

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of	)	
Petition for Emergency Relief	)	
Due to COVID-Related Delays in	)	WC Docket No. GN 21-304
3G Sunset Transition for Central	)	
Station Alarm Subscribers	)	

**COMMENTS OF PUBLIC KNOWLEDGE, ACCESS HUMBOLDT, THE BENTON  
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**INTRODUCTION AND SUMMARY**

Public Knowledge (“PK”), Access Humboldt, the Benton Institute for Broadband and Society (“Benton”),<sup>1</sup> the Center for Rural Strategies (“CRS”), and the Open Technology Institute (“OTI”), respectfully submit these comments in response to the Federal Communication Commission’s public notice seeking comment on the Alarm Industry Communications Committee (“AICC”) Petition for Emergency Relief filed on May 10, 2021 (“AICC Petition”).

PK and the other signatory organizations support the ongoing transition from 3G wireless networks to next generation 4G and 5G networks, but we join the AICC in its concern that the current timetables for the shut-down of 3G networks may not be in the public interest. This is particularly true in light of the ongoing resurgence of Covid-19 and the uncertainty created by the emergence of Delta and other variants. It is simply unreasonable in these circumstances to assume that the alarm industry – or other stakeholders such as rural wireless carriers reliant on 3G networks for roaming – can transition based on a “take it or leave it” timetable devised by the

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<sup>1</sup> Benton, a non-profit, operating foundation, believes that communication policy – rooted in the values of access, equity, and diversity - has the power to deliver new opportunities and strengthen communities to bridge our divides. Our goal is to bring open, affordable, high-capacity and competitive broadband to all people in the U.S. to ensure a thriving democracy. These comments reflect the institutional view of the Benton Institute for Broadband & Society, and, unless obvious from the text, is not intended to reflect the views of its individual officers, directors, or advisors.

nation's largest carriers based on business considerations rather than based on the public interest. In fairness, it is not the job of private carriers to make public interest determinations to protect other companies, some of whom are commercial rivals. Congress has given that job to the Federal Communications Commission ("FCC" or "Commission"). As such, the signatories urge the FCC to assert its authority and jurisdiction over the 3G transition to gather information from stakeholder parties and mediate a reasonable timetable for the shut-down of 3G wireless networks.

As stated by AICC, the shut-down of 3G wireless networks used by central station alarm and personal emergency alert services, without sufficient time to upgrade and retrofit hardware to be 4G or 5G compatible, poses a concerning public safety risk. In addition, an unmediated transition has the potential to harm vulnerable groups of consumers that disproportionately still rely on 3G services and wireless network competition. While many of these harms can be mitigated, network operators have not deviated from their original timetables for shut-down despite the significant disruptions and changed circumstances caused by the global COVID-19 pandemic.

As such, the Commission can, and should, exercise its authority to mediate conflicts between parties such as AICC members and AT&T, mitigate harms to consumers, and protect the public interest. In doing so, the Commission can promote the smooth transition to 4G and 5G networks by ensuring that 3G networks are taken out of operation in a safe and orderly manner.

## **ARGUMENT**

### **I. THE TRANSITION FROM 3G TO 4G/5G NETWORKS MUST BE UNDERTAKEN CAREFULLY TO PROTECT THE PUBLIC INTEREST AND MITIGATE HARMS TO CONSUMERS.**

The transition from 3G wireless networks to newer 4G and 5G networks will have significant long-term benefits for consumers. From more efficient use of spectrum to faster speeds, rollout

of these new networks is welcomed and supported as a step forward in building a more connected and inclusive telecommunications landscape. Nevertheless, transitions of this kind must be undertaken with care and caution to ensure that the fundamental values that guide the Commission through each such transition are protected: universal service, consumer protection, competition, and public safety.<sup>2</sup>

As discussed further below, 3G wireless networks are still relied upon by many consumers, and a transition unmediated by the Commission risks harming the most vulnerable among them, the competitive wireless landscape, and stakeholders who are already struggling to cope with disruptions to the transition timetables caused by COVID-19. This combination of importance, potential harms, and extenuating changes in circumstance form the core reasons that the Commission ought to step in to mediate and supervise the shut-down of 3G networks.

