should take to facilitate broadband deployment while still meeting its statutory mandate.

First, USFWS should make consistent the processing timeframes and review procedures among its various offices. Unfortunately, CTIA members' experiences reveal a lack of

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<sup>41</sup> See 47 C.F.R. §1.1307(a)(3); Section 1.1307(d)(Note).

<sup>42</sup> 16 U.S.C. § 1531 *et seq.*

<sup>43</sup> 47 C.F.R. §1.1307(a)(3); *see also* FCC, Tower and Antenna Siting, <https://www.fcc.gov/encyclopedia/tower-and-antenna-siting> (last visited June 5, 2015).

uniformity in procedures among USFWS offices, and members are increasingly experiencing long delays in USFWS response times, particularly in California and Hawaii. In certain situations, members have been asked to conduct extensive studies based on environmental concerns that are not substantiated by sound scientific evidence. As a result, delays of up to two years are not uncommon in California and Hawaii.

For example, one CTIA member received USFWS approval for a site but had to re-seek approval after a zoning change required the proposed site to be moved a mere five feet. That second review resulted in a 17-month delay based on concerns – from a five-year-old study that existed at the time of the first approval – that RF emissions might adversely impact an endangered species.

Because USFWS has not standardized its triggers for migratory and/or endangered bird analysis, applicants cannot evaluate the cost or timing associated with deploying wireless broadband facilities on lands subject to USFWS jurisdiction. USFWS should take immediate steps to minimize the impact these issues have on broadband deployment. Among other things, USFWS could adopt a 30-day period for completing all required reviews and establish clear criteria for triggering lengthy and expensive review processes.

Second, USFWS should carefully consider the potential impact on wireless tower siting of its recently-proposed Programmatic Environmental Impact Statement (“PEIS”). The PEIS would evaluate the potential environmental impacts of a proposal to authorize incidental take of migratory birds under the Migratory Bird Treaty Act (“MBTA”).<sup>44</sup> Rather than expedite wireless broadband deployment and availability, this approach could produce further delay. Federal courts currently are split as to whether the MBTA authorizes USFWS to regulate incidental avian

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<sup>44</sup> *Migratory Bird Permits; Programmatic Environmental Impact Statement*, 80 Fed. Reg. 30032 (2015) (“PEIS Notice”).

takes.<sup>45</sup> Thus, it is far from clear that USFWS has the authority to undertake such a permitting program. In addition, each of the approaches proposed in the Notice of Intent could subject communications tower owners and operators to additional mitigation requirements, including requirements relating to the design of communications towers as well as habitat preservation and restoration and potential financial remuneration.<sup>46</sup> These requirements would likely further delay deployment and increase associated costs. At this time, there is insufficient evidence to demonstrate that these measures are necessary or appropriate.

Third, whether as part of the above-referenced anticipated PEIS analysis or in another proceeding, the USFWS should clarify and standardize its mitigation policies. Currently, it is not uncommon for USFWS to seek to mitigate the potential impact of a siting proposal by asking the applicant to contribute a seemingly arbitrary amount of money to a fund to protect species or preserve critical habitats. The need to secure USFWS review and approval for a proposed site should not be viewed as an opportunity to extract money – even for these important goals – unless there is a direct linkage between the specific proposal before the USFWS and the species or critical habitats toward which the funds would be dedicated. By taking these simple steps, the Forest Service and USFWS can help the BOC achieve its goal to facilitate the expansion of broadband services to those areas managed by the agencies.

## **5. General Services Administration (“GSA”)**

GSA is charged with developing and managing an inventory of lands under the control of executive branch agencies.<sup>47</sup> Many of the delays faced by CTIA members can be traced to a lack

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<sup>45</sup> Andrew L. Askew, *Environmental Law – Endangered Species: Interpreting the Migratory Bird Treaty Act and its Prohibition Against the Taking of Protected Birds*, 88 N.D. L. REV. 843 (2012).

<sup>46</sup> See PEIS Notice at 30033.

<sup>47</sup> See General Services Administration, *Frequently Asked Questions*, <http://www.gsa.gov/portal/content/104199> (last visited June 9, 2015).

of standardized processes and fees for siting wireless facilities on federal lands. The Federal Property Working Group has been working with GSA for years to develop common forms and fee schedules, master contracts, and uniform processes for deploying broadband facilities on federal lands, buildings, rights-of-way, federally assisted highways, and Tribal lands.<sup>48</sup> These efforts should be expedited further.

