

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of

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GN Docket No. 25-133

REPLY COMMENTS OF INCOMPAS

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TABLE OF CONTENTS

	<u>Page</u>
I. INTRODUCTION AND SUMMARY.....	3
II. THE COMMISSION CAN ALLEVIATE BROADBAND DEPLOYMENT BARRIERS BY REFORMING ENVIRONMENTAL REVIEW AND BROADBAND DATA COLLECTION REQUIREMENTS	6
III. A COMPREHENSIVE REVIEW OF THE TCPA WILL ALLOW THE COMMISSION TO ELIMINATE DUPLICATIVE RULES WHILE BRINGING NEEDED CLARITY TO AMBIGUOUS OBLIGATIONS	9
IV. THE COMMISSION SHOULD IDENTIFY AND MANAGE AN ORDERLY TRANSITION FROM LEGACY TO IP NETWORKS BEFORE REMOVING DISCONTINUANCE REQUIREMENTS.....	11
V. STREAMLINING PSAP OUTAGE REPORTING AND COMPLIANCE REQUIREMENTS FOR PROVIDERS ENJOYS BROAD SUPPORT.....	13
VI. THE COMMISSION’S MUTIPLE TENANT ENVIRONMENTS PROCEEDING IS CRITICAL TO BROADBAND COMPETITION AND DEPLOYMENT.....	14
VII. BY MAINTAINING THE 12 GHz PROCEEDING, THE COMMISSION CAN PRESERVE CRITICAL MID-BAND SPECTRUM FOR TERRESTRIAL FIXED USE.....	16
VIII. RETAIN COMMISSION OVERSIGHT OF MEASURES TO COMBAT ROBOTEXTING.....	17
IX. CONCLUSION.....	18

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INCOMPAS submits these reply comments in response to the Federal Communications Commission’s (“FCC” or “Commission”) *Public Notice* seeking public input on identifying rules, regulations, or guidance documents for the purpose of alleviating unnecessary regulatory burdens and fulfilling the new Administration’s efforts to unleash economic prosperity through deregulation.¹

I. INTRODUCTION AND SUMMARY

INCOMPAS, the internet and competitive networks association, supports the Commission’s efforts in this proceeding to alleviate unnecessary regulatory burdens through a deregulatory initiative that “would facilitate and encourage American firms’ investment in modernizing their networks, developing infrastructure, and offering innovative and advanced capabilities.”² As competitive providers examine how to extend their networks, increase their deployments, and develop new services, the elimination of extraneous or duplicative compliance and reporting obligations is the most promising path the Commission can take to assist industry in achieving these shared goals. At the federal and state level, our members continue to face a

¹ *In Re: Delete, Delete, Delete*, GN Docket No. 25-133, Public Notice, DA 25-219 (rel. Mar. 12, 2025) (“*Public Notice*”).

² *Public Notice* at 1.

high regulatory burden and a reduction that corresponds to the new Administration's efforts to eliminate rules that are unnecessary, outdated, or "ill-suited to [their] purpose" in order to unleash greater innovation and economic prosperity is both warranted and welcome.³

The instant proceeding has generated hundreds of comments with thousands of suggestions for rules or regulations across all aspects of the Commission's work that may be unnecessary or affirmatively detrimental and which should not be retained during this review process. While many of the rules that have been identified for elimination will have considerable support, INCOMPAS renews its suggestion that the agency focus its initial deregulatory efforts in areas where there is broad consensus that a rule may be unnecessary or outdated and where there is widespread support for its elimination, repeal, or modification. INCOMPAS offers this suggestion because the direct result of the removal of regulations and the associated administrative burdens under this initiative should be an increase in economic prosperity and reinvestment in American providers' networks and services. Unfortunately, some of the proposals to eliminate rules or entire proceedings are clearly intended in some instances to entrench incumbents and remove avenues for competition from the market. INCOMPAS suggests that any proposals in this proceeding with such potentially broad impact would be better considered as part of a standard rulemaking effort in accordance with the Administrative Procedures Act ("APA").⁴

³ *Public Notice* at 3.

