

April 10, 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:

T-Mobile US, Inc. (“T-Mobile”) and Sprint Corporation (“Sprint”) (collectively, “Applicants” or “Parties”) submit this letter in response to the March 28, 2019 submission of Liberty Cablevision of Puerto Rico LLC (“Liberty”) in the above-captioned proceeding.¹ Liberty’s newest submission, although styled as a “supplemental comment,” in fact offers nothing new. Instead, it merely restates the ill-founded allegations in Liberty’s Petition to Deny.² As the Parties noted in their earlier Joint Opposition, Liberty’s sudden religion on competition and its opposition to the merger are particularly ironic given Liberty’s continuing monopoly with respect to cable television services in Puerto Rico. Liberty historically had no interest in mobile services, but this indifference has vanished now that its cable monopoly is threatened by New T-Mobile.³ Liberty’s ongoing attempt to delay transaction approval should be recognized for what it is—a self-interested attempt to forestall competition to Liberty’s core services.

As a preliminary matter, Liberty claims—again—that Verizon’s absence from the Puerto Rico market⁴ means that the merger’s beneficial effects on competition will not materialize in Puerto

¹ Supplemental Comments of Liberty Cablevision of Puerto Rico LLC in Support of Petition to Deny, WT Docket No. 18-197 (filed Mar. 28, 2019) (“Liberty Comments”).

² See Petition to Deny of Liberty Cablevision of Puerto Rico LLC, WT Docket No. 18-197 (filed Aug. 27, 2018) (“Petition to Deny”); see also Reply of Liberty Cablevision of Puerto Rico LLC to Opposition of T-Mobile US, Inc. and Sprint Corporation to Petition to Deny, WT Docket No. 18-197 (filed Oct. 31, 2018).

³ See *Applications of T-Mobile US, Inc. and Sprint Corporation for Consent to Transfer Control of the Licenses and Authorizations*, WT Docket No. 18-197, Joint Opposition of T-Mobile US, Inc. and Sprint Corporation at 28-29 (filed Sept. 17, 2018).

⁴ The Puerto Rico market consists of twelve cellular market areas (“CMAs”): San Juan-Caguas (CMA091), Ponce (CMA147), Mayaguez (CMA169), Arecibo (CMA202), Aguadilla (CMA204), Puerto Rico 1 – Rincon (CMA723), Puerto Rico 2 –Adjuntas (CMA724), Puerto

Rico.⁵ As the Applicants have previously explained, however, New T-Mobile will face competition in Puerto Rico that includes AT&T Mobility (“AT&T”) and Puerto Rico Telephone Company (“PRTC”), the country’s longstanding incumbent landline and wireless carrier. Both AT&T and PRTC have greater market share than and superior coverage to either T-Mobile or Sprint’s recently formed Joint Venture with Open Mobile.⁶ Although Liberty attempts to cast PRTC as still hobbled by destruction it experienced during the 2017 hurricane season,⁷ recent statements from PRTC’s parent company to the U.S. Securities and Exchange Commission proclaim that PRTC has “fully restored [its] wireless network and it is practically operating under normal conditions.”⁸ Likewise, AT&T reported that it had made more than 560 wireless network upgrades—undergrounding completely its core network in Puerto Rico, installing more fiber, adding new in-building coverage projects, completing network capacity upgrades, and deploying new cell sites.⁹ Indeed, on April 20, 2018, AT&T began marketing its “5GE service” in four Puerto Rico CMAs.¹⁰

Second, Liberty reiterates its misunderstanding that Applicants’ combined spectrum holdings, in excess of the spectrum screens in Puerto Rico, somehow compel the FCC to require divestitures or deny the transaction entirely. Again, this conflicts with the stated purpose of the spectrum screen, which at most triggers a case-by-case, local market analysis that considers how different spectrum bands have different characteristics and values for wireless carriers.¹¹ The

Rico 3 – Ciales (CMA725), Puerto Rico 4 – Aibonito (CMA726), Puerto Rico 5 – Ceiba (CMA727), Puerto Rico 6 – Vieques (CMA728), and Puerto Rico 7 –Culebra (CMA729).

⁵ See Liberty Comments at 2-3.

⁶ See *Applications of T-Mobile US, Inc. and Sprint Corporation for Consent to Transfer Control of the Licenses and Authorizations*, WT Docket No. 18-197, Description of Transaction, Public Interest Statement, and Related Demonstrations at Appx. J at 5-10 (filed June 18, 2018).

⁷ Liberty Comments at 3.

⁸ See America Movil, S.A.B. DE C.V., Form 6-K (filed July 19, 2018).

⁹ Andre Fuetsch, “Setting the Record Straight on 5G Evolution,” AT&T Technology Blog (April 19, 2018), https://about.att.com/innovationblog/5g_evolution_record; see also Michelle Kantrow-Vázquez, “AT&T building out 4G LTE network, laying foundation for 5G in P.R.,” News is My Business (Aug. 10, 2018), <https://newsismybusiness.com/building-network-foundation>.

¹⁰ Press Release, “AT&T Builds on 5G Foundation in More Than 100 New Markets,” AT&T News, April 20, 2018, https://about.att.com/story/att_builds_on_5g_foundation_in_more_than_100_new_markets.html.

¹¹ *Policies Regarding Mobile Spectrum Holdings*, Order on Reconsideration, 30 FCC Rcd 8635, 8642 ¶15 (2015).

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Commission, despite Liberty’s alarm-raising, “retains the authority to approve transactions that trigger the screen.”¹²

The benefits of this merger have been extensively documented in this proceeding, and consumers in Puerto Rico will reap the rewards of the merged company’s better network—a network that will deliver faster speeds, enable innovative mobile wireless uses, unlock new video services, create thousands of new jobs, and spark more competition. The Commission should thus reject Liberty’s self-serving efforts to guard its cable monopoly against a disruptive entrant in the broadband space.

Please direct any questions regarding the foregoing to the undersigned.

Respectfully submitted,

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¹² *Id.* at 8642 ¶17.