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## TARGETED INFORMATION

**To:** Washington Regulatory Representatives

**From:** CTIA - Regulatory Affairs

**Date:** July 18, 2014

### CTIA Files Comments in Response to FCC Open Internet NPRM

Today, CTIA – The Wireless Association® filed comments in response to the Federal Communications Commission’s (“Commission’s”) Notice of Proposed Rulemaking (“NPRM”) seeking comment on how it should proceed in the wake of the U.S. Court of Appeals for the District of Columbia Circuit’s decision in *Verizon v. FCC* and the Wireline Competition Bureau’s Public Notice seeking to refresh the record in the *Framework for Broadband Internet Service* Docket. Reply Comments are due **September 11, 2014**.

CTIA’s comments make the following points:

- The U.S. wireless industry is committed to an open mobile Internet and to delivering value to consumers. Competition in the market for mobile broadband services continues to drive investment, innovation, and value, as evidenced by a marketplace teeming with successful third-party applications and devices and the absence of any demonstrated harm relating to mobile broadband practices. These facts call for retaining a mobile-specific light-touch approach to regulation.
- The mobile broadband ecosystem faces unique technical and operational issues arising from limited spectrum resources and the challenges of mobility, rendering network management over finite spectrum resources especially important. This too calls for a mobile-specific light-touch approach.
- To the extent that the Commission adopts additional rules, it should adhere to the course it set in the *Open Internet Order* with respect to mobile broadband services: It should limit any blocking restrictions to lawful websites and applications that compete with the mobile provider’s voice or video telephony offerings; it should refrain from applying any successor to the nondiscrimination requirement to mobile services; and it should retain, but not expand, the existing transparency rule.
- The Commission cannot subject mobile broadband providers to Title II, because mobile broadband is a “private mobile service” under Section 332 of the Act, and that provision bars the Commission from applying common carrier requirements to such services under any circumstances. Moreover, there is no factual predicate for any broadband “reclassification,” and Congress has made clear its intention that wireless services be subjected to a light touch.
- Application of Title II to broadband services would undercut investment and innovation and give rise to great uncertainty, all of which will harm consumers and the Commission’s broader objectives.

The comments can be found at:

<http://www.ctia.org/docs/default-source/fcc-filings/140718-ctia-open-internet-comments.pdf>

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