⁴ In addition to the previously identified Executive Order on deregulation, the new Administration has also issued a subsequent Memorandum in which it directs agencies, pursuant to *Loper Bright* and other relevant Supreme Court cases, to "immediately take steps to effectuate the repeal of any regulation, or portion of any regulation, that clearly exceeds the agency's statutory authority or is otherwise unlawful." See Memorandum on Directing the Repeal of Unlawful Regulations (Apr. 9, 2025), www.whitehouse.gov/presidential-actions/2025/04/directing-the-repeal-of-unlawful-regulations/. The Memorandum urges agencies

Against this backdrop, the record contains considerable support for several suggestions INCOMPAS included in our initial comments in the proceeding, including ways to streamline broadband deployment, reforming the Telephone Consumer Protection Act, and repealing or modifying 911 outage reporting requirements. With this support in hand, the Commission can act quickly and with confidence that these requirements are either no longer necessary or are affirmatively detrimental to competitive providers' investment prospects and their ability to deploy broadband networks.

At the same time, the record contains various proposals to end proceedings or repeal rules that remain statutory obligations under the 1996 Telecommunications Act or which were adopted on a bipartisan basis following public comment, deliberation, and a thorough cost-benefit analysis. INCOMPAS urges the Commission to reject calls from industry stakeholders to (1) reduce discontinuance obligations under section 214(a) of the Communications Act, (2) end efforts started under the first Trump administration to bring competition to multiple tenant environments, and (3) close the proceeding on flexible uses of the 12.2-12.7 GHz band. Taken together, the Commission can achieve its goal of unleashing economic prosperity through deregulation while maintaining rules that promote competition and bring faster and cheaper broadband service to American consumers.

(*cont.*) to act *without* public notice-and-comment procedures where such action is consistent with the APA. While INCOMPAS would expect the Commission to delegate, where appropriate, authority to the various bureaus to resolve areas of deregulatory consensus as quickly as possible, INCOMPAS urges the Commission to act prudently to ensure that it proceeds in accordance with the APA and does not eliminate or repeal disputed rules that are relied on by certain segments of the industry and which protect and promote competition and innovation. Moreover, by proceeding in accordance with the APA, the Commission will better ensure that its changes survive judicial review, and that industry and the public can more confidently make investments and take measures in reliance on the Commission's actions.

II. THE COMMISSION CAN ALLEVIATE BROADBAND DEPLOYMENT BARRIERS BY REFORMING ENVIRONMENTAL REVIEW AND BROADBAND DATA COLLECTION REQUIREMENTS

INCOMPAS members are building the next-generation broadband networks of the future, including fiber, fixed wireless, mobile (5G), and low-earth orbit satellite networks that connect residences, businesses, and community anchor institutions. INCOMPAS members rely on the seamless and speedy deployment of these networks for their success and as such are always examining how to lower barriers to deployment and streamline federal and state requirements. Building, launching, and operating new broadband networks is expensive and time-consuming for competitive providers, and there are significant compliance barriers that providers face both before and after a network deployment. As described below, the Commission can take immediate deregulatory action that will allow providers to reallocate these compliance resources for bigger builds that will reach deeper into unserved and underserved communities.

Environmental and Historical Review. Competitive providers are often responsible for up-front compliance with environmental protection requirements through the National Environmental Policy Act (“NEPA”) which often necessitates multiple studies that examines the potential environmental impacts of developing and deploying broadband infrastructure. Similarly, providers will often have to work with federal and state authorities to, in accordance with the National Historic Preservation Act (“NHPA”), identify and evaluate areas or structures with historical significance for the potential impact associated with deploying new networks. These administrative procedures can be burdensome, duplicative (if more than one federal agency is involved in a build), and costly. Most troubling is that these requirements can lead to a protracted review process, given the amount of time it takes for these studies to be developed, that often stalls network builds for months at a time.

Multiple stakeholders have called for the Commission to modify or reform these requirements and INCOMPAS supports these proposals. With respect to reforms to NEPA and NHPA obligations, the Competitive Carriers Association (“CCA”),⁵ Verizon,⁶ the U.S. Small Business Administration,⁷ and the Rural Wireless Association,⁸ among others, have urged the Commission to narrow and streamline the agency’s environmental and historic preservation rules. This could be done, for example, by narrowing the types of actions that the Commission considers “major federal actions” under NEPA or “undertakings” under the NHPA, particularly for deployments with minimal environmental or historic impact.⁹ Additionally, the U.S. Chamber of Commerce calls on the Commission to revise the applicability of its NEPA rules to exclude communications facility deployments where the federal government does not play a substantial oversight role.¹⁰ Our members support this proposal and would similarly urge the

⁵ See Comments of the Competitive Carriers Association, GN Docket No. 25-133, 10-11 (filed Apr. 11, 2025) (“CCA Comments”) (arguing that “routine deployments, such as replacement poles or the installation of backhaul fiber, do not warrant the extensive scrutiny and review” as a major network or infrastructure build).

