

# PUBLIC NOTICE

Federal Communications Commission  
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June 26, 2018

## WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON THE STATE OF MOBILE WIRELESS COMPETITION

WT Docket No. 18-203

**Comments Due: July 26, 2018**

**Reply Comments Due: August 16, 2018**

On March 23, 2018, the President signed into law the Consolidated Appropriations Act of 2018, which included the Repack Airwaves Yielding Better Access for Users of Modern Services Act of 2018 (RAY BAUM'S Act of 2018).<sup>1</sup> Title IV of RAY BAUM'S Act of 2018 amends Section 13 of the Communications Act (the Act) of 1934, and requires that the Commission publish a "*Communications Marketplace Report*," in the last quarter of every even numbered year that, among other things, "assess[es] the state of competition in the communications marketplace," including providers of commercial mobile service (as defined in Section 332).<sup>2</sup> The *Communications Marketplace Report* will include information that was previously submitted to Congress as a separate *Mobile Wireless Competition Report* under Section 332(c)(1)(C) of the Act.<sup>3</sup> With this *Public Notice*, the Wireless Telecommunications Bureau (the Bureau) seeks input on the state of mobile wireless competition as it would relate to the overall goal of providing the required Report to Congress on the state of the communications marketplace.

This *Public Notice* requests comment on whether laws, regulations, regulatory practices or demonstrated marketplace practices pose a barrier to competitive entry into the mobile wireless marketplace, or to the competitive expansion of existing providers. Further, information is sought on the extent to which any such laws, regulations or marketplace practices affect entry barriers for entrepreneurs and other small businesses in the mobile wireless marketplace. In addition, this *Public Notice* requests comment on the criteria or metrics that could be used to evaluate the state of mobile wireless competition. Comment and

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<sup>1</sup> Consolidated Appropriations Act, 2018, Pub. L. No. 115-141, Div. P—RAY BAUM'S Act of 2018, §§ 401-404, 132 Stat. 348, 1087-90 (2018) (RAY BAUM'S Act of 2018).

<sup>2</sup> Div. P—RAY BAUM'S Act of 2018, Title IV: FCC Consolidated Reporting, Section 13.

<sup>3</sup> 47 U.S.C. § 332(c)(1)(C). Section 332(c)(1)(C) was amended by striking the first and second sentences, which read: "The Commission shall review competitive market conditions with respect to commercial mobile services and shall include in its annual report an analysis of those conditions. Such analysis shall include an identification of the number of competitors in various commercial mobile services, an analysis of whether or not there is effective competition, an analysis of whether any of such competitors have a dominant share of the market for such services, and a statement of whether additional providers or classes of providers in those services would be likely to enhance competition." *Id.*

information also is sought on industry data, competitive dynamics, and trending factors in the mobile wireless industry, including but not limited to, the increasing number of connections, pricing, spectrum holdings, network coverage, and the development of innovative technologies. For example, commenters are invited to submit data and information on:

- The number of mobile wireless subscribers/connections
- Trends in data traffic and consumer data usage
- Price levels and trends, as well as trends in service offerings
- Revenue metrics – including total revenue and average revenue per unit – for the industry as a whole and for individual providers
- Spectrum holdings, access to spectrum, spectrum usage, and spectrum aggregation
- Measurements of nationwide mobile coverage, as well as by urban and by rural areas, including any discussion of methodological issues
- Capital investment and technological upgrades
- Innovation and 5G
- Network quality and speed of service
- The role of infrastructure in the mobile wireless marketplace
- The role of entry conditions in mobile wireless competition, including for entrepreneurs and other small businesses
- The extent of competition between mobile and fixed providers of voice, broadband, and video services

It is requested that commenters submit information, data, and statistics for 2017, as well as information on any notable trends and developments that have occurred during early 2018. Industry stakeholders, the public, and other interested parties are encouraged to submit information, comments, and analyses regarding competition in the mobile wireless marketplace. In order to facilitate analysis of competitive trends, parties should submit current and historic data that are comparable over time. Commenters seeking confidential treatment of their submissions should request that their submission, or a specific part thereof, be withheld from public inspection.<sup>4</sup>

#### **PROCEDURAL MATTERS**

Pursuant to Sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments on or before **July 26, 2018** and reply comments on or before **August 16, 2018**. All filings should refer to WT Docket No. 18-203. Comments may be filed: (1) using the Commission's Electronic Comment Filing System (ECFS), or (2) by filing paper copies. Electronic Filing of Documents in Rulemaking Proceedings, 63 FR 24121 (1998).

Comments and reply comments filed in response to this *Public Notice* will be available for public inspection and copying in the Commission's Reference Center, Room CY-A257, 445 12th Street, S.W., Washington, D.C. 20554, and via the Commission's Electronic Comment Filing System (ECFS) by entering the docket number, WT Docket No. 18-203.

Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number.

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<sup>4</sup> 47 C.F.R. § 0.459.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission, as follows:

-All hand-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12<sup>th</sup> St., S.W., Room TW-A325, Washington, DC 20554. All hand deliveries must be held together with rubber bands or fasteners. Envelopes must be disposed of before entering the building. The filing hours at this location are 8:00 a.m. to 7:00 p.m.

-Commercial overnight mail (except U.S. Postal Service mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.

-All other mail, including U.S. Postal Service Express Mail, Priority Mail, and First Class Mail should be addressed to 445 12th Street, S.W., Washington, DC 20554.

Alternate formats of this *Public Notice* (computer diskette, large print, audio recording, and Braille) are available to persons with disabilities by contacting the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY), or send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov).

For further information, contact Kate Matraves, Competition & Infrastructure Policy Division, Wireless Telecommunications Bureau, (202) 391-6272, or Monica DeLong, Competition & Infrastructure Policy Division, Wireless Telecommunications Bureau, (202) 418-1337.