



January 15, 2018

Honorable Richard Barry
New Hampshire House of Representatives
Chairman, House Science, Technology & Energy Committee
LOB 304
107 North Main Street
Concord, New Hampshire, 03301

Dear: Chairman Barry:

On behalf of CTIA, the trade association for the wireless communications industry, I write in opposition to House Bill 1646, regarding the reporting of dropped calls to the Public Utilities Commission. This bill adds an additional layer of regulation that is burdensome and unnecessary in this competitive marketplace and raises legal concerns regarding the sharing of confidential, proprietary information.

The wireless industry's competitive nature has spurred rapid wireless development that has witnessed a growth of subscribers to over 395.9 million nationally, including over 1.28 million New Hampshire consumers. This rapid development was ushered in by Congress' decision in 1993 to create a national regulatory framework for wireless. This national framework allowed wireless providers to offer innovative service options, which significantly lowered the cost of services and provided more consumers with greater access to wireless. This legislation would threaten this national framework and its resulting consumer benefits. Bills such as this would create a patchwork of regulation across the country, the cost of which would be borne by all customers, including those in New Hampshire.

Since 2003, CTIA's Consumer Code for Wireless Service has been an integral part of delivering superior customer service to wireless consumers. The Code – which is followed in all 50 states, including New Hampshire – has helped consumers make informed decisions when selecting a wireless plan and service and has contributed to the continued competitiveness within the wireless industry. For example, wireless carriers that are signatories to the Code have committed to promptly respond to consumer inquiries and complaints received from government agencies. The Code also affords wireless providers the flexibility to respond to changes in consumer demand. CTIA and its member companies regularly review the Code to ensure it reflects the ever-changing wireless marketplace.

Carriers that are signatories to the Code, including AT&T, Sprint, T-Mobile, US Cellular and Verizon, agree to provide at least a 14 day trial period for wireless consumers. During this period, consumers can try out their device and service at home, work and the places



they travel to see if it meet their needs. Additionally, the industry has evolved to offer no-contract rate options for consumers offering additional consumer choice and flexibility.

Dropped calls are an important metric that each provider closely monitors in order to make improvements to its network. This is extremely propriety information that is closely guarded among competitors. Additionally, there are many reasons for a dropped call, such as an issue with the device from which the call is being made, the amount of battery life on the device, or whether the consumer is making a call from a tunnel, basement or parking garage. Simply listing dropped calls by carrier would not provide meaningful information to consumers. In fact, it may have the unintended impact of causing confusion and frustrating the competitive wireless marketplace. Today, consumers have options and can change providers easily if they are not happy with their service.

Finally, the information publication requirement under HB 1646 is in direct conflict with existing New Hampshire law. Under N.H. Rev. Stat. Ann. § 91-A: 5, records containing confidential or commercial information are exempted from disclosure by New Hampshire's state agencies. Wireless carriers' data on network performance, including dropped calls, is highly confidential, commercial data that carriers expend great efforts to protect from disclosure. Protecting such information is good public policy, and HB 1646 is discordant with that policy which has long been embedded and preserved in New Hampshire law.

For these reasons, CTIA respectfully urges you and your committee to vote HB 1646 as Inexpedient to Legislate.

Sincerely,

Director, State Legislative Affairs