⁶ See Comments of Verizon, GN Docket No. 25-133, 13 (filed Apr. 11, 2025) (supporting a recent CTIA petition for rulemaking proposing revisions to the Commission’s NEPA rules and arguing that “current NEPA rules impose lengthy deployment delays, increase providers’ costs (which can pull limited capital resources away from other needed deployment and network enhancements) and, in some cases, cause providers to decide not to deploy at a given location”).

⁷ See Response to Call for Comments of the U.S. Small Business Administration Office of Advocacy, GN Docket No. 25-133, 12 (filed Apr. 11, 2025) (recommending that the Commission review the expansive assessment requirements and find ways to streamline the process in an effort to reverse the trend of slow infrastructure deployments).

⁸ See Comments of the Rural Wireless Association, Inc., GN Docket No. 25-133, 5-8 (filed Apr. 11, 2025) (suggesting ways to narrow its environmental and historic preservation rules).

⁹ 47 CFR §§ 1.1301-1.1320.

¹⁰ See Comments of the U.S. Chamber of Commerce, GN Docket No. 25-133, 4-5 (filed Apr. 11, 2025) (“U.S. Chamber Comments”).

Commission to also exclude deployments from NEPA review if a state conducts its own environmental review or provides a statutory exemption from its environmental review for a deployment project.¹¹ The U.S. Chamber of Commerce also wisely urges the agency to revise its NEPA review procedures to ensure that projects still subject to review benefit from a process that is predictable, timely, and cost-effective. This type of process would offer providers the certainty they need to meet their build-out obligations.

Broadband Data Collection. Once a network is in place, providers are also obligated to prepare detailed, semi-annual reports to assist the Commission in its Broadband Data Collection (“BDC”) efforts. As we indicated previously in this proceeding, the BDC’s semi-annual reporting process under the Broadband DATA Act, while critical to accurately identifying providers’ service areas, has extensive criteria that requires companies to expend significant resources in order to report the necessary availability and subscription data and members indicate that the BDC is a time consuming and resource intensive process. INCOMPAS urged the Commission to review the process to determine if providers could instead supplement broadband data during one of the filing windows, rather than having to conduct two complete compilations of availability data each year.

INCOMPAS also supports a number of more specific changes to the BDC recommended in the proceeding by industry stakeholders, including eliminating the requirement that a licensed professional engineer’s certification is required for broadband data submissions. This was

¹¹ These projects should be deemed approved or exempt from federal review.

suggested by, among others, ACA Connects,¹² U.S. Chamber of Commerce,¹³ CCA,¹⁴ USTelecom,¹⁵ and WISPA,¹⁶ and represents a common-sense modification of a rule that currently imposes costs and delays without a commensurate public benefit. Amending or eliminating the rule will lower costs for providers and remove an otherwise unnecessary level of review without sacrificing the ultimate quality of the report. WTA—Advocates for Rural Broadband also highlight the duplicative and redundant filing obligations to both the Commission and the Universal Service Administrative Company. Service providers are required to file information regarding the locations of served consumers into both the BDC and the High-Cost Universal Broadband portal. As part of this proceeding, the Commission should address this requirement and seek to end the duplication that service providers must maintain in order to comply with both mapping efforts.

III. A COMPREHENSIVE REVIEW OF THE TCPA WILL ALLOW THE COMMISSION TO ELIMINATE DUPLICATIVE RULES WHILE BRINGING NEEDED CLARITY TO AMBIGUOUS OBLIGATIONS

In this proceeding, INCOMPAS has urged the Commission to engage in a comprehensive effort to simplify the rules associated with compliance with the Telephone Consumer Protection Act (“TCPA”) to clarify the scope and application, consolidate requirements by category, and

¹² See Comments of ACA Connects, GN Docket No. 25-133, 4 (filed Apr. 11, 2025).