#### **A. 3G Wireless Networks Remain an Important Component of the Telecommunications Landscape.**

Data provided by service providers indicates that 4G coverage is increasingly available, yet that same data still indicates gaps in service areas, and provides no indication of signal strength or data speed.<sup>3</sup> Research indicates that between 15 and 20% of wireless users are still primarily or entirely reliant on 3G for wireless service.<sup>4</sup> That same research indicates that 5G has an even lower adoption rate than 4G, with only around 1% of consumers using the newest generation of

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<sup>2</sup> See *In re Technology Transitions, AT&T Petition to Launch a Proceeding Concerning the TDM-to-IP Transition, et al. Order, Report and Order, and Further Notice of Proposed Rulemaking*, GN Dockets 13-05, 12-353, *et al.* 29 FCC Rcd 1433, 1446-59.

<sup>3</sup> See 4G LTE Coverage as of May 15, 2021 (AT&T Mobility, T-Mobile, UScellular, Verizon), Federal Communications Commission, <https://fcc.maps.arcgis.com/apps/webappviewer/index.html?id=6c1b2e73d9d749cdb7bc88a0d1bdd25b>.

<sup>4</sup> Carl Weinschenk, *Report: Amidst 5G Rush, 17% of U.S. Subscribers Still on 3G*, telecompetitor (Dec. 19, 2019), <https://www.telecompetitor.com/report-17-of-u-s-subscribers-still-on-3g/>.

wireless network.<sup>5</sup> This means that tens of millions of American consumers still rely on 3G for wireless service every day. This may be due to lack of signal availability, lack of consistent signal strength, or use of hardware that does not support 4G/5G connectivity. In any event, this data indicates that an abrupt shut-down of 3G networks would leave millions suddenly without access to the vital everyday functions provided by wireless service.

Additionally, as the AICC petition makes abundantly clear, many consumer products with critical health and safety functions like central station fire and security alarm systems, as well as personal emergency response systems, rely on 3G networks. AICC estimates that six million households use alarm equipment that is configured for 3G only, and—as discussed in detail in its petition—there are numerous barriers to upgrading or retrofitting those devices.

Phasing out aging networks is laudable in its potential to provide better service to consumers, but the current state of affairs is that 3G remains a vital and not insignificant component of the current communications infrastructure. An abrupt, premature, or disorganized shut-down of this key element of wireless connectivity threatens millions of people that rely on 3G to communicate and to protect their health and safety.

### **B. An Unmediated Transition Will Disproportionately Harm Vulnerable Customers.**

Of the millions of Americans who rely upon 3G, many of them are people in particularly vulnerable or marginalized positions, including rural customers with limited accessibility, elderly people who may have fixed incomes and limited technological literacy, and low-income consumers who face price barriers in transitioning to the latest hardware and connectivity barriers in their communities. These customers are also likely to be “low information” consumers

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<sup>5</sup> *Id.*

and difficult to reach through standard carrier outreach methods such as email. Indeed, those reliant on 3G are most likely to live in areas with no broadband, or very limited broadband, exacerbating the problems of outreach. To the extent those using 3G equipment subscribe to prepaid services such as Boost or Metro, the carrier may not have current contact information beyond the number used by the cellphone. But even where carriers call or text 3G customers, these efforts are often dismissed as typical marketing efforts.

Rural areas of the country continue to struggle with connectivity, including 4G and 5G wireless service coverage.<sup>6</sup> As a result, rural wireless customers are more likely to be reliant on 3G networks. For instance, many Rural Wireless Association members report that they rely on T-Mobile's CDMA network for roaming service when their customers leave their home network.<sup>7</sup> As this network is sunset, rural customers increasingly find themselves unable to connect to a network, meaning they cannot make 911 calls, other emergency related calls, or participate in the Wireless Emergency Alert system—a clear public safety issue. As rural Americans already struggle with numerous connectivity issues, the Commission should give particular consideration to how the burden of the 3G shutdown may disproportionately affect this vulnerable customer base.

