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January 30, 2019

VIA ECFS

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, DC 20554

**Re: Applications of T-Mobile US, Inc. and Sprint Corporation for Consent to Transfer Control of Licenses and Authorizations; WT Docket No. 18-197**

Dear Ms. Dortch:

On December 26, 2018, the Rural Wireless Association, Inc. (“RWA”) filed an “Informal Request for Commission Action”<sup>1</sup> in which it reiterated inaccurate claims regarding T-Mobile USA, Inc.’s (“T-Mobile’s”)<sup>2</sup> Mobility Fund Phase II (“MF-II”) 4G LTE coverage maps. In addition to filing this request in the Universal Service and Connect America dockets, RWA also submitted its Informal Request in the instant docket pertaining to the proposed transfer of control to T-Mobile US, Inc. of FCC licenses held by Sprint Corporation and its subsidiaries. RWA’s filing is clearly not relevant to the license transfers.<sup>3</sup> The Commission should thus strike the filing from the merger docket.

The Commission has consistently held that matters that are unrelated to the transaction are not appropriate for consideration in the context of license transfers. The FCC’s transfer of control review is limited to “considerations of merger-specific effects.”<sup>4</sup> Specifically, to warrant

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<sup>1</sup> See Informal Request for Commission Action of RWA, WC Docket No. 10-90 & WT Docket No. 10-208 (Dec. 26, 2018) (“*RWA Informal Request*”).

<sup>2</sup> T-Mobile USA, Inc. is a wholly-owned subsidiary of T-Mobile US, Inc., a publicly traded company.

<sup>3</sup> The filing is also untimely as the pleading cycle in this docket concluded months ago.

<sup>4</sup> See, e.g., *Applications for Consent to the Transfer of Control of Licenses from Comcast Corporation and AT&T Corp., Transferors, to AT&T Comcast Corporation, Transferee*, Order, 17 FCC Rcd. 22633, 22637 ¶ 11 (2002); see also *Joint Applications of Global Crossing Ltd. And Citizens Communications Co. for Authority to Transfer Control of Corporations Holding Commission Licenses and Authorizations Pursuant to Sections 214 and 310(D) of the Communications Act and Parts 20, 22, 63, 78, 90, and 101 of the Commission’s Rules*, Memorandum Opinion and Order, 16 FCC Rcd. 8507, 8511 ¶ 10 (CCB, IB, CSB, WTB 2001) (rejecting suggested conditions because commenters “failed to show that the harms they



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consideration in a transaction review, an alleged harm must directly “arise from the transaction.”<sup>5</sup> Here, RWA’s claim regarding 4G LTE coverage maps submitted in the MF-II proceeding plainly does not arise from the transaction and is instead wholly unrelated to the license transfers under review. Moreover, the Commission has expressly held that concerns raised during a merger that are subject to an ongoing proceeding are more appropriately addressed in that context.<sup>6</sup> In this case, RWA’s allegations arise out of the MF-II proceeding and, consistent with Commission precedent, its allegations – albeit false – are more properly addressed in that docket. For these reasons, the Commission should strike RWA’s filing from WT Docket No. 18-197.

Please direct any questions regarding the foregoing to the undersigned counsel for T-Mobile.

Respectfully submitted,

**DLA Piper LLP (US)**

*/s/ Nancy Victory*

Nancy Victory  
Partner

cc: David Lawrence

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allege are sufficiently merger-specific or come within the scope of harms [the Commission] consider[s] in dealing with license transfer applications”).

<sup>5</sup> *Verizon Communications Inc. and MCI, Inc., Applications for Approval of Transfer of Control*, Memorandum Opinion and Order, 20 FCC Rcd. 18433, 18446 ¶19 (2005); see also *Applications of Cellco Partnership d/b/a Verizon Wireless and Atlantis Holdings LLC for Consent to Transfer Control of Licenses, Authorizations, and Spectrum Manager and De Facto Transfer Leasing Arrangements*, 23 FCC Rcd. at 17463 ¶ 29 (2008) (*Verizon/Alltel Order*); see also *IT&E Overseas, Inc., Transferor, and PTI Pacifica Inc., Transferee*, Memorandum Opinion and Order and Declaratory Ruling, 24 FCC Rcd. 5466, 5474 ¶14 (WCB, WTB, IB 2009); see also *Applications for Consent to the Assignment and/or Transfer of Control of Licenses Time Warner Inc. and Its Subsidiaries, Assignor/Transferor to Time Warner Cable Inc., and Its Subsidiaries, Assignee/Transferee*, Memorandum Opinion and Order, 24 FCC Rcd. 879, 887 ¶ 13 (MB, WCB, WTB, IB 2009); see also *SBC Communications Inc. and AT&T Corp. Applications for Approval of Transfer of Control*, Memorandum Opinion and Order, 20 FCC Rcd. 18290, 18303 ¶20 (2005).

<sup>6</sup> See, e.g., *Applications of AT&T Wireless Services, Inc. and Cingular Wireless Corporation for Consent to Transfer Control of Licenses and Authorizations*, Memorandum Opinion and Order, 19 FCC Rcd. 21522, 21592 ¶ 183 (2004).



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