¹³ See U.S. Chamber Comments at 15.

¹⁴ See CCA Comments at 2-4.

¹⁵ See Comments of USTelecom, GN Docket No. 25-133, 9-11 (filed Apr. 11, 2025) (“USTelecom Comments”) (urging the Commission to modify the rule to allow providers to use “otherwise qualified” engineers as defined by the Commission in the BDC FNPRM).

¹⁶ See Comments of the WISPA—The Association for Broadband Without Boundaries, GN Docket No. 25-133, 1-2 (filed Apr. 11, 2025).

eliminate duplicative sections.¹⁷ The record demonstrates the need for the Commission to act. INCOMPAS concurs with many of the U.S. Chamber of Commerce’s arguments, including that “understanding TCPA obligations is challenging given the number of cross-references and references to the underlying TCPA Reports and Orders.”¹⁸ The Commission should engage in a comprehensive review to clarify and streamline these difficult compliance standards, as opposed to having them decided by conflicting judicial decision creating further uncertainty about how the rules should be interpreted.¹⁹

The record also supports the need for the Commission to clarify the scope and application of the TCPA, especially pertaining to text messaging and AI.²⁰ Further, the stakeholders have encouraged the Commission to take action to modify the revocation of consent rule and/or provide a safe harbor program that establishes certain means of revoking consent.²¹ The record

¹⁷ See Comments of INCOMPAS, GN Docket No. 25-133 (filed April 11, 2025) (“INCOMPAS Comments”) at 19.

¹⁸ See Comments of U.S. Chamber of Commerce, GN Docket No. 25-133 (filed April 11, 2025) at 10, 11 (“The Commission should review and clarify TCPA requirements and consider streamlining rules, reducing liability against the legitimate business community, and eliminating duplicative sections. This will provide more clarity for regulated parties, boost compliance, and reduce the judiciary’s workload in interpreting ambiguous requirements.”).

¹⁹ INCOMPAS Comments at 20.

²⁰ See *id.* at 12 (“Congress enacted the TCPA in 1991, well before the advent of text messaging. Since, the Commission and the several circuit courts have determined that the TCPA applies to text messages.⁶⁹ The Commission should revisit this determination and revise its regulations to exclude text messaging from TCPA requirements.”). Comments of Kompato AI, GN Docket 25-133 (filed April 11, 2025). (“However, these benefits are hindered by certain rules and declarations of the FCC relating to the TCPA, which impose unnecessary and burdensome restrictions on the use of AI for collections calls. We urge the FCC to reconsider and revise these rules and declarations, as part of its “Delete Delete Delete” initiative, to reflect the realities and capabilities of AI technology and to harmonize them with the comprehensive nature of the Fair Debt Collection Practices Act (FDCPA) consumer protections.”).

²¹ See Comments of NCTA, GN Docket 25-133 (filed April 11, 2025) 13 (appendix).

clearly reflects that simplification and clarification of these rules would reduce regulatory burdens by streamlining compliance reviews and providing certainty upon which entities could create comprehensive, future-proof compliance plans.

IV. THE COMMISSION SHOULD IDENTIFY AND MANAGE AN ORDERLY TRANSITION FROM LEGACY TO IP NETWORKS BEFORE REMOVING DISCONTINUANCE REQUIREMENTS

USTelecom and Verizon suggest that the Commission should use this deregulatory effort to modernize Section 214(a) of the Communications Act which requires Commission approval to discontinue, reduce, or impair a telecommunications service or interconnected voice over Internet Protocol (“VoIP”) service. The association argues that “[m]aintaining outdated discontinuance requirements today imposes costs not outweighed by the benefits”²² and that the obligation to seek discontinuance approval from the Commission keeps incumbent local exchange carriers in a state of regulatory asymmetry. Verizon argues that “the Commission has granted blanket authority under Section 214 of the Communications Act for carriers to enter markets and it could similarly grant blanket authority to exit” which would result in “more broadband being available to more people in more places as carriers would no longer have to maintain yesterday’s networks.”²³

While INCOMPAS and its members are eager to complete the transition from legacy networks to an Internet Protocol (“IP”) environment,²⁴ INCOMPAS would urge the Commission

²² USTelecom Comments at 6.

