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VIA ONLINE SUBMISSION

Body of European Regulators for Electronic Communications
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RE: **BoR (18) 236 : BEREC Common Position on Mobile Infrastructure Sharing**

Facebook, Inc. ("Facebook") is pleased to submit these comments in response to the consultation of the Body of European Regulators for Electronic Communications ("BEREC") regarding its draft Common Position on Mobile Infrastructure Sharing.[1]

Facebook's mission is to give people the power to build community and bring the world closer together. And connecting people is a critical first step in executing this mission. Today, nearly half of the world's population is still not connected to the Internet.[2] Among those that have connectivity, many are under-connected. Connecting these people is a complicated effort that requires not just bringing network infrastructure to more people, but establishing a regulatory environment that fosters innovation and encourages investment.

Improving connectivity around the world means pursuing policies that improve the affordability and availability of the Internet. Policies that promote the sharing of passive infrastructure and spectrum resources can help to achieve these goals without sacrificing the benefits of competition and innovation. In addition, in rural high-cost areas, infrastructure sharing can promote deployment that would otherwise not be feasible. For these reasons, Facebook applauds the efforts of BEREC to develop a common position on mobile infrastructure sharing. To this end, Facebook offers the following comments in response to the Draft Common Position.

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[1]   BEREC Draft Common Position on Mobile Infrastructure Sharing (6 Dec. 2018) *available at* https://berec.europa.eu/eng/document_register/subject_matter/berec/public_consultations/8322-draft-berec-common-position-on-mobile-infrastructure-sharing ("Draft Common Position").

[2]   International Telecommunication Union, Measuring the Information Society Report 2018- Volume 1 at 2 (11 Dec. 2018) *at* https://www.itu.int/en/ITU-D/Statistics/Documents/publications/misr2018/MISR-2018-Vol-1-E.pdf.

1. **Passive infrastructure sharing can promote and accelerate deployment.**

Facebook agrees with the statement made in the Draft Common Position that passive infrastructure sharing should be encouraged.[3] This is also in line with the recent adopted European Electronic Communications Code, which indicates passive sharing as the preferred solution, enabling competent authorities to impose this in specific circumstances.

The sharing of passive infrastructure (*i.e.*, the sharing of physical space such as ducts and towers, non-electric infrastructure at cell sites, as well as power supply) can promote and speed the deployment of communications networks. The sharing of passive infrastructure can lower upfront capital expenditures, which reduces barriers to the investment in new deployments.

Regulators should promote competition at both the infrastructure and retail levels. There are however a variety of ways in which sharing of passive infrastructure can be enabled whilst protecting and encouraging the ability to differentiate.

Sharing passive infrastructure in municipal broadband deployments and dense urban environments is essential to driving down costs and can increase competition. In dense urban environments, limits on infrastructure site access can limit competition. National regulatory authorities have an important role to play to help facilitate access to key passive infrastructure such as ducts and poles. For example, in the US a "one touch, make ready" policy, which requires the owners of utility poles to make changes to multiple utility wire, and a "dig once, build once" policy model encourages providers to share in the cost of deploying and maintaining connectivity infrastructure.

Improved coordination between national regulatory authorities, planning authorities and industry players is also needed to overcome the biggest operational challenges connected to the sharing of passive infrastructure (i.e. coordinating updates of existing infrastructure). This is in line with the Broadband Cost Directive which has the objective to reduce the cost for deployment of physical infrastructure, although as a recent European Commission report noted there is still significant room for improvement in this area[4].

National regulatory authorities should consider how to facilitate faster and less expensive deployment of connectivity infrastructure by streamlining local licensing and permitting

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[3]   *See* Draft Common Position, Section 4.1 at 19.

[4]   REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL on the implementation of Directive 2014/61/EU of the European Parliament and of the Council of 15 May 2014 on measures to reduce the cost of deploying high-speed electronic communications networks, COM (2018) 492 final.

processes, opening up rights of way and access to facilities, and removing other impediments to competition.

2. **Shared use of infrastructure is critical to addressing the challenges of rural connectivity.**

Facebook agrees with BEREC that shared use of infrastructure (both passive and active) can also be beneficial in rural areas.[5] In rural areas that are either unserved or underserved, the sharing of infrastructure can be critical to addressing the challenge of deploying networks in high-cost areas that would otherwise be economically unsustainable. The sharing of active infrastructure, such as the sharing of access or core network, can limit innovation and ultimately competition. However, in certain instances, particularly in high-cost rural areas, it may be justified as a means to promote deployment where it would otherwise not be economically feasible. In such instances, the benefit of lowering the cost for providers and enabling services that would otherwise be unavailable or economically unsustainable may outweigh the benefits of competition.

In such areas, national regulatory authorities should support the ability of rural infrastructure operators to offer services to multiple mobile network operators. They can do this by ensuring that the competition framework is applied to such agreements in a sympathetic manner that recognises the connectivity benefits of such arrangements and, where appropriate, by directly facilitating discussions. For example, in the UK, there is both the commercial provision of rural infrastructure by neutral host providers such as the Wireless Infrastructure Group, and previously the government funded new masts through its Mobile Infrastructure Programme with the explicit intent that these masts should be shared.

3. **Spectrum sharing is critical to maximizing limited spectrum resources and extending networks into unserved and underserved areas.**

Facebook agrees with BEREC that in areas where infrastructure competition is not feasible, such as for high-cost rural areas[6] where infrastructure competition is infeasible, national regulatory authorities should ensure that their spectrum policies are sufficiently flexible to allow spectrum use by multiple parties.

In those cases, different models of infrastructure sharing such as radio network access sharing and spectrum pooling could present a solution.

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[5]   *See id.* Section 4.2(c).

[6]   Draft Common Position, Section 4.3 at 20.

Radio access network sharing goes beyond passive sharing by allowing the same electronics to be shared by multiple operators. This further reduces the cost of coverage and is particularly relevant in unserved and underserved areas where capacity is less of an issue.

For example, in a rural area, if a third-party infrastructure provider can deploy radio access network (RAN) equipment that can support customers from multiple mobile operators on a single channel, users from different competing mobile operators would be able to use the same channel in a rural area. In a rural area, a single channel operation may be sufficient to all users and would cost significantly less (fewer channel cards, less capable radio equipment, less power due to narrower bandwidth, and less transaction costs without a roaming or MVNO relationship). This can reduce costs for operators and thereby consumers.

The concerns in relation to service differentiation have reduced with the rollout of 4G, as compared to earlier generations of mobile technology. This is because 4G is more capable of managing different types of traffic, with differing quality of service requirements, carried over the same network. An example of this is the use by some countries of public mobile networks to support emergency communications (FirstNet in the US, ESN in the UK), using 4G to prioritise emergency service traffic over other traffic. There are also examples of operators using 4G to simultaneously provide mobile wireless and fixed wireless services over the same network, managing each type of traffic in an appropriate manner.

Spectrum pooling is a further step. It is not necessary to pool spectrum in order to share the cost of electronic equipment. However, spectrum pooling could enable more efficient use of spectrum, especially where the spectrum holdings of different operators are fragmented.

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In sum, Facebook supports BEREC's efforts to establish a Common Position on the sharing of mobile infrastructure. Through this effort, national regulatory authorities can continue to move toward establishing infrastructure sharing policies that promote and speed deployment.