Dear Ms. Dortch:

On February 13, 2019, the Rural Wireless Association, Inc. (“RWA”) filed an *ex parte* presentation that: (1) reiterated inaccurate claims regarding T-Mobile USA, Inc.’s (“T-Mobile’s”) Mobility Fund Phase II (“MF II”) 4G LTE coverage maps and (2) renewed RWA’s informal request for Commission action.¹ In addition to filing its *ex parte* presentation in the Universal Service docket (WT Docket No. 10-208) and Connect America docket (WC Docket No. 10-90), RWA filed the presentation in the instant docket, which concerns the proposed transfer of control of Federal Communications Commission (“FCC” or “Commission”) licenses held by Sprint Corporation and its subsidiaries to T-Mobile US, Inc. RWA’s untimely filing is irrelevant to the proposed license transfers. Therefore, the Commission should strike RWA’s filing from WT Docket No. 18-197.

As T-Mobile previously made clear, the Commission has consistently held that matters unrelated to a transaction are not appropriate for consideration in the context of license transfers.² The FCC’s transfer of control review is limited to “considerations of merger-specific effects.”³ To

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² See Letter from Nancy Victory, Counsel to T-Mobile USA, Inc. to Marlene H. Dortch, Secretary, FCC, WT Docket No. 18-197 (filed Jan. 30, 2019).

³ 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, ¶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, ¶10 (CCB, IB, CSB, WTB 2001) (rejecting suggested conditions because commenters
warrant consideration in a transaction review, an alleged harm must directly “arise from the 
transaction.” The Commission also has expressly held that concerns raised during a merger that are subject to an ongoing proceeding are more appropriately addressed in that context.

Here, RWA’s claims regarding 4G LTE coverage maps submitted in the MF II proceeding do not arise from the transaction and are wholly unrelated to the license transfers under review. RWA’s allegations arise out of the MF II proceeding and, consistent with Commission precedent, should be addressed in that docket. Accordingly, T-Mobile has filed a response to RWA’s baseless allegations in the relevant dockets. For these reasons, the Commission should strike RWA’s filing from WT Docket No. 18-197.

T-Mobile is filing an electronic copy of this ex parte letter in the above-referenced docket under section 1.1206(b)(2) of the Commission’s rules.

Respectfully submitted,

Cathleen A. Massey
Vice President, Federal Regulatory Affairs

cc: David Lawrence
    Joel Rabinovitz
    Kathy Harris
    Linda Ray
    Kate Matraves
    Jim Bird
    David Krech

Attachment

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