²³ Verizon Comments at 11.

²⁴ See Letter of INCOMPAS, NTCA—The Rural Broadband Association, the Cloud Communications Alliance, and the Voice on the Net Coalition, CG Docket No. 17-59, WC Docket No. 17-97 (filed Feb. 13, 2024). In February, INCOMPAS, the Cloud Communications Alliance, the Voice on the Net Coalition, and NTCA—The Rural Broadband Association called for the Commission to address the lack of an IP interconnection framework. The joint

to reject proposals to eliminate additional legacy regulations until incumbent local exchange carriers (“ILECs”) or the Commission have identified an orderly transition from TDM to all-IP interconnection that preserves critical obligations from the Telecommunications Act that enabled the competitive voice service environment that exists today, such as the infrastructure sharing mandates in Sections 251 and 252. Competitive local exchange carriers (“CLECs”) currently have no assurances that ILECs will establish commercial IP interconnection agreements and in many cases have had their efforts to move ILEC’s TDM traffic to IP rebuffed. This unwillingness to interconnect is understandable given the dramatic price increases for DS1s/DS3s that INCOMPAS members are now susceptible to following deregulation of these services.

The lack of an orderly transition from the TDM-based regulatory regime of the 1996 Telecommunications Act to IP-based services stands to break PSTN interconnection and upend industry and the Commission’s efforts to preserve 911 and implement standardized, IP-based robocall mitigation and call authentication solutions. Indeed, the Commission’s primary concern at this point must be how the increased discontinuance of legacy services, and DS1s and DS3s in particular, is negatively impacting connections to selective routers in the 911 system.²⁵

associations noted that “[w]ithout a framework, providers are not incented to exchange voice traffic in IP, undermining the robustness and security of our telecommunications infrastructure. Several critical developments, including the implementation of STIR/SHAKEN and other forthcoming caller ID authentication initiatives, have been, and will continue to be, impeded without ubiquitous IP interconnection.” INCOMPAS and the Alliance urge the Commission to “proactively examine and endorse measures that promote IP interconnection.”

²⁵ See, e.g., [Bandwidth, Inc. Notice of Oral Ex Parte Communications, WC Docket No. 25-45, 2 \(filed Feb. 28, 2025\)](#) (noting that DS3/DS1 facilities used for “interconnection to ILEC selective routers and the on-going ability to route 911 calling is of critical importance”); see also Comments of Intrado Life & Safety, Inc., WC Docket No. 25-158, 2 (filed Apr. 24, 2025) (arguing that the TDM discontinuance “situation is unsustainable and, ultimately, presents a

Particularly at a time when the Commission is considering proposals to make 911 services more resilient, allowing unfettered discontinuance of legacy services could ultimately put 911 service in jeopardy. As such, INCOMPAS urges the Commission to reject proposals to eliminate discontinuance approval rules established pursuant to Section 214 of the Communications Act.

V. STREAMLINING PSAP OUTAGE REPORTING AND COMPLIANCE REQUIREMENTS FOR PROVIDERS ENJOYS BROAD SUPPORT

Despite these concerns about the continuing reliability of the 911 system as the industry transitions to NextGen 911, INCOMPAS is encouraged to see that other stakeholders in the proceeding share similar concerns about the Commission's current PSAP outage requirements. Currently, providers are required to maintain continuously updated contact information for thousands of PSAPs across the country.²⁶ Providers must also notify 911 special facilities of outages no later than 30 minutes after discovering a network outage, even when the affected network segment is outside the provider's direct control or visibility. INCOMPAS stated its concerns that the prescriptive requirements for outage reporting divert providers from focusing on the important task of restoring communications services quickly following network outages and that the recurring costs for smaller providers could not be spread across large customer bases like those enjoyed by larger providers. INCOMPAS supports organizations like NCTA and USTelecom that have advocated, respectively, for the Commission to revert to prior outage

constant threat to 911 service availability and substantial cost increases to PSAPs and State 911 Authorities.”).

