

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Wireless Telecommunications Bureau Seeks)	WT Docket No. 18-104
Comment on Status of Federal Government)	
Relocation from AWS-3 Bands)	

COMMENTS OF T-MOBILE USA, INC.

T-Mobile USA, Inc. (“T-Mobile”)^{1/} submits these comments in response to the Public Notice in the above-referenced proceeding^{2/} in which the Commission asks whether it should extend the existing 12-year period for Advanced Wireless Services licenses in the 1695-1710 MHz, 1755-1780 MHz and 2155-2180 MHz bands (collectively, the “AWS-3 bands”) to meet the end-of-license term performance deadlines. Based on T-Mobile’s favorable experience to date, a service-wide extension of time is not warranted. The Commission should tailor any extensions to the particular geographic area and spectrum from which Federal entities demonstrate – through the submission of updated Transition Plans – they will be unable to relocate.

I. INTRODUCTION AND SUMMARY

T-Mobile, including the MetroPCS brand, offers nationwide wireless voice, text, and data services to 74 million subscribers.^{3/} In the first quarter of 2018, T-Mobile added 1.4 million net

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

^{2/} *Wireless Telecommunications Bureau Seeks Comment on Status of Federal Government Relocation from AWS-3 Bands*, Public Notice, WT Docket No. 18-104, DA 18-346 (rel. Apr. 6, 2018) (“Public Notice”).

^{3/} See T-Mobile News Release, *T-Mobile Celebrates 5 Years as a Public Company with Record-Low Churn, Industry-Leading Customer Growth, and Strong Profitability*, (May 1, 2018), <https://newsroom.t-mobile.com/news-and-blogs/q1-2018-earnings.htm>.

customers – marking twenty straight quarters of adding more than 1 million customers every quarter.^{4/} T-Mobile also saw continued growth in postpaid phone customers – with postpaid net additions expected to lead industry for the seventeenth consecutive quarter^{5/} – and continued success at MetroPCS.^{6/} T-Mobile holds over 200 AWS-3 licenses and is therefore interested in potential Commission action that may affect the rights and obligations of AWS-3 spectrum holders.

As the Public Notice states, Federal operations were located in the AWS-3 bands, most of which were required to relocate to other spectrum.^{7/} Because of the presence of these Federal incumbent operations, the Commission issued licenses for a 12-year term, in contrast to the usual 10-year terms, and established performance requirements for the end of that extended license term. Despite the longer period for demonstrating compliance with the performance requirements, the Commission directed the Wireless Telecommunications Bureau to assess, 3 years after the auction, the status of Federal relocation efforts to determine whether extensions of the original license term and associated performance requirement deadline is required.^{8/}

T-Mobile was a significant participant in the AWS-3 auction,^{9/} and was the first carrier to

^{4/} *See id.*

^{5/} *See id.*

^{6/} *See id.*

^{7/} *Public Notice* at 1.

^{8/} *Id.*

^{9/} T-Mobile paid nearly \$1.8 billion for 151 licenses. *See*, FCC Auctions, Bidder Summary, Auction 97, Round 341, T-Mobile License LLC, available at <https://auctionbidding.fcc.gov/auction/index.htm?CFID=7330669&CFTOKEN=22506276&jsessionid=QTHSbDzFtrV3vYtLC2w6JyDG8jCxTQhG7hF3RspDnZyhvGdG3v1b!-1202387453!-1968954300!1526936325434>.

turn on its AWS-3 network in October 2016.^{10/} The public interest favors full deployment of AWS-3 spectrum as soon as possible to meet the documented needs of wireless networks.^{11/} The Commission should therefore limit any extensions of the AWS-3 performance requirements that would delay service to the public. There may be limited circumstances under which Federal agencies demonstrate – through established processes – that additional time is required for relocation. Any extensions to accommodate Federal entities must be similarly limited in spectrum, time, and geographic scope.

II. RELOCATION OF FEDERAL AGENCIES IS PROCEEDING ACCORDING TO TRANSITION PLANS

In 2012, Congress passed the Middle Class Tax Relief Act, which included amendments to the National Telecommunications and Information Administration (“NTIA”) Act to add a new provision – codified at 47 U.S.C. 923(h) – which revised the system through which Federal incumbents would be relocated out of the AWS-3 bands, allowing them to be auctioned for commercial wireless service.^{12/} Under provisions added in the *2012 Act*, Federal incumbents were required to submit Transition Plans which specified when they would vacate from

^{10/} See, T-Mobile News Release, *T-Mobile Opens LG V20 Pre-Sale with Awesome Deals and is the First to Light Up AWS-3 Spectrum*, Oct. 17, 2016, available at <https://newsroom.t-mobile.com/news-and-blogs/lg-v20-pre-sale.htm>.

^{11/} See, e.g., ACCENTURE, *HOW THE WIRELESS INDUSTRY POWERS THE U.S. ECONOMY* 6 (2018), <https://api.ctia.org/wp-content/uploads/2018/04/Accenture-Strategy-Wireless-Industry-Powers-US-Economy-2018-POV.pdf>. (finding that demand for wireless broadband has tripled in the last two years to over 13.7 trillion megabytes).

^{12/} *Middle Class Tax Relief Act of 2012*, Pub. L. 112-96, tit. VI, §§ 6401-6414 (“*2012 Act*”).

assignments in the AWS-3 bands.^{13/} The relevant agencies did so, most recently updating those plans in May 2017.^{14/}

Since it was the winner of AWS-3 licenses, T-Mobile has worked closely with representatives of Federal entities authorized to use the spectrum for which it became the licensee. Based on T-Mobile's experience, that process has generally gone smoothly and most agencies have adhered to their Transition Plans. T-Mobile has had particular success working with, among others, the Departments of Defense, Homeland Security, and Justice, all of whom used frequencies for which T-Mobile became the AWS-3 licensee.

