

FCC Pushes CTIA for Phone Unlocking Policy Fix

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FCC Chairman Tom Wheeler is pushing CTIA to include full unlocking rights policy in the CTIA Consumer Code before the December holiday season.



[In a letter to CTIA](#) [1], Wheeler said that enough time has passed and now it's time for the "industry to act voluntarily or for the FCC to regulate."

The sticking point between the FCC and CTIA is whether carriers should have to notify consumers when their devices are eligible for unlocking. The FCC added that carriers should consider simply unlocking devices automatically post-contract without charging an additional fee.

"Absent the consumer's right to be informed about unlocking eligibility, any voluntary program would be a hollow shell," Wheeler wrote in the letter.

CTIA issued a response, saying it looked forward to continuing discussions on the issue under Chairman Wheeler's leadership. But the Association added that "While CTIA supports giving consumers a robust set of options, it is important for consumers to note that an unlocked phone doesn't necessarily mean an interoperable phone, given the technological and engineering realities of wireless networks."

Phone unlocking has become a hot-button issue this year since January when the Library of Congress issued an amendment to the Digital Millennium Copyright Act affectively making unlocking cell phones illegal. With the support of CTIA, the move was put in place to help curb large-scale illegal phone trafficking. With the order in place, persons caught unlocking phones could receive up to \$2,500 in fines, while larger unlocking operations could face fines up to \$500,000 and up to five years in prison.

Online petitions popped up following the order, triggering a response from the White House, which came out in favor of simple carrier policies for unlocking devices. Then-FCC Chairman Julius Genachowski told Tech Crunch that [the phone](#)

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[unlocking ban “raises competition and innovation concerns.”](#) [2]

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Links:

[1] http://transition.fcc.gov/Daily_Releases/Daily_Business/2013/db1114/DOC-324166A1.pdf

[2] <http://www.wirelessweek.com/news/2013/03/fcc-investigate-new-us-phone-unlocking-rules>