²⁶ *Amendments too Part 4 of the Commission's Rules Concerning Disruptions to Communications; Improving 911 Reliability; New Part 4 of Commission's Rules Concerning Disruptions to Communications*, PS Docket No. 15-80, PS Docket No. 13-75, ET Docket No. 04-35, Second Report and Order, 37 FCC Rcd 13847, paras. 8-9 (rel. Nov. 18, 2022).

frameworks which allowed providers to notify PSAPs of outages “as soon as possible”²⁷ or for these requirements’ elimination given the potential for PSAPs to be overwhelmed during emergencies.²⁸ INCOMPAS continues to recommend that the Commission eliminate the PSAP outage reporting requirements which are overly burdensome, could result in “spamming of PSAPs, and impose significant compliance costs without yielding corresponding public safety benefits.”²⁹

VI. THE COMMISSION’S MULTIPLE TENANT ENVIRONMENT PROCEEDING IS CRITICAL TO BROADBAND COMPETITION AND DEPLOYMENT

In response to the *Public Notice*, the Commission has been asked to close the Multiple Tenant Environments (“MTEs”) proceeding, however, further Commission action in this first Trump administration effort is vital, as INCOMPAS members continue to struggle to gain a foothold in residential and commercial MTEs based on anticompetitive barriers put in place by incumbent service providers and building owners, resulting in fewer broadband options for consumers and decreased competition in the market.³⁰ This proceeding does not deserve the deregulatory treatment as INCOMPAS posits that further action to promulgate rules that honor consumer choice, promote competitive providers’ access to MTEs on a non-discriminatory basis,

²⁷ See Comments of NCTA—The Internet & Television Association, GN Docket No. 25-133, 13 (filed Apr. 11, 2025).

²⁸ USTelecom Comments at 12.

²⁹ The Commission should explore alternative, more contemporary means of providing timely information to affected PSAPs, such as comprehensive dashboards that allow PSAPs to establish their own notification preferences.

³⁰ See Comments of The National Multifamily Housing Council, The National Apartment Association, and The Real Estate Technology & Transformation Center, GN Docket No. 25-133 (filed April 11, 2025), at i, 3 (“NMHC Comments”).

and prohibit exclusive commercial arrangements that lead to higher prices, slower broadband, and a scarcity of options for tenants is necessary.³¹

The current environment for broadband deployment in residential and commercial MTEs still fails to foster competition.³² The National Multifamily Housing Council's comments suggesting that action in this proceeding would neither advance broadband deployment nor address the critical problems of the broadband market are antithetical to the market reality,³³ and the Commission can directly address barriers to broadband and fiber deployment in this proceeding. Barriers such as "door fees," "pay to play" schemes, exclusive commercial arrangements, revenue share agreements, and exclusive marketing arrangements, significantly hinder new entrants from effectively competing. Until the FCC addresses these activities, they will continue to prevent competitors from accessing customers in MTEs and ensure that consumers and businesses face higher prices for advanced services.

On the topic of unserved and underserved communities, NMHC states that "[m]ore needs to be done to deploy or upgrade in those areas."³⁴ INCOMPAS agrees. More can be done through the Commission promulgating rules that increase access to MTEs. As INCOMPAS has previously argued, the ability to access MTEs is a significant economic factor for firms in

³¹ Notice of *Ex Parte* from Christopher L. Shipley, Attorney & Policy Advisor, INCOMPAS, to Marlene H. Dortch, Secretary, FCC, GN Docket 17-142 (filed Feb. 14, 2022).

³² See Comments of INCOMPAS, GN Docket No. 17-142 (filed Oct. 20, 2021), at 4.

³³ See NMHC Comments at 8 ("Further action in the MTE Proceeding would not address the true reasons underlying broadband service disparities, nor would it promote broadband deployment. . . the fundamental reasons that lower-income Americans lack access to adequate broadband service have to do with the practical plans and financial needs of broadband providers, rather than the decisions of rental housing owners.").

³⁴ *Id.* at 10.

determining their ability to deliver competitive broadband networks to areas that are lacking broadband choice.³⁵ Improving access to MTEs will ensure that competitors' builds to these unserved and underserved areas will be facilities-based,³⁶ and allow competitors to utilize capital in the best way to support the Commission's universal service goals.

