

# Congress of the United States

Washington, DC 20515

141

February 19, 2015

The Honorable Tom Wheeler, Chairman  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, D.C. 20554

Dear Chairman Wheeler:

Following the recent successful completion of the AWS-3 spectrum auction, we are writing to express our support for competition in the wireless marketplace and promotion of access to spectrum by companies of all sizes.

We congratulate you on the nearly \$45 billion raised by the AWS-3 auction. While this is no doubt a critical measure of a successful spectrum auction, it should not be the only metric for determining use of this scarce public resource. As you stated in your June 30, 2014, letter to Members of Congress, "...access to a sufficient amount of low-band spectrum is a threshold requirement for extending service and improving competition in both rural and urban areas."

Similarly, the Department of Justice wisely concluded in 2013 that FCC rules should ensure "smaller nationwide networks, which currently lack substantial low-frequency spectrum, have an opportunity to acquire such spectrum." The DOJ went on to state that such rules can "improve the competitive dynamic among nationwide carriers and benefit consumers."

Today, approximately 73 percent of the highly desirable spectrum below 1 GHz is held by AT&T and Verizon. Wireless providers who lack this low-band spectrum face varying network obstacles, including difficulty penetrating walls and signals that fail to travel longer distances.

As you know, the upcoming incentive auction represents a unique opportunity to free up additional low-band spectrum for wireless broadband. Recognizing the dangers of spectrum concentration, we worked hard to ensure the Middle Class Tax Relief and Job Creation Act of 2012 allowed the FCC to meet its statutory obligation to ensure competition in the wireless marketplace and avoid an excessive concentration of licenses through auction-specific rules.

Consistent with the objective of Congress, we applaud you for recognizing the need to include a "reserved" block of spectrum as part of the incentive auction. While this is an important mechanism for achieving greater competition, the Commission should continue to evaluate its auction rules to ensure they are sufficient to prevent excessive concentration of spectrum among the nation's largest wireless providers. Such a reassessment can and should be completed without delaying the start of the auction in early 2016.

A healthy and vibrant wireless marketplace will promote competition, enhance consumer choice and drive innovation. We thank you for your commitment to freeing up additional spectrum for wireless broadband and ensuring the timely implementation of the world's first-ever voluntary incentive auction.

Sincerely,



Anna G. Eskoo  
Member of Congress



Edward J. Markey  
United States Senator

cc: The Honorable Mignon Clyburn, Commissioner  
The Honorable Jessica Rosenworcel, Commissioner  
The Honorable Ajit Pai, Commissioner  
The Honorable Michael O'Rielly, Commissioner