



T-Mobile USA, Inc.
601 Pennsylvania Avenue, Washington, DC 20004

February 26, 2019

VIA ECFS

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

**RE: WRITTEN EX PARTE PRESENTATION
WT Docket No. 18-197: Applications of T-Mobile US, Inc. and Sprint
Corporation for Consent to Transfer Control of Licenses and Authorizations**

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

¹ See Letter from Caressa Bennet, General Counsel, Rural Wireless Association, Inc. to Marlene H. Dortch, Secretary, FCC, WC Docket No. 10-90 & WT Docket Nos. 10-208, 18-197 (filed Feb. 13, 2019); see also Informal Request for Commission Action of RWA, WC Docket No. 10-90 & WT Docket No. 10-208 (Dec. 26, 2018).

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).

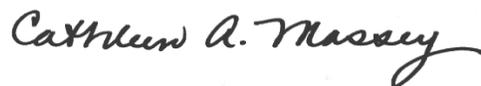
³ See, e.g., *Applications for Consent to the Transfer of Control of Licenses from Comcast Corporation and AT&T Corp., Transferors, to AT&T Comcast Corporation, Transferee*, Order, 17 FCC Rcd 22633, ¶ 11 (2002); see also *Joint Applications of Global Crossing Ltd. and Citizens Communications Co. for 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.”⁴ 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.⁵

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.⁶ 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”).

⁴ *Verizon Communications Inc. and MCI, Inc., Applications for Approval of Transfer of Control*, Memorandum Opinion and Order, 20 FCC Rcd 18433, ¶ 19 (2005); *see also Applications of Cellco Partnership d/b/a Verizon Wireless and Atlantic Holdings LLC for Consent to Transfer Control of Licenses, Authorizations, and Spectrum Manager and De Facto Transfer Leasing Arrangements*, 23 FCC Rcd 17444, ¶ 29 (2008); *IT&E Overseas, Inc., Transferor, and PTI Pacifica Inc., Transferee*, Memorandum Opinion and Order and Declaratory Ruling, 24 FCC Rcd 5466, ¶ 14 (WCB, WTB, IB 2009); *Applications for Consent to the Assignment and/or Transfer of Control of Licenses of 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, ¶ 13 (MB, WCB, WTB, IB 2009); *SBC Communications Inc. and AT&T Corp. Applications for Approval of Transfer of Control*, Memorandum Opinion and Order, 20 FCC Rcd 18290, ¶ 20 (2005).

⁵ *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, ¶ 183 (2004).

⁶ *See* Letter from Cathleen A. Massey, Vice President, Federal Regulatory Affairs, T-Mobile USA, Inc. to Marlene H. Dortch, Secretary, FCC, WT Docket No. 10-208 & WC Docket No. 10-90 (filed Feb. 26, 2019).