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*Spectrum
Incentive
Auctions*

June 23, 2015

The Honorable Tom Wheeler
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Chairman Wheeler:

We write to thank you for taking a fresh look at the policies the Federal Communications Commission applies to small businesses seeking to participate in spectrum auctions and the wireless marketplace. It is now time to adopt final rules that encourage meaningful participation by actual small businesses in the wireless market.

Small businesses are the engines of our nation's economy. Approximately half of all workers in the country are employed by small businesses. But in capital-intensive industries like telecommunications, these small businesses simply cannot compete without smart policies. That is why we called on the FCC earlier this year to modernize its Designated Entity program. This program has served to boost small business participation in wireless auctions for the past two decades. But the market has changed dramatically and the program must now be revamped in a way that recognizes these changes and better serves small businesses. At the same time, the new rules must not encourage or provide incentives for gaming by major corporations.

Since we first called for the FCC to modernize its small business policies, the Commission has collected a robust and thorough record. We believe the record demonstrates that the best way to ensure that the Commission's policies benefit genuine small businesses is to take a two-pronged approach.

First, the FCC must curb gaming by multi-billion dollar corporations by limiting the size of the small business credit that any one entity can receive. Any cap must strike a careful balance, however. Bidding credits must be significant enough to give real small businesses a fair shot at winning spectrum in any market. But the credit should not be so large to incent major corporations to use it to gain an unfair advantage under the guise of being a small business. In addition to imposing a cap on bidding credits, the FCC should adopt additional measures that limit the ability of large corporations to take advantage of this program.

Second, the Commission's updated policy should finally shelve outdated requirements that have not kept up with developments in the wireless marketplace. For example, the Attributable Material Relationship (AMR) rule has outlived its usefulness. This dusty relic served a purpose, but in today's dynamic wireless market it only constrains innovation. It does nothing more than artificially restrict the types of business models small businesses may use. So rather than use regulations to shackle creative entrepreneurs that are providing new services to consumers, we urge the Commission to toss this dated rule. Similarly, the Commission should liberalize its policies regarding facilities based services and allow small businesses to explore wholesale and leasing opportunities in the same way larger companies are allowed. If the largest corporations are unable to stand up new facilities based networks to compete with the biggest wireless providers, it makes no sense to require small businesses to do so. Finally, any new rules should provide flexibility for small businesses to make strategic decisions about how to run its business and to change course as it sees fit. While a small business may choose to forego benefits on one license, that should not preclude it from eligibility on others.

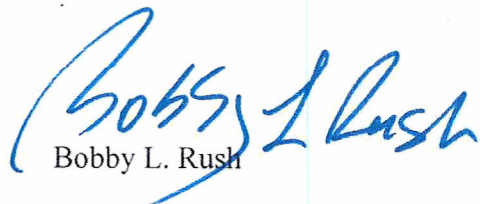
It is time to recognize that there may be other ways to enter and compete in the wireless marketplace. The FCC should not be telling small businesses how to do so but instead allow for small business innovators to do what they do best.

Taken together, we believe these rule changes—caps to curb gaming and elimination of outdated policies like the AMR rule—combine to provide a powerful one-two punch that can help jumpstart a small business renaissance in the wireless market. By adopting these policies that promote small businesses, the Commission will help boost the economy, foster diversity, and ultimately pay dividends for consumers. We urge you to act soon to bring the Designated Entity program into the modern wireless era.

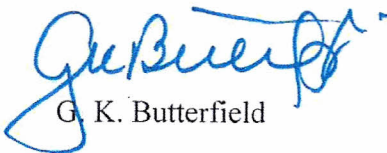
Sincerely,



Frank Pallone, Jr.



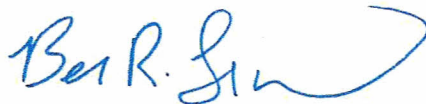
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