VII. BY MAINTAINING THE 12 GHz PROCEEDING, THE COMMISSION CAN PRESERVE CRITICAL MID-BAND SPECTRUM FOR TERRESTRIAL FIXED USE

The Commission currently has an active proceeding intended to determine whether or not it is feasible to modernize the current operational and technical rules for the 12.2 – 12.7 GHz band ("12 GHz band") so that this spectrum can be opened for more flexible uses, including fixed broadband. Despite calls to include this active proceeding in these deregulatory efforts,³⁷ the Commission should continue its work in these dockets because reallocating the band for fixed wireless is in the public interest, increases competition, and can facilitate the deployment of 5G services and next generation Wi-Fi.³⁸ As INCOMPAS has previously argued, when flexibility in the band facilitates multiple providers of advanced broadband services, including fixed wireless services, consumers benefit through lower prices, faster service, and greater innovation that competitive providers bring to a market.³⁹ Rather than close the proceeding, the FCC should leave them open as it fully considers the technical studies and arguments submitted

³⁵ Comments of INCOMPAS, GN Docket No. 17-142 (filed Oct. 20, 2021), at 9.

³⁷ Comments of Space Exploration Holdings, LLC, GN Docket No. 25-133 (filed April 11, 2025), at 3.

³⁸ Notice of *Ex Parte* from Christopher L. Shipley, Executive Director of Public Policy, INCOMPAS, to Marlene H. Dortch, Secretary, FCC, WT Docket 20-443 (filed June 6, 2024).

³⁹ Comments of INCOMPAS, WT Docket No. 20-443, GN Docket No. 22-352 (filed Aug. 9, 2023) at 5-7 (urging the Commission to expand terrestrial fixed use in the 12.2 GHz band to spur competition in a concentrated fixed BIAS marketplace).

into the record and given the complementary nature of the proceeding to the work the Commission is doing in the 12.7-13.25 GHz band to bring mobile service to market.

As INCOMPAS has argued in that proceeding, the spectrum-sharing environment has changed dramatically since the rules governing this spectrum were enacted minimizing concerns from critics that expanding the flexibility in the 12 GHz band increases the risks of interference from high-power terrestrial services. Significant technological advances in spectrum sharing and band co-existence made by terrestrial providers in the 12 GHz band should give the Commission confidence that it can increase opportunities for shared use of the band while protecting incumbents from harmful interference. For example, terrestrial systems have undergone significant changes to create more focused transmissions—particularly given the static nature of fixed wireless—reducing the likelihood of emissions into DBS and NGSO FSS receivers that caused the Commission to put power restrictions on terrestrial services in the first place.⁴⁰ Coupling these mitigation techniques with spectrum sharing frameworks, like the Automated Frequency Coordination regime that manages operations in the 6 GHz band, should give the Commission the assurances it needs that incumbents in the band are unlikely to experience harmful interference due to increased band flexibility.

VIII. RETAIN COMMISSION OVERSIGHT OF MEASURES TO COMBAT ROBOTEXTING

CTIA recommends deleting the agency’s robotexting rules, specifically 47 C.F.R. § 64.1200(p), (r), (s), and provides the following justification for this request:

"Given the prevalence of over-the-top (“OTT”) messaging, these MMS/SMS-specific requirements to block text messages under certain conditions do little to reduce spam text messages while imposing significant burdens on covered wireless providers. Market

⁴⁰ *Id.* at 8.

solutions and industry-led collaboration, such as CTIA's Secure Messaging Initiative, are more effective to address spam text messaging."

INCOMPAS believes that the Commission can play an important role in protecting consumers from illegal robotexting while simultaneously establishing a regulatory framework that extends the nondiscriminatory and competitively neutral treatment it has applied in the call blocking context to voluntary text blocking. The association agrees that mandatory blocking of text messages can interfere with the operation of text messaging platforms that consumers expect and that there are better mechanisms available to combat robotexting. Although market solutions offer improved approaches, the Commission must continue to oversee their operation to ensure that rules are uniformly applied to all entities, competitors and incumbents alike, in order to maintain a robust and competitive SMS/MMS ecosystem and that any cost recovery for those programs is reasonable and not unduly burdensome or anticompetitive.

IX. CONCLUSION

For the reasons stated herein, INCOMPAS urges the Commission to consider the recommendations in its reply comments as it examines the issues raised in the *Public Notice*.

Respectfully submitted,

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