

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
)	
LPTV, TV Translator and FM Broadcast Station)	MB Docket No. 18-214
Reimbursement)	
)	
Expanding the Economic and Innovation)	GN Docket No. 12-268
Opportunities of Spectrum Through)	
Incentive Auctions)	
)	

REPLY COMMENTS OF T-MOBILE USA, INC.

T-Mobile USA, Inc. (“T-Mobile”)¹ files these reply comments in the above-captioned proceeding in response to the comments of the National Association of Broadcasters (“NAB”) as well as Fifth Street Enterprises, LLC, The Videohouse, Inc., and WMTM, LLC (collectively, the “Joint Commenters”).² Contrary to the arguments made by these commenters, the Commission should allow LPTV and translator stations (collectively, “LPTV stations”) that receive relocation funding from third parties to seek reimbursement from the Reimbursement Fund (the “Fund”), subject to appropriate safeguards. Such a policy will accelerate the post-auction transition process and in turn the swift deployment of broadband service, without penalizing or discouraging third parties who have been willing to advance funding to these stations. Nothing in the Reimbursement Expansion Act (the “REA”) suggests that such stations are ineligible for reimbursement from the Fund, and speculation regarding the sufficiency of the Fund does not

¹ T-Mobile USA, Inc. is a wholly owned subsidiary of T-Mobile US, Inc., a publicly traded company.

² See Comments of the National Association of Broadcasters, MB Docket No. 18-214, at 19-20 (Sept. 26, 2018) (“NAB Comments”); Joint Comments of Fifth Street Enterprises, LLC, The Videohouse, Inc., and WMTM, LLC, MB Docket No. 18-214, at 12-13 (Sept. 25, 2018) (“Joint Commenters Comments”).

support the commenters' desire to permanently impose these reimbursement costs on the third parties who voluntarily stepped forward to fill the funding gap that existed prior to the enactment of the REA.

DISCUSSION

In order to expeditiously deploy its 600 MHz spectrum, including in rural areas that have previously been underserved,³ T-Mobile voluntarily undertook several initiatives to assist displaced LPTV stations given that Congress initially declined to do so.⁴ It would be manifestly unfair, and counterproductive, to use T-Mobile's willingness to aid in the transition of LPTV stations as the reason for barring these stations from seeking reimbursement funding from the expansion of the Reimbursement Fund enacted specifically for this purpose.

T-Mobile agrees with the LPTV Spectrum Rights Coalition that "[a]ll additional sources of funds should not be used against a[] . . . [LPTV station's] eligibility for funding."⁵ As T-Mobile made clear in its comments, it also supports safeguards to prevent a station from receiving duplicate funding by requiring the station to make the appropriate certification under penalty of perjury—the same mechanism the Commission routinely uses to ensure that applicants and licensees comply with its rules—or to submit certain documentation as part of its invoice submission for reimbursement from the Fund to demonstrate that it had already refunded monies to a third party or vendor.⁶

Neither the Joint Commenters nor NAB provide any grounds for denying such stations eligibility to seek reimbursement from the Fund. The Joint Commenters assert that "stations

³ See Comments of T-Mobile USA, Inc., MB Docket No. 18-214, at 2 (Sept. 26, 2018) ("T-Mobile Comments").

⁴ See *id.*

⁵ Comments of the LPTV Spectrum Rights Coalition, Inc., MB Docket No. 18-214, at 6 (Sept. 26, 2018).

⁶ See T-Mobile Comments at 3-4.

receiving reimbursement from another source should not be eligible to receive funding from the REA,”⁷ without providing any reasoned justification for their position, and thus should merit little weight from the Commission. And despite NAB’s assertion that LPTV stations “should not be eligible for reimbursement for amounts they have already received or will receive from other sources,”⁸ NAB also recognizes that “[these LPTV stations] made their decisions when it appeared uncertain that [the] reimbursement would be forthcoming from any other source.”⁹

NAB appears to base its opposition on a speculative concern that “there may be insufficient funds to reimburse all eligible stations.”¹⁰ But this claim, in addition to being without factual basis, is unsupported by the clear text of the REA and would simply punish third parties like T-Mobile for their efforts to accelerate the relocation of LPTV stations and strongly discourage any other third parties from coming forward in the future. Such a result would be unfair to those third parties and counterproductive to the public interest in the rapid transition of the 600 MHz Band to mobile broadband service. The Commission should ensure that the Reimbursement Fund is available to all eligible LPTV stations, as the REA plainly intends.

CONCLUSION

For the foregoing reasons, the Commission should adopt T-Mobile’s proposal to allow displaced LPTV stations that receive or have received reimbursement funding from a third party to seek such funding from the Reimbursement Fund as long as the station certifies under penalty of perjury that any third-party payment already received for those expenses has been returned. Such an approach would fulfill the purpose of the REA, serve the public interest in the rapid and

⁷ Joint Commenters Comments at 12.

⁸ See NAB Comments at 19-20.

⁹ *Id.* at 20.

¹⁰ *Id.*

efficient transformation of the 600 MHz Band, and ensure that those LPTV stations and third parties, like T-Mobile, who were proactive in helping facilitate the transition of the 600 MHz Band are not penalized for their efforts.

Respectfully submitted,

/s/ Steve B. Sharkey

Steve B. Sharkey
Vice President, Government Affairs
Engineering and Technology Policy

Christopher Wieczorek
Director, Spectrum Policy

T-MOBILE USA INC.
601 Pennsylvania Ave., NW
Suite 800
Washington, DC 20004

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