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Congress of the United States
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Chairman Julius Genachowski
Federal Communications Commission
445 112th Street, SW
Washington, DC 20554

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RE: Special Access Proceeding – MB Docket No. 05-25

Dear Chairman Genachowski:

In light of the recent release of the Commission's 15th annual mobile wireless competition report, I write to urge the Commission to take immediate, substantive steps to reform the market for "special access" services. Given the rapid increase in consumer use of high-bandwidth mobile wireless services, I am concerned that the Commission's failure to address the special access market is leading to unequal and deteriorating competition among providers in both the wireline and wireless markets.

Recent decades have seen substantial consolidation among wireline carriers. The special access market is now dominated by three telephone companies, two of which have the highest market shares for mobile wireless services as well. These incumbent carriers that hold such dominant positions in the wireline and wireless markets have significant advantages over their wireline competitors and independent wireless providers, due to the incumbents' ownership of physical infrastructure. These incumbents have been permitted by lack of regulation to charge high prices and impose anticompetitive terms and conditions for special access services, thereby depressing competition, hindering innovation, and preventing economic development.

Special access is essential to large parts of the economy – a crucial ingredient for adequate cell phone service, functioning ATMs, working credit card machines, and many other forms of communication. As the Commission examines competition in the wireless market and conducts its review of the proposed merger between AT&T and T-Mobile USA, special access is especially relevant. An unregulated special access market without effective competitive offerings places wireless providers without wireline infrastructure holdings at an especially strong competitive disadvantage, allowing the vertically integrated incumbents to dominate the wireless service and device marketplaces as well. Indeed, special access should be termed "critical access."

The Commission initiated its rulemaking process on special access in 2005. Despite having compiled an extensive record of data and public comments since that time, the agency's promise to address competition in the special access market remains unfulfilled. Given this delay, I respectfully request that you provide me with a detailed timeline to bring this proceeding to a vote before the Commission.

Your prompt attention to this matter is appreciated. I look forward to hearing from you before Congress recesses in August.

Sincerely,



Mike Doyle
Member of Congress