



**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

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Order Instituting Rulemaking to Evaluate
Telecommunications Corporations Service Quality
Performance and Consider Modification to Service
Quality Rules.

Rulemaking 11-12-001
(December 1, 2011)

**REPLY COMMENTS OF
CTIA-THE WIRELESS ASSOCIATION®
ON STAFF'S PROPOSAL
TO MODIFY GENERAL ORDER 133-C**

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Dated: April 17, 2015

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In accord with the February 2, 2015 Assigned Administrative Law Judge’s Ruling Setting Dates for Comments and Reply Comments on Staff’s Proposal issued in the above captioned docket on February 2, 2015, CTIA-The Wireless Association® (“CTIA”) replies to certain of the comments which were filed in the above captioned proceeding on March 30, 2015.

I. INTRODUCTION

The Commission should not expand the scope of its current review of service quality standards to include wireless providers, as suggested by the Office of the Ratepayer Advocate (“ORA”). In its Scoping Memo, the Commission focused the current phase of this proceeding on service quality standards for wireline providers. This determination is consistent with the fact that the strong competition which exists in California’s wireless marketplace is the most powerful incentive for providers to address service quality for wireless consumers. Neither ORA’s comments nor the record in this proceeding present sufficient evidence of a need for the Commission to address service quality regulation of wireless services.

II. THE COMMISSION SHOULD NOT EXPAND THE SCOPE OF THIS PHASE OF THE PROCEEDING TO ADDRESS SERVICE QUALITY REGULATION OF WIRELESS PROVIDERS

After review of opening and reply comments on the Order Instituting this Rulemaking proceeding on telecommunications service quality, including responses to the specific query of whether the Commission should adopt “service quality report standards for wireless carriers,”¹ the Commission determined, through its Scoping Memo, that this proceeding would focus on service quality standards for wireline service providers. Specifically, the Commission stated that “the applicability of service quality rules or standards to telecommunications services provided via different technological platforms may be addressed now or in a future phase of this proceeding, or in a successor proceeding, *as appropriate.*”²

To date, the Commission has not determined it appropriate to address service quality standards for service provided through different technological platforms, such as wireless, as part of this proceeding or any successor proceeding. Further, the Staff Report in this phase was focused, consistent with the Scoping Memo, on service quality standards for wireline providers. That Report does not propose service quality standards for other technologies. Therefore, ORA’s attempts to broaden the scope of the Commission’s current review of service quality standards to include wireless technology are outside the scope of the current phase of this proceeding, and the Commission should not consider them here.

Beyond being outside the scope of the current phase of this proceeding, the evidence cited by ORA in its most recent comments does not provide sufficient rationale for the Commission to consider service quality standards for wireless providers. ORA’s cited evidence

¹ Order Instituting Rulemaking, R. 11-12-011 (December 12, 2011), p. 14, Question 13.

² Assigned Commissioner’s Scoping Memo and Ruling (September 24, 2012) p.8 (emphasis added).

is unrelated to, and would not be addressed by, the imposition of service quality standards. ORA cites a coding error which impacted 9-1-1 service in a number of states, and a “hit-and-run” incident which caused an outage for a number of telecommunications services, as evidence to impose service quality standards on wireless. These situations were both appropriately classified as circumstances “beyond a carrier’s control,” as noted by ORA in its comments.³ Neither of these incidents, as ORA purports, “illustrates the importance of setting minimum standards to address public safety,”⁴ because such standards would not have prevented either incident.

To the extent that ORA believes that there is a gap in wireless outage reporting metrics, it should be noted that the Federal Communications Commission (“FCC”) recently opened a proceeding to address such issues.⁵ In that proceeding, the FCC is establishing protocol with respect to granting states read-only access to those portions of the federal Network Outage Reporting System database that pertain to communications outages in their respective states. The FCC’s proceeding is a more appropriate forum to address wireless outage reporting regulation than the present phase of this proceeding, which is focused on wireline service quality regulation.

Finally, wireless service quality regulation is unnecessary due to California’s competitive wireless marketplace, which provides the primary incentive to maintain and improve service quality for consumers. ORA’s own comments document that growth in the wireless industry has been tremendous.⁶ This growth has driven a broad array of providers to offer mobile wireless services under a variety of business models in California, competing aggressively on every aspect of wireless service, including price, network quality and customer service. Nearly 97% of

³ ORA Comments, p. 23.

⁴ ORA Comments, pp. 23-24.

⁵ Outage Reporting Rules Notice of Proposed Rulemaking, Second Report and Order and Order on Reconsideration (FCC 15-39).

⁶ ORA Comments, pp. 22-23.

California consumers have access to four or more wireless providers, and over half of California consumers have access to six or more wireless providers⁷. This intensely competitive wireless market has yielded significant benefits for consumers.

As CTIA has noted on multiple occasions⁸, this vibrant competition is the strongest incentive for providers to ensure the best possible service quality for wireless consumers. When service outages do occur as a result of accidents, such as in the examples cited by ORA, wireless providers work rapidly to restore their networks so that their consumers can continue to rely on wireless service.

The imposition of the Commission's service quality requirements on wireless providers is unnecessary and would not carry a corresponding consumer benefit. Therefore, the Commission should not expand the scope of this phase of the proceeding to address service quality regulation for wireless providers.

III. CONCLUSION

The Commission should not expand the scope of its current review of service quality standards to include wireless providers, as suggested by ORA. Neither ORA's comments nor the record in this proceeding present sufficient evidence of a need for the Commission to address service quality regulation of wireless services, especially in light of the competitive California marketplace, which provides the strongest possible incentive for wireless providers to ensure service quality.

⁷ Data from <http://www.broadbandmap.gov> (last accessed April 9, 2015).

⁸ See Opening Comments of CTIA-The Wireless Association®, R. 11-12-001 (January 31, 2012), pp. 4-6; Reply Comments of CTIA-The Wireless Association®, R. 11-12-001 (March 1, 2012), pp. 10-12.

Respectfully submitted April 17, 2015 at San Francisco, California.

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