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Mr. Daniel Breton, Chair
ConnectME Authority
State House Station 1
Augusta, ME 04333

RE: Notice of Rulemaking --- Proposed Rule Number 2006-P239

Dear Mr. Breton,

Please find enclosed for filing an electronic copy of Sprint Spectrum, L.P. and Nextel Communications of the Mid-Atlantic, Inc.'s (collectively "Sprint Nextel") Comments in the above referenced rulemaking.

If you have any questions concerning this request, please do not hesitate to contact me at (703) 433-4248.

Sincerely,



Garnet M. Goins

CONNECTME AUTHORITY

STATE OF MAINE)	
CONNECTME AUTHORITY)	
ConnectME Authority Operation)	Proposed Rule Number 2006-P239
)	
(Chapter 101))	
_____)	

**COMMENTS OF SPRINT SPECTRUM, L.P. AND NEXTEL COMMUNICATIONS
OF THE MID-ATLANTIC, INC.**

I. Summary

Sprint Spectrum, L.P., and Nextel Communications of the Mid-Atlantic, Inc., (collectively "Sprint Nextel") respectfully submit these comments in response to the ConnectME Authority's ("Authority") proposed rules contained in the September 27, 2006, Notice of Proposed Rulemaking. Sprint Nextel encourages the expansion of broadband and wireless service in the State of Maine and supports the Authority's goals of providing these advanced telecommunications services to Maine communities --- which is why the wireless industry has taken great efforts in cooperating with the Authority to reach its goals. Sprint Nextel, however, does not believe the proposed rules, as drafted, will aid the Authority or wireless carriers in expanding service in Maine --- specifically those reporting requirements involving coverage maps, and data about broadband service. Instead, the Authority should rely on market forces and tax incentives as the most effective method in encouraging expansion of telecommunications services in the state.

II. Discussion

Market Forces and Tax Incentives are the Most Appropriate and Effective Method of Encouraging Growth of Wireless and Broadband Services in the State of Maine

The September 29, 2006 Federal Communications Commission (“FCC”) Commercial Mobile Radio Service (“CMRS”) Competition Report reinforces the position that the wireless industry and its consumers continue to prosper in a minimally regulated environment. Specifically, the FCC Competition Report stated that the pressure from the competitive market continues to compel wireless carriers to provide innovative pricing plans and service offerings to consumers.¹ In just 12 months, U.S. subscribership increased from 184.7 million subscribers to 213 million subscribers, raising the national penetration rate to 71 percent of the population.² Sprint Nextel has responded to this competitive market and invested over 10 million dollars in 2005 in the State of Maine to expand coverage and invest in network updates to ensure reliable service to Maine customers. This illustrates that market conditions successfully continue to pressure carriers to expand coverage.

A. Reporting Requirements for Coverage Maps are Unnecessary and Costly to Provide

The Authority has proposed to regulate an essential component in wireless carriers’ operations --- investment in coverage. A carrier’s coverage is, of course, a direct reflection of the extent to which a carrier has chosen to “enter” a particular geographic market. This information is already available in the FCC Annual CMRS Competition Report, which provides a thorough analysis of wireless carriers’ coverage in each state, including Maine. Moreover, every consumer has the option of viewing Sprint Nextel’s coverage within Maine

¹ *Annual Report and Analysis of Competitive Market Conditions With Respect to Commercial Mobile Services*, FCC WT Docket No. 06-71, *Eleventh Report* (rel. September 29, 2006) (the “FCC CMRS Competition Report”).

² *Id.* at ¶ 5.

by accessing the Sprint Nextel website (www.sprint.com), which provides detailed in-street coverage.

Within such a highly competitive market, wireless carriers experience a natural pressure to disclose and provide the best possible coverage to customers within the State of Maine. The Authority should, first and foremost, recognize that wireless carriers have an unmistakable incentive to improve their coverage as much as their resources allow: the better their coverage, the more minutes of use (MOU) they can sell. To ensure expansion of wireless coverage, the Authority should work closely with wireless carriers to provide market incentives to expand coverage in Maine communities through tax incentives and, if a carrier chooses, through access to the Authority's funds to expand in rural areas. These incentives, along with strong competitive pressures are already operative in Maine, forcing wireless carriers, such as Sprint Nextel, to invest substantial funds to expand and improve their networks in Maine to remain competitive in the market.

