

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Promoting Consumer Choice and Wireless) WT Docket No. 24-186
Competition Through Handset Unlocking)
Requirements and Policies)

Comments of Attorneys General

The Attorneys General of Massachusetts, Connecticut, Delaware, Hawaii, Illinois, Maine, Maryland, Minnesota, Nevada, New Jersey, New York, North Carolina, Oregon, Pennsylvania, and Rhode Island write in support of the Federal Communications Commission’s (“Commission”) proposed handset unlocking rule. Our offices consistently receive complaints from consumers who report that they were misinformed or deceived about wireless device offers, including offers of “free” handsets, which lure them into contracting with a particular service provider for an extended period of time until the device can be unlocked. The Commission’s proposed rule will significantly decrease this kind gamesmanship. The handset unlocking rule will benefit consumers by reducing handset costs, increasing competition between providers, and creating a clear and uniform timeline for unlocking devices so that consumers can pursue the services that best meet their needs.

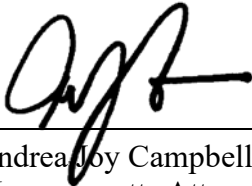
First, the handset unlocking rule will reduce both device and service costs for consumers. Under the current regime, many consumers are unable to trade in their devices to other wireless providers or sell their locked handsets on the secondary market. The proposed rule will lift these restrictions after 60 days and increase the supply of devices available for purchase at a lower cost. The proposed rule will also reduce service costs by allowing consumers to switch to a new provider with their existing handsets when there is an opportunity for a more competitive plan. The availability of more affordable handsets and service contracts is particularly important for low-income consumers who have fewer resources and may depend on handsets to access the internet at home.

Second, the proposed rule will standardize the timeline among carriers for unlocking handsets and thus increase transparency for consumers. The Notice of Proposed Rulemaking (“NPRM”) describes the varying handset unlocking standards for several providers, including a 60-day period and a one-year period. By creating one standard for all providers, the Commission will make it possible for consumers to reduce their costs after 60 days regardless of the provider with which they happen to contract. The existing patchwork of standards across providers arbitrarily limits certain consumers’ ability to participate in the wireless provider marketplace. The uniform standard will also reduce consumer confusion about when it is permissible to begin shopping for more competitive plans.

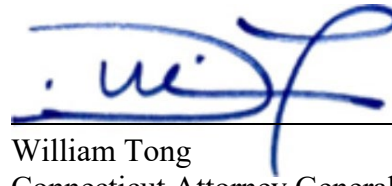
Finally, as the Commission and some commenters have noted,¹ the proposed handset unlocking rule is unlikely to interfere with provider incentive offers and discounts to consumers. As observed in the NPRM, Verizon continues to offer device discounts despite being subject to a 60-day unlocking requirement. In addition, many providers pay the early termination fees or remaining device fees for new customers who have a locked device with a competitor. Providers are therefore willing to absorb a portion of the cost of devices to attract new customers. The new rule will incentivize providers to offer better terms of service to all customers rather than offering enticing deals to lock in new customers.

Consumers benefit when there is more choice and transparency in the wireless marketplace. For the foregoing reasons, the undersigned Attorneys General strongly encourage the Commission to adopt the handset unlocking rule.

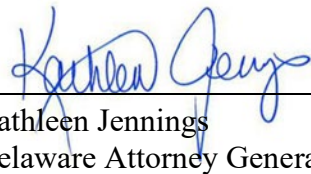
Respectfully submitted,



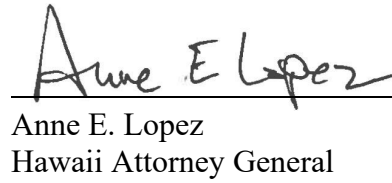
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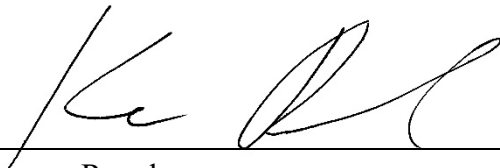
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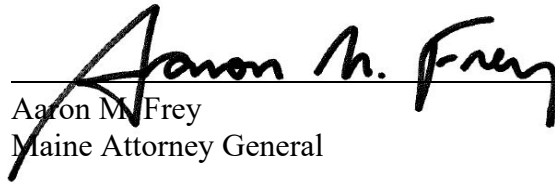
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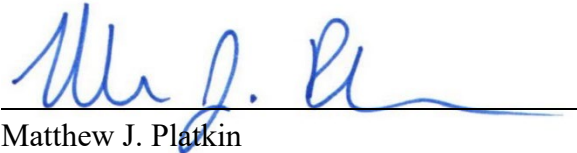


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¹ See, e.g., Echostar Corp., Comment Letter on Proposed Handset Unlocking Rule (Sept. 9, 2024), <https://www.fcc.gov/ecfs/document/1090983346983/1>; Incompas, Comment Letter on Proposed Handset Unlocking Rule (Sept. 9, 2024), <https://www.fcc.gov/ecfs/document/1090926506728/1>.



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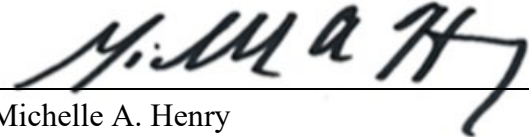
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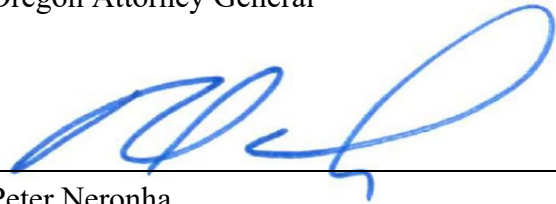
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