

**STATE OF MAINE**  
**before the**  
**CONNECTME AUTHORITY**

ConnectME Authority Operation : Proposed Rule No. 2006-P239  
Chapter 101 Rulemaking Proceeding :

**COMMENTS OF CINGULAR WIRELESS**

New Cingular Wireless PCS, LLC, d/b/a Cingular Wireless (“Cingular”), respectfully submits these comments on rules proposed by the ConnectME Authority (“Authority”) in the above captioned proceeding pursuant to its Notice of Rulemaking dated September 27, 2006 under the authority of the Advanced Technology Infrastructure Act contained in 35-A M.R.S.A. §§ 9201-9215 and 36 M.R.S.A. §2017 (the “Act”).

**I. SUMMARY**

Cingular appreciates the Authority’s objective for this rulemaking—to satisfy its obligations under the Act to stimulate investment in Advanced Communications Infrastructure by increasing broadband and wireless services access to all consumers in Maine, with particular emphasis on rural consumers, and establishing a ConnectME fund to facilitate these objectives. Particularly as regards wireless service, Cingular urges the Authority to work toward these objectives in a manner that will be most effective and efficient for all parties involved. To this end, Cingular respectfully recommends that the Authority rely on existing sources of information to the extent possible, focus its efforts on “unserved” rather than “underserved” areas where there is a demand for wireless service, and

encourage the competitive wireless marketplace to the greatest extent practical. Any obligations resulting from this rulemaking should be supported by a cost/benefit framework.

## **II. RELY ON EXISTING SOURCES OF WIRELESS AND BROADBAND DEPLOYMENT INFORMATION TO THE EXTENT POSSIBLE**

In considering the imposition of potential reporting requirements upon providers of broadband and wireless services in Maine, Cingular respectfully recommends that the Authority carefully weigh each proposed requirement not only to ensure that the benefit of each such requirement outweighs the administrative burden imposed, but also that the rules in the aggregate do not inadvertently discourage investment in the State. As discussed further below, Cingular thus recommends that the Authority rely on existing sources of wireless and broadband deployment information to the extent possible.

### **A. Data regarding availability of wireless service**

The Act requires the Authority to improve and expand wireless coverage in areas where it either does not exist or is inadequate and to collect, assess and monitor certain communications data from communications providers in the state to that end. The Authority therefore has requested that carriers provide coverage maps at specific signal strength levels together with a description of the carrier's services in Maine.

Wireless carrier websites are the best source of information regarding their respective coverage and services in Maine. For example, Cingular has an online *Cingular Coverage Viewer*<sup>1</sup> which allows interested persons to determine whether coverage in a particular area

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<sup>1</sup> The *Cingular Coverage Viewer* is available through Cingular's website at: <http://www.cingular.com/coverageviewer/>.

exists and if so whether it is “moderate,” “good”, or “best.”<sup>2</sup> Users can view information regarding Cingular’s coverage for all of Maine, or within identified areas of Maine, by entering specific addresses to determine the street-level wireless coverage at the location. Users can also view the likely coverage along a selected route in the State by zooming and re-centering the interactive coverage maps. The coverage information contained in the *Cingular Coverage Viewer* is updated regularly, and also identifies areas where Cingular provides coverage through its roaming partners.

Other wireless carriers have recently made similar interactive coverage mapping tools available through their respective websites as well.<sup>3</sup> By relying on the coverage information that is now available through carrier websites, the Authority will have access to detailed, regularly-updated coverage information that has heretofore been unavailable.

For these reasons, Cingular respectfully recommends that the Authority refrain from adopting the reporting requirements contained in § 3.B of the proposed rules. Only if a carrier seeks to obtain funding from the ConnectME fund should the Authority consider requiring the submission of additional information to the Authority, such as that contemplated in § 3.B of the proposed rules.

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<sup>2</sup> As the Cingular Coverage Viewer page explains, in general, the areas shown in dark orange should have the strongest signal strength and be sufficient for most in-building coverage. However, in-building coverage can and will be adversely affected by the thickness/construction type of walls, or location in the building (i.e., in the basement, in the middle of the building with multiple walls, etc.) This Cingular owned network provides GSM, GPRS, and EDGE service.

The areas shown in the medium orange should be sufficient for on-street or in-the-open coverage, most in-vehicle coverage and possibly some in-building coverage. This Cingular owned network provides GSM, GPRS, and EDGE service.

Finally, the areas shown in the light orange should have sufficient signal strength for on-street or in-the-open coverage, but may not have it for in-vehicle coverage or in-building coverage. This Cingular owned network provides GSM, GPRS, and EDGE service.

<sup>3</sup> T-Mobile’s Personal Coverage Check is available at <http://www.t-mobile.com/coverage/>; Sprint Nextel’s street-level coverage information is available through: [http://www1.sprintpcs.com/explore/coverage/CoverageInfo.jsp?ATR\\_ExtraOne=UHP\\_Personal\\_Coverage](http://www1.sprintpcs.com/explore/coverage/CoverageInfo.jsp?ATR_ExtraOne=UHP_Personal_Coverage).

## **B. Data regarding availability of broadband services**

Cingular strongly agrees with the Authority's suggestion in the Notice of Rulemaking that the Federal Communications Commission ("FCC") Form 477, the Local Competition and Broadband Reporting form, is an important source of relevant data and should be used by the Authority.<sup>4</sup> As the proposed rules recognize, facilities-based service providers, including commercial mobile radio service providers, are already required to provide state-specific broadband deployment information to the FCC in FCC Form 477.