**B. Create More Federal Mobile Platforms.**

Federal agencies, including BOC members, have streamlined the process for filing reports and other required documents by accepting them electronically. As noted above, however, mobile devices are used increasingly often to gain Internet access, even for sensitive transactions such as mobile banking. According to the Federal Reserve, 39 percent of all mobile phone users – and 52 percent of smartphone users – with a bank account used mobile banking in 2014.<sup>49</sup> The Federal Reserve also observed that use of mobile banking and payment services has increased each year since it began tracking this information in 2011.<sup>50</sup> Considering consumers' increased comfort with using mobile devices for sensitive transactions and the fact that many lower income individuals rely on mobile devices exclusively for Internet access means that federal reporting requirements and the ability to manage government benefits should be more mobile-friendly also.

This is particularly important for entities with consumer-facing obligations like the Department of Veterans Affairs, Social Security Administration, the Department of Health and Human Services, the Department of Housing and Urban Development (and their member

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<sup>48</sup> See FPWG Broadband Deployment Report at 5.

<sup>49</sup> Board of Governors of the Federal Reserve System, *Consumer and Mobile Financial Services 2015* (Mar. 2015), available at <http://www.federalreserve.gov/econresdata/consumers-and-mobile-financial-services-report-201503.pdf>.

<sup>50</sup> *Id.* at 5.



agencies), and the Internal Revenue Service. By enabling greater use of mobile devices to conduct business with federal agencies, BOC-member agencies will increase the demand for networks on which those applications can most optimally function.

**C. Focus on Mobile Learning Opportunities.**

Schools and libraries already are using mobile devices with wireless Internet connections to enhance learning and open up educational opportunities both inside and outside of the classroom. Mobile devices, tablet computers, e-readers, and other connected devices can lower costs for school districts that previously may have purchased desktop or laptop computers and hard copies of books. In the home, and – in particular – in lower income homes, a mobile connection might be the only in-home Internet connection for use in completing research and homework assignments. For this reason, federal agencies should look for ways to expand mobile learning opportunities.

There is significant capacity for expanding mobile learning opportunities. In 2010, CTIA identified nearly 300,000 educational applications available across the seven platform-specific mobile application stores used by consumers, a number that has certainly grown since then.<sup>51</sup> Mobile devices allow for a level of connectivity between teachers and students – such as homework reminders delivered by text message – which were not possible in the past. Teachers can use tools like classroom blogs to stay connected with students and parents, even outside of the classroom. Mobile devices also facilitate distance and remote learning opportunities, such as allowing students who are home sick to stay connected to the classroom. And mobile devices allow students with limited verbal communications abilities to stay connected with classmates and participate in discussions.

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<sup>51</sup> FCC Comments of CTIA, CC Docket No. 02-6, *et. al.*, at 7 (filed Jul. 9, 2010).

Although the FCC’s E-Rate program supports some educational goals, the Department of Education (“DOE”) also could be instrumental in expanding mobile learning opportunities by establishing incentives that will promote broadband adoption. In particular, the DOE can encourage, through grant or low-interest loan programs, increased use of mobile learning opportunities, supporting schools’ purchase of tablets and other connected devices. CTIA encourages other agencies engaged in educational activities to similarly consider ways in which to expand mobile learning activities.

**D. Clarify the Definition of Small Business.**

In 1953, Congress enacted the Small Business Act, creating the Small Business Administration (“SBA”) and giving it the primary function to “aid, counsel, assist, and protect, insofar as is possible, the interests of small-business concerns.”<sup>52</sup> Small businesses are defined as non-dominant, independently owned and operated businesses that satisfy certain criteria established by the SBA.<sup>53</sup> Pursuant to those criteria, small telecommunications companies are defined as those with fewer than 1,500 employees.<sup>54</sup> Because the SBA is the expert entity on small businesses, the BOC and its member agencies, and indeed *all* federal agencies, should defer to the definition established by the SBA and ensure that any activities related to encouraging broadband deployment and competition do not conflict with this definition.

In its recent *Open Internet Order*,<sup>55</sup> the FCC used a subscriber-based methodology to determine the types of businesses that should be exempt from certain new regulatory

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<sup>52</sup> See 15 U.S.C. § 631; U.S. Small Business Administration, What We Do, Authority, <https://www.sba.gov/about-sba/what-we-do/authority> (last visited Jun. 3, 2015).

<sup>53</sup> See 15 U.S.C. § 632.

<sup>54</sup> See 13 C.F.R. § 121.201.

<sup>55</sup> *Protecting and Promoting the Open Internet*, Report and Order on Remand, Declaratory Ruling, and Order, FCC 15-24, GN Docket No. 14-28 (rel. Mar. 12, 2015).

requirements, without using the SBA definition of small business in the telecommunications industry. Specifically, the FCC adopted a temporary exemption from its new transparency rules for broadband providers with fewer than 100,000 subscribers.<sup>56</sup> The FCC offered no explanation for its departure from the SBA’s employee-based definition of a small telecommunications business, resulting in onerous requirements being imposed on businesses specifically identified as “small” by the agency with expertise on such matters.<sup>57</sup>

There are two important lessons for the BOC to consider based on the FCC’s example. First, departure from the SBA’s small business definitions, which were adopted through the expertise of that agency, can create the potential for arbitrary, disparate treatment of small businesses. The BOC should urge the FCC to honor, or at least acknowledge and consider, definitions established by the SBA. Second, the BOC should recommend that the SBA consider adopting a more precise definition of small business applicable specifically to broadband providers – and potentially even one that is tailored to specific broadband deployment or adoption programs – which could facilitate relief from regulatory obligations for more small businesses and provide assistance (in the form of grants, bidding credits, or otherwise) for additional entities to pursue greater broadband deployment.

