



May 2, 2019

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, District of Columbia 20554

RE: *Section 621(a)(1) of the Cable Communications Policy Act of 1984 as Amended by the Cable Television Consumer Protection and Competition Act, MB Docket No. 05-311; Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment; Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, WT Docket No. 17-79; Amendment of Part 15 of the Commission's Rules for Unlicensed Operations in the Television Bands, Repurposed 600 MHz Band, 600 MHz Guard Bands and Duplex Gap, and Channel 37, Amendment of Part 74 of the Commission's Rules for Low Power Auxiliary Stations in the Repurposed 600 MHz Band and 600 MHz Duplex Gap, ET Docket No. 14-165; Amendment of Part 15 of the Commission's Rules for Unlicensed White Space Devices, ET Docket No. 16-56, RM-11745; Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions, GN Docket No. 12-268*

Dear Ms. Dortch,

On May 1, 2019, ACT | The App Association's (the App Association's) Policy Counsel, Joel Thayer, and App Association members: Co-Founder of Hacksmith Labs, Thomas Gorczyński; Co-Founder of BadVR, Jad Meochy; COO and Partner and CTO of Southern DNA, Chris Adams and Greg Haygood, respectively; and CTO of Neueon, Scott Weiner, met with Commissioner Mike O'Rielly and his Wireline Legal Advisor, Arielle Roth, of the Federal Communications Commission (FCC or Commission) to discuss the above-captioned dockets.

In the meeting, the App Association introduced the Commission to some of its small business innovators to discuss the importance broadband has for their respective businesses. App Association members explained that small business innovators are the driving force behind the internet of things (IoT) revolution, but they need the network built to do so. The App Association discussed with FCC staff its "all of the above" approach to broadband infrastructure, which includes a wide array of wireless and wireline solutions to accomplish this goal.

To encourage more broadband deployment, App Association members expressed their support for the FCC’s recent proposals in the Second Further Notice of Proposed Rulemaking, which clarifies local franchising authorities’ roles under Section 621 of the Cable Communications Policy Act.¹ The 621 FNPRM proposal would bars local government authorities from making duplicative and disproportionate demands in return for the right for internet service providers to build broadband facilities. Moreover, the 621 FNPRM prevents unlawful taxation of broadband deployment. App Association members stressed that this action safeguards broadband deployment from discriminatory taxes, which is a crucial component that enables their businesses to create jobs, especially in rural areas. App Association members requested that the Commission move forward with 621 FNPRM proposal as written.

Regarding wireless-based solutions, the App Association and its members expressed their support for the Commission’s recent actions related to 5G buildout for wireless infrastructure.² We are excited to see the Commission using its authority to remove regulatory barriers so that every American can participate in the digital economy.³ App Association members applauded the Commission’s efforts to encourage more small cell and macro cell deployment. We asked the FCC to continue on its current trajectory to ensure that states and localities facilitate 5G deployment without undue delay.

App Association members were encouraged to see the Commission looking to unlicensed spectrum to help the 5G ecosystem grow and noted that it had made positive strides in that regard generally.⁴ In that vein, its recent action related to the opening up unlicensed television white space (TVWS) spectrum in the 600 MHz band furthers the FCC’s unfettered commitment to bridging the digital divide.⁵ App Association members stressed that this

¹ *In the Matter of Implementation of Section 621(a)(1) of the Cable Communications Policy Act of 1984 as Amended by the Cable Television Consumer Protection and Competition Act*, MB Docket No. 05-311, Second Further Notice of Proposed Rulemaking (2018). Available at <https://docs.fcc.gov/public/attachments/DOC-353963A1.pdf>. (621 FNPRM).

² *E.g.*, In *the Matter of Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment; Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, Declaratory Ruling and Third Report and Order, 33 FCC Rcd 9088 (2018).

³ See *id.*

⁴ *E.g.*, see *id.*; see also, *In the Matter of Unlicensed Use of the 6 GHz Band, et al.*, Notice of Proposed Rulemaking, ET Docket No. 18-295, et al. (2018). Available at <https://docs.fcc.gov/public/attachments/DOC-354364A1.pdf>.

⁵ *In the Matter of Amendment of Part 15 of the Commission’s Rules for Unlicensed White Space Devices, et al.*, Report and Order and Order on Reconsideration, ET Docket No. 16-56, et al. (2019). Available at <https://docs.fcc.gov/public/attachments/FCC-19-24A1.pdf>.



action will better position the United States to facilitate greater IoT capabilities in the upcoming 5G ecosystem for consumers and enterprises, and increase job growth in the app economy, particularly in rural America. Although the FCC's recent actions on this issue are great steps, App Association members implored the Commission to continue to vote on items related to these proceedings expeditiously so we can get quality and reliable broadband for every app innovator, irrespective of where they choose to start their business.

As always, the App Association appreciates the opportunity to meet with the Commission to share our views, and we thank the Commission in advance for its time and consideration of our views.

Sincerely,

A handwritten signature in black ink, appearing to read 'J Thayer', written in a cursive style.

Joel Thayer
Policy Counsel
ACT | The App Association