Another vulnerable population that will be disproportionately impacted by the 3G shutdown are elderly people. As described in the AICC Petition, elderly customers of alarm services and

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<sup>6</sup> See 4G LTE Coverage as of May 15, 2021 (AT&T Mobility, T-Mobile, UScellular, Verizon), Federal Communications Commission, <https://fcc.maps.arcgis.com/apps/webappviewer/index.html?id=6c1b2e73d9d749cdb7bc88a0d1bdd25b>.

<sup>7</sup> Letter from Public Interest Spectrum Coalition to Acting Chairwoman Jessica Rosenworcel, FCC, (May 3, 2021), <https://www.publicknowledge.org/wp-content/uploads/2021/04/PISC-TMO-DISH-FCC-Letter-FINAL.pdf> (“PISC Letter”).

personal emergency alert services rely on these services to protect their health and safety.<sup>8</sup> Loss of these services may quite literally be a matter of life or death for individuals that rely on the protections afforded to them by these services. Additionally, while smartphone adoption among older consumers is steadily increasing, elderly people are still significantly less likely to own a smartphone than younger consumers.<sup>9</sup> This makes them disproportionately more likely to be in the group of consumers without a 4G or 5G enabled device, and thus at higher risk for losing service in a 3G shut-down.

Finally, low income consumers are also disproportionately affected by an unmediated 3G shutdown. Individuals with low or fixed incomes are more likely to have older, inexpensive devices, or rely on inexpensive prepaid plans like Boost mobile and these devices and plans are reliant on 3G service. As discussed further below, Boost customers rely on the T-Mobile CDMA network despite Boost's recent sale to DISH Networks, and the impending 3G shut-down may result in loss of service for some of these customers. In addition, the cost of a new device—in the midst of a pandemic where many are struggling with unemployment—may represent a prohibitive barrier to transition to next generation wireless service. Finally, low income neighborhoods—like rural areas—are often underserved with telecommunications infrastructure, making 4G or 5G unreliable even on newer devices.

As the Commission considers the millions of people at risk of being left behind in this transition, it must consider that the burden will likely fall most heavily on these particularly

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<sup>8</sup> AICC Petition at 3.

<sup>9</sup> See e.g. Monica Anderson and Andrew Perrin, *Technology Use Among Seniors*, Pew Research Center (May 17, 2017), <https://www.pewresearch.org/internet/2017/05/17/technology-use-among-seniors/>; Brittne Nelson Kakulla, *Older Adults Keep Pace on Tech Usage*, AARP Research (Jan. 2020), <https://www.aarp.org/research/topics/technology/info-2019/2020-technology-trends-older-americans.html>.

vulnerable groups and consider how its stewardship and mediation of the transition could offset these harms. As the Commission has recognized since the beginning of the pandemic, all providers have an obligation to work together in this time of national crisis to protect affordable access to communications – particularly for the poorest and most vulnerable.

### **C. An Unmediated Transition Risks Harming Competition**

In addition to harming consumers, an unmediated transition—with rushed, arbitrary, and disparate 3G shutdown dates—will likely harm competition both among alarm service providers and among wireless carriers. Though wireless service competition is not directly considered within the scope of the AICC Petition, the issues raised by the AICC concerning its reliance on 3G wireless networks and the wildly different, and apparently arbitrary, differences in service provider sunset plans are identical to the issues faced by competitive wireless service carriers.

AT&T has a competing alarm service. If AT&T shuts off its network before rival alarm companies can complete their equipment replacement, this will create an opportunity for AT&T to win over these customers. To be clear, nothing suggests that AT&T is acting out of any anticompetitive motive. But motive is not relevant to the potential anticompetitive impact. The presence of this possibility may unconsciously influence AT&T’s determination as to the urgency of the AICC request for additional time.