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<sup>56</sup> *Id.* ¶¶ 172-73.

<sup>57</sup> Indeed, in its discussion of “how best to delineate the boundaries” of the small business exception to the disclosure rules, the FCC discussed only its own precedent, not even addressing the SBA’s definition. *Id.* ¶ 173.

#### IV. EFFORTS BY OTHER AGENCIES

##### A. Streamline the FCC’s Environmental, Historic, and Cultural Review Processes.

The Administration consistently has worked to eliminate barriers to broadband deployment, and CTIA supports efforts “to take all necessary actions” to remove such barriers.<sup>58</sup> Although the Presidential Broadband Memo only includes certain identified executive agencies under the BOC umbrella, it states that “[i]ndependent agencies are strongly encouraged to comply with the requirements.”<sup>59</sup> The BOC should urge the FCC to follow the Presidential Broadband Memo so that all federal agencies are working cooperatively toward the same broadband deployment goal.

As a first step, the FCC should work with the Advisory Council on Historic Preservation, National Conference of State Historic Preservation Officers, and other interested parties to establish a streamlined mechanism for the review of Distributed Antenna Systems (“DAS”) and small cell facilities. In October 2014, the FCC adopted rule changes designed to expedite broadband deployment.<sup>60</sup> It recognized that additional, broader exclusions may be appropriate for DAS and other small cell systems and committed to working with stakeholders “to develop a program alternative that will promote additional efficiencies in the historic preservation review of DAS and small-cell deployments.”<sup>61</sup> As carriers work to densify their networks and enhance capacity with the use of DAS and small cells, this relief is critical. The FCC indicated that the process would take between 18 and 24 months to complete – *i.e.*, that it would be complete

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<sup>58</sup> Notice at 23785.

<sup>59</sup> Presidential Broadband Memo § 4(iii)(e).

<sup>60</sup> *Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies*, Report and Order, 29 FCC Rcd. 12865, ¶13 (2014).

<sup>61</sup> *Id.*

between April and October 2016.<sup>62</sup> Consistent with the objectives underlying the Presidential Broadband Memo, the FCC should move forward with these efforts expeditiously so that it can implement the program alternative within the next 14 months.

In addition to quickly implementing a program alternative for DAS and small cells, the FCC separately should adopt timeframes governing its review of Environmental Assessments, particularly where no challenges are filed. Clear, specific timetables for completing review will expedite antenna siting on federal, Tribal, and private properties. All parties to the process will have a clear understanding of the decision making process, and delays associated with the failure to promptly act on uncontested applications will be eliminated.

**B. Accelerate the mHealth Application Approval Process.**

Over the past 10 years, the number of mobile health (“mHealth”) applications and capabilities available to medical professionals and consumers has exploded. As of 2013, one survey indicated that 86 percent of doctors use smartphones for professional purposes,<sup>63</sup> and 51 percent used tablets. By the end of 2013, consumers could choose from 40,000 mobile healthcare applications, and 247 million mobile users had downloaded a healthcare app.<sup>64</sup> According to one estimate, the global mHealth market will reach \$49 billion by 2020, driven primarily by monitoring services, but also emergency response, healthcare surveillance and

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<sup>62</sup> *Id.*

<sup>63</sup> Epocrates, *Epocrates 2013 Mobile Trends Report: Maximizing Multi-Screen Engagement Among Clinicians*, at 5 (2013), available at [http://www.epocrates.com/oldsite/statistics/2013%20Epocrates%20Mobile%20Trends%20Report\\_FINALE.pdf](http://www.epocrates.com/oldsite/statistics/2013%20Epocrates%20Mobile%20Trends%20Report_FINALE.pdf).

<sup>64</sup> Scott Rupp, “mHealth Stats: Mobile Apps, Devices and Solutions,” *Electronic Health Reporter* (Dec. 10, 2013), available at <http://electronichealthreporter.com/mhealth-stats-mobile-apps-devices-and-solutions/>.

administration, and practitioner support.<sup>65</sup> From enabling healthcare professionals to monitor patient information to permitting consumers to track their well-being, the full potential of mHealth is not yet developed. As the number of mHealth applications continues to grow, there will be increased demand for platforms to support them. Accordingly, the BOC and federal agencies should promote greater use and expansion of mHealth solutions.