As of October 11, 2006, Sprint Nextel reacted to these market pressures by voluntarily providing in-street coverage maps for every customer considering the purchase of Sprint Nextel service. By entering an address or zip code, the maps offer customers the ability to view the availability of wireless coverage on both the Nextel National Network and the Nationwide Sprint PCS Network, along with signal strength information. Sprint Nextel has launched this service to equip customers with the knowledge about network coverage availability in the areas they live, work and travel. For example, if one places the Maine zip code of: 04101 --- with an address of City Hall Of Portland, 389 Congress Street, the user will find detailed in-street coverage for this location on both the Nextel National Network and the Sprint PCS Network. This tool provides the Authority with detailed coverage of

whether Sprint Nextel provides service at a specified address throughout the state. This serves as another example of how the competitive market operates to require carriers to provide important tools for consumers when considering wireless service providers.

Additionally, on an annual basis, the FCC already has a national process for the recognition and capture of coverage information on a state-by-state basis through the issuance of its annual competition report. This FCC annual competition report provides detailed coverage maps on a county-by-county basis, including Maine. The back of the report includes color maps that, on a county-by-county basis, provide detail of how many carriers provide service in each county. This already existing data provides the Authority with the necessary information of where coverage is currently located and where it should be expanded.

The Authority's proposed reporting requirement indicates that wireless carriers would submit coverage maps with signal strengths between -95dB and -85dB. It is not completely clear whether differing technologies have different signal strengths necessary to provide similar coverage. Instead, it is more appropriate for the Authority to rely on the maps included in the FCC's annual reports and the maps that each carrier voluntarily supplies to its customers such as Sprint Nextel's in-street coverage maps. Therefore, Sprint Nextel requests that this reporting requirement be removed from the proposed rules. If the Authority believes these additional maps are necessary to consider whether a particular carrier should be granted the right to the Authority's funds for subsidies of facilities, then only those applicants should bear the burden of these reporting requirements.

B. The Authority Should Remove the Reporting of the Description of Service as an Unnecessary Requirement

Paragraph 3(B)(3) of the proposed rules states that mobile communications service providers would be required to file a description of spectrum used, technology, areas of digital/analog service and the number of mobile communications devices available in Maine.

First, the spectrum used does not impact how or whether the state of Maine will be permitted to expand service in rural areas. This information is not only unnecessary, it is found at the FCC. Additionally, the FCC CMRS Competition Report includes details of the spectrum allocation.³

Secondly, the technology and the digital/analog service information are not only unnecessary in determining whether the state has coverage in certain areas, they also are found on company websites; Sprint Nextel provides this information to customers in various mediums --- in store, website, collateral materials, etc.

Thirdly, the proposed rules state that carriers would supply the number of mobile communications devices in Maine. This information is not only unnecessary since every carrier advertises the devices it offers to consumers, it would be out-of-date within months or even weeks. As noted above, the wireless industry is intensely competitive and reacts to the market as quickly as possible in order to remain competitive. Accordingly, the types and number of devices offered to consumers --- a key factor that consumers consider in shopping for wireless service --- is in constant flux. As a result, within a short period of time, the Authority would receive out-of-date information. Instead of imposing this reporting requirement, the Authority should review each carrier's website as this will provide up-to-date information on the number of devices offered. Based on the foregoing, the reporting requirements involving a description of service are unnecessary, already available at the FCC or carrier website and most importantly do not further the goals of expanding wireless

³ Id. at ¶¶ 60-82.

coverage in the state. Furthermore, these requirements would place an additional unnecessary administrative burden on carriers in which to comply.

C. The Definition of Broadband Service Provider Should be Modified to Apply to Wireline Broadband Service Providers

As a second concern, the proposed rules provide a broad definition of broadband service provider that could arguably cover Sprint Nextel wireless services today or sometime in the near future depending on the development of wireless technology. Based on the Notice of Rulemaking, it appears that the Authority intended for a broadband service provider to apply only to wireline providers and that the definition of mobile communications service provider would apply to wireless service. To avoid future ambiguity in the interpretation of the rules, Sprint Nextel requests that the Authority clarify the language in the definition of broadband service provider to limit its application to wireline service.

III. Conclusion

Sprint Nextel commends the state of Maine and the Authority on its efforts in working toward expanding broadband and wireless service to consumers in the state of Maine. The most effective method of reaching these goals is to work jointly with wireless carriers to provide incentives for carriers to expand in unserved areas within the state. Rather than imposing reporting requirements on wireless carriers, Sprint Nextel recommends the Authority support a market-based approach and offer incentives to carriers (such as tax benefits). Therefore, Sprint Nextel recommends that the Authority remove the above described reporting requirements from the proposed rules.

Respectively submitted,

By:  MS

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