A similar concern exists with regard to carriers and roaming. Earlier this year, the Public Interest Spectrum Coalition (“PISC”)—which includes PK, Benton, CRS, and OTI—wrote the Commission with concerns regarding T-Mobile’s planned shut-down of its 3G CDMA network.<sup>10</sup> T-Mobile acquired its 3G CDMA network in its 2020 merger with Sprint, and it intends to shut-down this network on an even faster timetable than AT&T, with an announced

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<sup>10</sup> PISC Letter.

shut-down date of January 1, 2022. However, one Department of Justice-imposed condition of the aforementioned merger was that T-Mobile/Sprint was required to sell Boost Mobile to DISH Networks (“DISH”) to facilitate DISH’s entry to the mobile market as a fourth national service provider.<sup>11</sup> This is complicated by the fact that DISH claims that millions of Boost’s pre-paid wireless customers rely on T-Mobile’s 3G network, and that T-Mobile’s rapid timetable for sunseting their 3G network is aimed at hampering its competitive entry into the mobile market.<sup>12</sup> This dispute between T-Mobile and DISH is ongoing, and it is another manifestation of the same underlying problems raised by the AICC Petition.

This is not an issue isolated to a dispute between two carriers; as previously mentioned, Rural Wireless Association members report that T-Mobile’s ongoing shut-down of its 3G CDMA network is preventing their customers from roaming when off their home networks. In addition to the connectivity and safety harms posed by such shut-downs addressed above, there is also an anti-competitive dimension to these shut-downs as well. Again, the question here for the Commission is not whether T-Mobile (or any other carrier) has affirmative anticompetitive intent. But the Commission has an affirmative responsibility to enhance wireless competition – especially in the current highly-concentrated market. Competitors are, by their nature, poor judges of the needs of other providers. In weighing the cost of maintaining an outdated 3G

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<sup>11</sup> See *Applications of T-Mobile US, Inc., and Sprint Corporation, For Consent To Transfer Control of Licenses and Authorizations, WT Docket No. 18-197, Applications of American H Block Wireless L.L.C., DBSD Corporation, Gamma Acquisition L.L.C., and Manifest Wireless L.L.C. for Extension of Time*, ULS File Nos. 0008741236, 0008741420, 0008741603, and 0008741789 et al., WT Docket No. 18-197, Memorandum Opinion and Order, Declaratory Ruling, and Order of Proposed Modification, 34 FCC Rcd 10578, 10739-10745 (2019) (“*TMO-Sprint Merger Order*”).

<sup>12</sup> Letter from Jeffrey Blum to Acting Chairwoman Jessica Rosenworcel, *Applications of T-Mobile USA, Inc. and Sprint Corporation for Consent to Transfer Licenses and Authorizations*, WT Docket No. 18-197 (April 14, 2021) (“*DISH April 14 Letter*”).

network to facilitate the smooth transition of a rival service provider, we should expect a carrier to be primarily concerned about the cost to itself. It falls to the Commission to consider the impact on the rival carrier – both for the impact on competition and the impact on the rival’s customers.

In addition, the unmediated nature of the current transition efforts poses a competition problem among the incumbent 3G network providers: as it stands, each is engaged in a race to transition as quickly as possible to leverage the potential competitive benefits of reallocating their 3G spectrum before their competitors. This competition, while beneficial for next-generation wireless network deployment, also provides a perverse competitive incentive for service providers to ignore the consequences of an abrupt 3G shutdown in order to secure a competitive advantage. Commission guidance regarding a reasonable timetable for 3G shutdowns can ensure that no firm is able to secure a competitive advantage by disregarding the best interests of the public.

Without the Commission to serve as mediator of the transition process, problems such as these will continue to arise, especially as the timeframe for the planned shut-downs draw nearer, at which point the harms may become unavoidable.