CTIA has long advocated that agencies like the Food and Drug Administration (“FDA”) should speed the mHealth application approval process for those applications that require approval, or limit the number of applications that require approval.<sup>66</sup> The FDA also should adopt policies that encourage the development of even more health applications, and ensure that products that do not create health risks to patients are not impeded by lengthy trials and approval processes.

Continued expansion of mHealth will further stimulate broadband deployment and competition. First, providers will work to ensure their networks are capable of supporting the data capabilities (*e.g.*, adequate bandwidth and sufficient privacy and security) needed to deliver mHealth applications and services. Second, with additional broadband capacity and competition, application developers and medical health professionals will work to develop and deliver new products to improve patient outcomes, leading to even greater demand for networks.

### **C. Promote Greater Access to USDA Funding.**

The USDA and RUS already sponsor several programs that provide funding for

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<sup>65</sup> Grand View Research, *mHealth Market Analysis and Segment Forecast To 2020* (Feb. 2014), available at <http://www.grandviewresearch.com/industry-analysis/mhealth-market>.

<sup>66</sup> See, *e.g.*, CTIA Comments Responding to Food and Drug Administration Safety and Innovation Act Health IT Report: *Proposed Risk Based Regulatory Framework*, at 1-2 (filed Jul. 7, 2014) (“CTIA urges the agencies to take a more nuanced approach to determining which health IT products are unregulated, regulated by FDA or subject to the regulatory framework proposed for health management health IT.”).

broadband initiatives. This includes the USDA's Community Connect Grants, which fund construction of broadband connections in rural America,<sup>67</sup> and the Telecommunications Infrastructure Loans & Loan Guarantees program, which provides financing on reasonable terms for voice and broadband deployment and maintenance.<sup>68</sup> The USDA and RUS can take two important steps to better ensure these programs accomplish the BOC's stated goal of increasing broadband deployment. First, the agencies should better promote access to those programs to all types of entities eligible to benefit from them. The USDA and RUS should employ targeted outreach to providers that may be eligible for these and other programs and that are positioned to provide broadband service. Such outreach should be technology-neutral to ensure that the USDA and RUS identify both wireline and wireless providers that may be eligible for the programs. Second, the agencies should look for ways to simplify and streamline application and reporting processes to ensure that grant or loan recipients maximize the use of funds for broadband deployment efforts, and not program administration.

## **V. EFFORTS BY CONGRESS TO ALIGN TAX POLICIES**

Building wireless broadband networks is highly capital-intensive, requiring considerable financial resources, regardless of the method by which services are delivered. Companies building broadband networks must make significant investments up-front, but then must generally wait several years to realize the tax benefits of those expenditures because of the useful life of that capital equipment. However, businesses will invest more if they are able to depreciate expenses in the year they are incurred, rather than over time. Last year, with bonus depreciation in place, U.S. carriers invested more than \$32 billion in their networks, accounting for a quarter of the world's wireless capital investment. As a result of this ongoing investment in

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<sup>67</sup> 7 C.F.R. § 1739.1, *et seq.*

<sup>68</sup> 7 C.F.R. § 1735.1, *et seq.*

domestic infrastructure, the U.S. enjoys nearly 50 percent of the world's 4G LTE subscribers despite being home to just five percent of the world's wireless subscribers. As the White House has recognized, in addition to supporting accelerated investment and economic growth, bonus depreciation promotes innovation that advances American leadership, and supports high-tech, high-wage jobs.<sup>69</sup>

To continue this world-leading investment and ensure that broadband is available to every American, bonus depreciation treatment should be made permanent. CTIA recognizes that authorization of such treatment ultimately lies with Congress, and not BOC-member (or other) administrative agencies, but CTIA urges the Administration to support legislative efforts, such as Rep. Tiberi's H.R. 2510, to make the necessary changes to the Tax Code.

## **VI. CONCLUSION**

CTIA strongly supports the Administration's efforts to spur broadband deployment and urges all federal agencies – whether executive or independent – to take proactive steps to eliminate barriers to wireless broadband deployment. As specified in these comments, there are several ways that BOC and other federal stakeholders can facilitate, and remove impediments to, the creation of new and expanded broadband networks. Simply eliminating or updating these procedures could have a significant impact on facilitating affordable and reliable broadband available to all Americans.

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<sup>69</sup> See White House Office of Science and Technology Policy and National Economic Council, *Four Years of Broadband Growth*, at 16-17 (June 2013), available at [https://www.whitehouse.gov/sites/default/files/broadband\\_report\\_final.pdf](https://www.whitehouse.gov/sites/default/files/broadband_report_final.pdf).



Respectfully submitted,

By: /s/ Brian M. Josef

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