



February 8, 2012

The Honorable Jon Kyl
U.S. Senate
730 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Dave Camp
U.S. House of Representatives
341 Cannon House Office Building
Washington, DC 20515

The Honorable Mike Crapo
U.S. Senate
239 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Chris Van Hollen
U.S. House of Representatives
1707 Longworth House Office Building
Washington, D.C. 20515

The Honorable John Barrasso
U.S. Senate
307 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Tom Price
U.S. House of Representatives
403 Cannon House Office Building
Washington, DC 20515

The Honorable Max Baucus
U.S. Senate
511 Hart Senate Office Building
Washington, DC 20510

The Honorable Kevin Brady
U.S. House of Representatives
301 Cannon House Office Building
Washington, DC 20515

The Honorable Jack Reed
U.S. Senate
728 Hart Senate Office Building
Washington, DC 20510

The Honorable Renee Ellmers
U.S. House of Representatives
1533 Longworth House Office Building
Washington, DC 20515

The Honorable Ben Cardin
U.S. Senate
509 Hart Senate Office Building
Washington, DC, 20510

The Honorable Nan Hayworth
U.S. House of Representatives
1440 Longworth House Office Building
Washington, DC 20515

The Honorable Bob Casey
U.S. Senate
393 Russell Senate Office Building
Washington, D.C. 20510

The Honorable Tom Reed
U.S. House of Representatives
1037 Longworth House Office Building
Washington, DC 20515

The Honorable Fred Upton
U.S. House of Representatives
2183 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Allyson Schwartz
U.S. House of Representatives
1227 Longworth House Office Building
Washington, D.C. 20515

The Honorable Henry Waxman
U.S. House of Representatives
2204 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Sandy Levin
U.S. House of Representatives
1236 Longworth House Office Building
Washington, DC 20515

The Honorable Greg Walden
U.S. House of Representatives
2182 Rayburn House Office Building
Washington, DC 20515

The Honorable Xavier Becerra
U.S. House of Representatives
1226 Longworth House Office Building
Washington, D.C. 20515

Dear Senators and Representatives,

We write to call your attention to language currently contained in Title IV of H.R. 3630 (the "JOBS" Act) that could cause the U.S. wireless market to revert back to the innovation and competition starved market that existed before Congress granted the FCC spectrum auction authority in 1993. The JOBS Act contains provisions that could provide significant benefits to smaller carriers and consumers by putting additional, high-quality spectrum into the marketplace. However, Section 4105 of the Bill, as currently worded, would undercut those benefits by prohibiting the Federal Communications Commission from considering existing spectrum holdings in determining a carrier's participation in future spectrum auctions. The proposed provision would substantially limit the FCC's ability to promote competition and a competitive wireless marketplace for consumers throughout America. It would facilitate spectrum warehousing, inefficient use of scarce spectrum resources, and reduce spectrum auction revenues to the U.S. Treasury. Accordingly, we ask Congress to support fair spectrum auctions that promote competition in the mobile broadband marketplace by eliminating Section 4105.

Congress first granted the FCC authority to design and conduct spectrum auctions in 1993; since then, the agency has conducted more than 80 auctions raising tens of billions of dollars for the U.S. Treasury and issuing thousands of new spectrum licenses. The FCC has used its auction design authority cautiously and wisely. It has adopted auction eligibility restrictions only when needed to promote competition and avoid excessive spectrum concentration in the hands of a few carriers. Stripping the FCC of its auction design discretion would disserve the public interest by permitting unchecked participation by the two largest, best-funded wireless carriers in future spectrum auctions. That would discourage smaller competitors from participating in future auctions thereby reducing auction revenues and limiting wireless competition and innovation.

In the early 1990s, Congress and the FCC were faced with a wireless duopoly. Congress responded by giving the FCC the auction eligibility flexibility it implemented to auction the spectrum which the undersigned wireless carriers used to compete in the marketplace. Congress' challenge today is to authorize the FCC to conduct incentive auctions to bring additional spectrum to market while preserving the FCC's ability to manage auction eligibility and structure to promote the benefits of vibrant wireless competition for consumers and the economy.

We urge you to safeguard America's mobile broadband future by ensuring that FCC auction authority is renewed by taking the concrete steps outlined above.

Sincerely,



Michael Prior
Chief Executive Officer
Atlantic Tele-Network, Inc.
600 Cummings Center
Beverly, MA 01915



Roger Bundridge
General Manager
NorthwestCell
1218 South Main
Maryville, MO 64468



Ron Smith
President
Bluegrass Cellular, Inc.
2902 Ring Road
Elizabethtown, KY 42701



Steven K. Berry
President & CEO
RCA-The Competitive Carriers
Association
805 15th Street NW, Suite 401
Washington, DC 20005



Victor H. "Hu" Meena Jr.
President and CEO
C Spire Wireless
1018 Highland Colony Parkway,
Suite 300
Ridgeland, Mississippi 39157



Dan Hesse
CEO
Sprint Nextel Corporation
6200 Sprint Parkway
Overland Park, KS 66251



S. Douglas Hutcheson
President and CEO
Leap Wireless International, Inc.
and
Cricket Communications, Inc.
5887 Copley Drive
San Diego, CA 92111



Philipp Humm
CEO and President
T-Mobile USA, Inc.
12920 SE 38th Street
Bellevue, Washington 98006