**D. The Disruptions Caused by COVID-19 and the Delta Variant Surge Warrant a Careful Reexamination of the Original 3G Shut-Down Timelines.**

The unprecedented and widescale disruptions caused by the ongoing COVID-19 global pandemic have affected almost every aspect of life. These disruptions alone would be sufficient to justify the reevaluation of the original timelines for 3G network shut-downs set by service providers. But now, the surge from the Delta variant has added a new layer of uncertainty. The Commission should exercise its regulatory authority over the service providers to ensure a just and reasonable timetable is maintained.

The AICC Petition describes how the pandemic created significant delays to the alarm industry's efforts to replace and retrofit the equipment needed to transition away from 3G. Specifically, they have been hampered by a decreased ability to access customer homes to perform the necessary hardware upgrades due to quarantines and customer reticence to have contact with installers, installer availability issues due to health concerns and economic impacts on small independent alarm companies, prioritization of pandemic-related service calls (such as installing, repairing, and maintaining systems in buildings left vacant as a result of stay-at-home orders), and the global microchip shortage resulting in supply chain disruptions for the necessary hardware upgrades.<sup>13</sup> These issues have returned with the surge in Covid cases and the more contagious Delta variant. Just as it seemed that the alarm industry could move into a rapid schedule, new evidence shows that even vaccinated individuals can spread the Delta variant – especially to the immunocompromised. Once again, the alarm industry confronts a natural (and in many ways laudable) reticence by many customers, especially the elderly, to permit technicians into their homes to make the necessary equipment upgrades.

Many of these concerns extend beyond the alarm industry. The economic impacts of the pandemic, such as loss of employment and inability to shop in person, undoubtedly played a role in the global decline of smartphone sales by over 12% in 2020.<sup>14</sup> While there is hope sales will rebound over the next year—in part due to the growing need for 5G capable devices—the global microchip shortage is starting to hit the smartphone market, which may result in higher prices

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<sup>13</sup> AICC Petition at 8.

<sup>14</sup> Laurence Goasduff, *Gartner Says Worldwide Smartphone Sales Declined 5% in Fourth Quarter of 2020*, Gartner (Feb. 22, 2021), <https://www.gartner.com/en/newsroom/press-releases/2021-02-22-4q20-smartphone-market-share-release>.

and continued sluggish consumer adoption of new devices necessary to ensure a smooth transition away from 3G.<sup>15</sup>

Especially considering growing concern regarding COVID-19 variant strains,<sup>16</sup> it is eminently reasonable for the Commission to examine if the timelines proposed in a pre-COVID world provide customers and other stakeholders a reasonable timeframe to ensure a smooth transition given the current state of affairs in the United States and abroad.

## **II. THE FCC SHOULD EXERCISE ITS AUTHORITY TO SUPERVISE THE SHUT-DOWN OF 3G NETWORKS AND MEDIATE ISSUES BETWEEN STAKEHOLDERS.**

The Commission has the authority to exercise its regulatory power over the 3G network service providers to ensure a safe and orderly transition. The Commission should exercise this authority because of the continued importance of 3G service to millions of Americans, the potential harm to vulnerable classes of consumers and competition in the wireless marketplace, and because of the significant disruptions to the transition process caused by the COVID-19 pandemic. Specifically, the Commission should invoke its authority to compel stakeholders to provide the Commission detailed information about obstacles to the transition, and what, if any, negative impact a delay in 3G network shut-downs might have. Furthermore, the Commission

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<sup>15</sup> See Laurence Goasduff, *Gartner Says Worldwide Smartphone Sales to Grow 11% in 2021*, Gartner (Feb. 3, 2021), <https://www.gartner.com/en/newsroom/press-releases/2021-02-03-gartner-says-worldwide-smartphone-sales-to-grow-11-percent-in-2021>; Ryan Browne, *the global chip shortage is starting to hit the smartphone industry*, CNBC (Jul. 29, 2021), <https://www.cnbc.com/2021/07/29/the-global-chip-shortage-is-starting-to-hit-the-smartphone-industry.html>.

