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PENNSYLVANIA

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SPECIAL COMMITTEE ON AGING
JOINT ECONOMIC

United States Senate

WASHINGTON, DC 20510

November 20, 2015

The Honorable Tom Wheeler
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Chairman Wheeler:

I write to draw your attention to an ongoing situation that could affect internet access for thousands of individuals in Pennsylvania and around the country. Mobile Beacon and Mobile Citizen currently use Sprint's 4G WiMAX network to provide low-cost internet service to schools, libraries and nonprofits. Sprint plans to shut down the WiMAX network and transition to an LTE network, but a dispute over the terms of that transition led to a court order on November 5, 2015 preventing Sprint from shutting down WiMAX in certain areas for 90 days while the parties work to agree on a transition plan. I urge you to closely monitor this transition period and offer assistance where appropriate to ensure unbroken access to the internet for the thousands of mostly low-income Mobile Citizen and Mobile Beacon customers who currently rely on the WiMAX network.

In 2006, Mobile Beacon and Mobile Citizen reportedly leased some of their wireless spectrum to Clearwire to power its CLEAR internet service. In exchange, they got access to CLEAR that they could then resell to the schools, libraries and nonprofits they serve. Sprint acquired Clearwire in 2013, and soon after announced plans to shut down the WiMAX network that powers CLEAR and repurpose that spectrum to transition to an LTE network. The dispute that resulted in the November 5 preliminary injunction centers on whether Sprint's plan to transition Mobile Beacon and Mobile Citizen to the LTE network meets the obligations of the original contract with Clearwire.

In its Strategic Plan for 2012-2016, the FCC stated its vision of maximizing Americans' access to affordable broadband, noting that "broadband for all Americans has gone from being a luxury to a necessity for full participation in our economy and society." I wholeheartedly agree, and commend the FCC for its work in service of this vision.

But there is more work to do to protect internet access for the estimated 10,000 mostly low-income residents of Philadelphia and the hundreds of thousands of other Mobile Citizen and Mobile Beacon customers around the state and country with internet powered by the WiMAX network. Many of the schools, libraries and nonprofits that serve these individuals have publicly warned of the problems a loss of internet access would create.

Sprint has reportedly appealed the court's November 5 decision, but both parties have stated a desire to reach an agreement on how to successfully transfer from WiMAX to Sprint's LTE network. In that spirit, and without presuming to weigh in on the merits of the legal dispute, I respectfully request that you monitor the situation to help guide the transition from WiMAX to LTE in a way that maintains internet access for current customers. As both a matter of fairness and economic sense, it is critical that the internet continues to be an affordable tool for those working toward a better life. Thank you for your attention to this matter.

Sincerely,



Robert P. Casey, Jr.
United States Senator