

**Steve Largent**  
President/CEO

February 3, 2012

The Honorable Fred Upton  
Chairman  
Committee on Energy & Commerce  
2125 Rayburn House Office Building  
Washington, D.C. 20515

The Honorable Henry Waxman  
Ranking Member  
Committee on Energy & Commerce  
2322A Rayburn House Office Building  
Washington, D.C. 20515

The Honorable Greg Walden  
Chairman, Subcommittee on  
Communications & Technology  
2182 Rayburn House Office Building  
Washington, D.C. 20515

The Honorable Anna Eshoo  
Ranking Member, Subcommittee on  
Communications & Technology  
205 Cannon House Office Building  
Washington, D.C. 20515

Dear Chairmen Upton and Walden and Ranking Members Waxman and Eshoo:

As the Energy and Commerce Committee prepares to mark-up H.R. 3309 and H.R. 3310, I want to commend you for your commitment to enhancing the efficiency and predictability of the FCC's process.

While CTIA does not get involved in matters related to license transfers, and thus can't comment on the provisions of H.R. 3309 that address the FCC's merger review process, there are other elements of H.R. 3309, such as the provision aimed at preventing "data dumps" right before an item goes on sunshine, that would represent significant improvements in the regulatory process. In both the Open Internet and Universal Service proceedings, there were last minute dumps of hundreds of pages into the record. That problem calls out for a cure.

As mark-up approaches, I would be remiss if I did not note that the scope of the legislation should be broadened to include instructions that the Commission disaggregate complaints alleging violations of the Telephone Consumer Protection Act from other service-related complaints. TCPA complaints are not related to the cost, quality, terms of service, or anything else within a carrier's control, and aggregating TCPA complaints, which have been increasing, with other complaints, which have been flat, only serves to inflate the total number of complaints and bias the regulatory process in favor of continued or additional regulation. As CTIA's General Counsel, Mike Altschul, detailed in his November 4, 2011 testimony before the Subcommittee on Communications & Technology, CTIA has made multiple requests of the Commission to correct this problem, to no avail. As the Committee considers legislation to improve the FCC's process, I urge that the addition of explicit instructions to the Commission to correct this situation.

I also want to note my belief that H.R. 3310 is a good piece of legislation. It makes a great deal of sense for the statute to be updated to more fully acknowledge the effects of convergence and move away from a siloed approach to evaluating competition. A comprehensive report will also offer an opportunity to better assess the impact of edge services and applications that influence competition and investment by network providers. Additionally, by moving the review to a biennial schedule, the legislation would reduce the regulatory burden imposed on the industry, a goal CTIA fully supports.

Sensible regulatory policies can contribute to the wireless industry's ability to continue serving as a catalyst for innovation, economic growth and job creation. Thank you for your leadership on these issues.

Sincerely,



Steve Largent