<sup>16</sup> See e.g. Jonathan Saul, Muyu Xu, Yilei Sun, *Global supply chains buckle as virus variant and disasters strike*, Reuters Business (Jul 23, 2021), <https://www.reuters.com/business/global-supply-chains-buckle-virus-variant-disasters-strike-2021-07-23/>; James Paton and Robert Langreth, *A Covid-Weary World Is Facing a Distressing Reality Check*, Bloomberg (Jul. 27, 2021), <https://www.bloomberg.com/news/articles/2021-07-27/is-covid-coming-back-2021-delta-variant-new-global-hotspots-are-reality-check>.

should use its authority to mediate an agreement among stakeholders for a reasonable revised transition schedule, with the understanding that the Commission has the authority to order service providers to maintain service, if necessary.

**A. The FCC Has Authority to Intervene in the Shutdown of 3G Wireless Networks.**

The Commission has both the requisite jurisdiction and authority to regulate the time and manner of the shut-down of the 3G wireless networks with regard to both the provision of traditional Title II voice services as well as commercial data service used by the alarm industry.

Both of the networks discussed so far—AT&T’s UMTS network and T-Mobile’s CDMA network—are Title II Commercial Mobile Radio Services, as are other 3G wireless networks.<sup>17</sup> This classification is relevant to harms that might accrue to customers due to the loss of traditional Title II voice services, including access to emergency calling service. Because the Commission forbore from applying any market entry or exit requirements to CMRS services when implementing Section 332(c),<sup>18</sup> the service providers do not need permission to shut down their networks under Section 214(c).<sup>19</sup> However, that does not mean that the Commission has relinquished its authority to act if necessary; the Commission retains authority over the network pursuant to Section 201(b), which prohibits any unjust or unreasonable practice by a Title II provider. In addition to this expansive Section 201(b) authority, the Commission exercises broad regulatory authority over these wireless network providers pursuant to Title III. Finally, courts

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<sup>17</sup> The signatories recognize that the Commission reclassified mobile broadband as a Title I service in 2017, and reclassified text messaging services as Title I in 2018. Setting aside whether these decisions are correct, the Commission has clear Title II authority over the CMRS CDMA network pursuant to 47 U.S.C. § 332(c).

<sup>18</sup> See *In re Implementation of Section 3(n) and 332 of the Communications Act, Regulatory Treatment of Mobile Services, Report & Order*, 9 FCC Rcd 1411, 1415 (1994).

<sup>19</sup> 47 U.S.C. § 214(c).

have long recognized the Commission’s general authority under Sections 1 and 4(i)<sup>20</sup> to take necessary action to protect consumers from loss of vital services.

Similarly, insofar as the 3G networks are used for central station alarm service, the Commission has authority under Sections 1, 4(i), 201, 202, and 301—as detailed in the AICC Petition—to regulate the 3G wireless networks to promote the “safety of life and property through the use of wire and radio communications,” exercise its plenary authority over spectrum use, and ensure that “just and reasonable” terms of service provision are adhered to by common carriers.<sup>21</sup>

It should be noted that the Commission has previously intervened in technology transitions in order to protect the public interest: the Commission intervened in the wireless analog sunset to set official deadlines and consider extensions of those deadlines;<sup>22</sup> it regulated the digital television transition, including by obligating providers to temporarily continue analog service where in the public interest;<sup>23</sup> and it has always taken an active role in other significant industry-wide changes and transitions. It may not be necessary for the Commission to exercise its full regulatory powers in this instance—it may be that information gathering and mediation between stakeholders will be sufficient to reach a reasonable accommodation and avoid harms to consumers—but the Commission is not powerless here and has a history of active engagement with technology transitions. Congress conferred upon the Commission comprehensive powers of

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<sup>20</sup> 47 U.S.C. §§ 151, 154(i).

<sup>21</sup> AICC Petition at 19-22

<sup>22</sup> See e.g. *Sunset of the Cellular Radiotelephone Service Analog Service Requirement and Related Matters, Memorandum Opinion and Order*, 22 FCC Rcd 11243, 11267 (2007), <https://docs.fcc.gov/public/attachments/FCC-07-103A1.pdf>.