Cingular believes that FCC Form 477 is the best source of carriers' statistical data regarding the status of broadband deployment information in Maine.<sup>5</sup> In the Form 477, carriers must provide to the FCC state-specific information regarding broadband subscriber counts, percentages of customers who can obtain broadband service at various speed tiers, and zip codes where service is provided. This form is submitted to the FCC twice per year. Because the Form 477 necessarily utilizes a national (but state-specific) reporting format, the Commission can be assured that the Maine Form 477 data utilizes standardized definitions and interpretations, establishing consistency in reporting standards across carriers (and across states), thereby facilitating reporting compliance by carriers that is useful to the Authority.

Instead of requiring carriers to provide their respective 477 forms to the Authority, Cingular respectfully recommends that the Authority directly avail itself of the 477 data that is already available to the State of Maine. FCC rules allow state utility commissions to directly access carriers' state-and provider- specific Form 477 data as long as the state commission has adequate confidentiality protections in place.<sup>6</sup> It is unnecessarily

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<sup>4</sup> See Notice of Rulemaking at p. 5.

<sup>5</sup> Cingular has not yet deployed broadband services in Maine. As with Cingular's voice coverage, Cingular's coverage maps provide updated information regarding the availability of Cingular's broadband services.

<sup>6</sup> See 47 C.F.R. § 43.11(c).

duplicative and burdensome to require carriers to file the 477 data with the Authority when the Maine Public Utilities Commission can already obtain providers' Maine-specific 477 data directly from the FCC. Cingular thus respectfully recommends that the Authority refrain from adopting the reporting requirements contained in § 3.A of the proposed rules.<sup>7</sup> Only if a provider is seeking funding from the ConnectME fund should the Authority consider the imposition of any additional reporting requirements.

### **III. FOCUS EFFORTS ON ENCOURAGING THE DEPLOYMENT OF WIRELESS SERVICES IN UNSERVED AREAS**

To maximize the impact of the funding available through the ConnectME program, Cingular respectfully recommends that the Authority focus its initial efforts on areas without any wireless coverage rather than those with deficient coverage-- in other words, focus on *unserved* areas as opposed to *underserved* areas. Great effort and expense will be required just to determine what an “underserved” area is. Suggesting that areas with a signal strength weaker than -85 dB are underserved, as would be the case under proposed § 5.C.2, significantly overstates the existence of underserved areas. In addition, this standard does not appear to take into account the existence of multiple carriers serving an area. For example, if three carriers provide coverage in an area, but all have average signal strengths of between -95 dB and -85 dB, can it be fairly said that the area is “underserved?”

Cingular therefore respectfully recommends that § 5.C.2 be deleted. Doing so will help to ensure that the public funding available through the ConnectME program is focused on the most needy of Maine consumers and also that it is not distributed in a manner that discourages or skews private network investment or competition in Maine.

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<sup>7</sup> Moreover by relying on this FCC information, the need for carriers to rely on and comply with the confidentiality provisions of the proposed rules would be eliminated and the resulting savings to the Authority and carriers can be directed to more productive uses.

#### **IV. PRIVATE COMPETITION SHOULD REMAIN A FIRST PREFERENCE**

Cingular appreciates that the purpose of the ConnectME initiative is to address perceived shortcomings in the competitive marketplace. It acknowledges the Authority's willingness to consider the impact the fund might have on private competition, such as by allowing public comment on funding applications in order to minimize impediments to or redundancy with private competition.<sup>8</sup> However, just as carrier coverage maps have improved due to competitive pressures, so will actual wireless coverage improve with advancements in technology and increased consumer demand. For this reason, Cingular urges the Authority to rely, to the maximum extent possible, upon the competitive marketplace and private investment to achieve these goals. The public is best served through a viable, sustainable communications infrastructure grounded in private competition and consumer demand. To the extent government involvement is deemed necessary, the Authority should also consider leveraging federal programs.<sup>9</sup>

#### **V. CONCLUSION**

Cingular appreciates the Authority's statutory objectives in this proceeding and believes they can be accomplished more efficiently and effectively by relying on existing wireless and broadband information, focusing on "unserved" rather than "underserved"

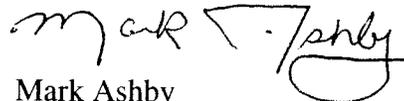
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<sup>8</sup> Notice at p. 11.

<sup>9</sup> Maine's efforts to improve wireless coverage in the State should be undertaken in conjunction with existing federal programs with similar goals. For example, through the federal Universal Service Fund, wireless carriers can voluntarily apply to the Maine Public Utilities Commission for "ETC" (eligible telecommunications carrier) status in Maine which would allow the carrier to obtain federal universal service support for the provision and maintenance of supported services in Maine. The Maine Public Utilities Commission can also assist in encouraging the deployment of wireless services throughout the State by refraining from imposing regulatory requirements upon ETCs that are unnecessarily burdensome, and thereby encouraging wireless carriers to avail themselves of federal USF funding.

areas for deployment of wireless services and finally deferring to private competition to the greatest extent possible.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark Ashby". The signature is stylized, with a large "M" and "A" and a distinct "shby" at the end.

Mark Ashby  
Counsel for Cingular Wireless