<sup>23</sup> *FCC Requires Public Interest Conditions for Certain Analog TV Terminations on February 17, 2009*, Public Notice, FCC 09-7 (Feb. 11, 2009), <https://docs.fcc.gov/public/attachments/FCC-09-7A1.pdf>.

oversight to protect the fundamental values of the Communications Act. The Commission must not hesitate to use these powers when the situation requires.

**B. The FCC Should Gather Information About the True Situation Among 3G Network Operators and Stakeholder Parties.**

A significant obstacle to a smooth transition and cooperation among 3G network stakeholders is a lack of information. Service providers, competing to complete their transition from 3G and rollout of 5G, are understandably concerned about sharing proprietary information about their networks. Stakeholders such as those represented by AICC or the Rural Wireless Association have their own set of challenges and difficulties that may not be fully appreciated or understood by the service providers.

The Commission is well-positioned to serve as an honest broker that can collect and protect information necessary to make an objective evaluation of the obstacles facing the transition. Indeed, the first responsibility of the Commission in this instance is to fully inform itself of the situation for the purpose of determining whether it must take action to protect subscribers and to advance the public interest. Undertaking fact-finding does not dictate any specific result, and only the Commission is in the position to collect and evaluate all of the necessary information to avert any potential harms.

The Commission can require stakeholders to share information about network operations and their ability to obtain and distribute necessary hardware and equipment while protecting highly confidential and proprietary information from commercial rivals. In addition, the Commission is able to collect more detailed information regarding the number and qualities of consumers likely to be adversely affected by a 3G network shut-down. Collecting this information will allow the Commission, and the various stakeholders, to make informed decisions about how to best achieve the goals of the transition while minimizing harms.

### **C. The FCC Should Mediate a Reasonable Transition Schedule Among Network Operators and Stakeholders.**

While the Commission has the authority to mandate extensions of 3G service, it is our hope that the Commission will be able to mediate among stakeholders and arrange a reasonable transition schedule that minimizes the impacts on consumers while promoting the efficient deployment of new and improved wireless networks.

The Commission is uniquely situated to mediate disputes between stakeholders rather than arbitrate or mandate a transition schedule. The Commission can, and should, require the network operators, rural and competitive service providers, and other stakeholders such as the alarm industry to come together to negotiate a schedule that reflects the realities faced by both network operators and the real world constraints imposed by the pandemic, pandemic-related equipment shortages, and other obstacles to a safe and orderly transition.

Without such action by the Commission, there appears little hope that the stakeholders can resolve their differences in a way that adequately protects vulnerable consumers and the public interest, as demonstrated by the AICC Petition and ongoing dispute between T-Mobile and DISH. These parties have proven unable to reach accommodations with one another without a mediator, and they now turn to the Commission to act. PK and the other signatories fear that these conflicts are but the first fires for the Commission to address, and that without swift action to assert its jurisdiction over these issues—and address them together as part of the same underlying issue—the conflagration will grow, especially as the first planned shut-down deadlines approach in the next six months.

### **CONCLUSION**

The Commission can and should exercise its regulatory authority over the 3G network service providers to ensure a safe and orderly transition from 3G to next generation wireless

networks. While the long-term benefits of transition to 4G and 5G networks are undisputed, millions of Americans continue to rely on 3G service, both for wireless communication and also for essential health and safety functions, like central station alarm service. Especially given the disruptions and challenges posed by COVID-19, an unmediated shut-down of 3G service will harm vulnerable classes of consumers as well as competition in the wireless marketplace.

For these reasons, the Commission should grant the AICC Petition insofar as it should invoke its authority over the impending shut-down of 3G wireless networks as requested by AICC and the Commission should take immediate action to evaluate whether the current shut-down timetables for certain 3G networks—like AT&T’s UMTS network and T-Mobile’s CDMA network—are sufficient to protect the public interest, especially in light of the extraordinary circumstances and challenges posed by the COVID-19 pandemic.

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