NTIA regulations require that Federal agencies update their Transition Plans to reflect changed circumstances no later than 30 days after the changed circumstances are discovered.^{15/} As noted above, there have been no updates to these plans since last May, meaning that – consistent with T-Mobile's experience – Federal agencies are generally adhering to their Transition Plans and those Transition Plans continue to present an accurate picture of when the relocation process will be complete. Until those Transition Plans change in a manner that requires an extension of the relocation process, the Commission need not provide relief from the end-of-term performance requirements. If Federal agencies update Transition Plans in a manner that may require a licensee to seek an extension, the Commission should address the extension request at that time, in a manner tailored to accommodate the time, geography and spectrum impacted.

^{13/} See, National Telecommunications and Information Administration, *Manual of Regulations and Procedures for Federal Radio Frequency Management* (Redbook), Annex O at O.3 (rel. May 2013) (“Redbook Annex O”).

^{14/} See, National Telecommunications and Information Administration, *AWS-3 Transition*, available at <https://www.ntia.doc.gov/category/aws-3-transition>.

^{15/} *Redbook Annex O* at O.3.8.

III. A BLANKET EXTENSION OF TIME IS NEITHER NECESSARY NOR APPROPRIATE

Because Federal agencies are generally relocating from the AWS-3 bands consistent with their Transition Plans, there is no need for the Commission to extend the initial license term and associated performance requirement for all AWS-3 licenses granted to date. Indeed, as noted above, the performance period for AWS-3 licensees is already longer than the usual wireless performance period – 12 years rather than 10 years. The Commission has already taken into account the additional time required for Federal agencies to vacate the AWS-3 bands; indeed, in the 2014 *AWS-3 Order* the Commission found that “a 12-year initial term adequately compensates for the transition of government operations.”^{16/}

A blanket extension of time for all AWS-3 licensees to meet their performance requirements will unnecessarily delay the deployment of these frequencies in support of consumer and business needs. If the Commission grants extensions, it should be on a case-by-case basis only. Any request for an extension should be required to include a demonstration that the relevant Federal agency has modified its Transition Plan, making the licensee’s satisfaction of the performance requirements difficult or impossible, and an explanation of how much of a delay will be caused by the change in Transition Plan.

If the Commission issues extensions of time to meet performance requirements, it should do so only on a limited basis, with the grant of the extension and its length determined by the extent of the delays resulting from Federal relocation. These extensions should not, as the Commission suggests in the *Public Notice*, be based on when licenses were issued, since the timeframe for Federal relocation is not necessarily related to when the AWS-3 applications were

^{16/} *Amendment of the Commission’s Rules with Regard to Commercial Operations in the 1695-1710 MHz, 1755-1780 MHz, and 2155-2180 MHz Bands*, Report and Order, 29 FCC Rcd 4610 at ¶ 132 (2014) (“AWS-3 Order”).

granted – licenses granted later may be for spectrum from which it is easier to relocate. Nor should a waiver be granted generally for a particular geographic area or frequency block. The extension should be limited in geography and spectrum as required. A Federal incumbent may not be using all the AWS-3 spectrum for which a licensee is authorized. Nor may be it using spectrum throughout an entire economic area (“EA”). Both factors should be considered in narrowly defining the scope of any extension request. Finally, an extension should be only as long as necessary to accommodate any change made by a Federal agency to its Transition Plan – but in no case longer than the three years the Commission identified in the AWS-3 Report and Order.^{17/}

Indeed, the better result – and one that will facilitate service to the public on AWS-3 spectrum – is Federal agency relocation consistent with the Transition Plans. An important component of U.S. spectrum policy is Federal government evaluation and clearing of spectrum that can potentially be repurposed for commercial use – as evidenced most recently by provisions of the 2018 Appropriations Act.^{18/} But implementation of that Congressionally-mandated policy cannot occur if commercial deployments are delayed based on Federal agencies’ inability to adhere to Transition Plans. Entities will be dissuaded from participating in auctions involving spectrum from which Federal incumbents must be relocated if those Federal incumbents do not relocate from spectrum consistent with timetables established in Transition Plans. And, in addition to disturbing auction participants’ investment-backed expectations, service to the public will be delayed.

^{17/} *Id.*

^{18/} *See, Consolidated Appropriations Act 2018*, Pub. L. No. 115-141, div. P, tit. V and VI.

While certain delays in Transition Plan implementation may be unavoidable – leading to potential requirements for amendment of Transition Plans and extensions for AWS-3 licensees’ performance extensions – NTIA and the Commission should expect, encourage, and facilitate adherence to Transition Plan timelines. Indeed, Congress has provided access to additional funds, and designated more expenses as reimbursable. Federal entities’ ability to recover costs related to relocation and sharing now includes, for example:

- research, engineering studies, economic analyses and other expenses incurred in the process of studying, planning for, or managing the relocation, including coordination with auction winners;
- accelerated replacement of systems and equipment as needed to ensure timely relocation of systems following an auction;
- funds allocated to the Office of Management and Budget to allow agencies to implement their transition plans more quickly; and
- work performed to improve the efficiency of Federal spectrum use to allow for quicker and more efficient relocation of incumbents.^{19/}

NTIA should encourage Federal agencies to pursue these funding sources to ensure that they adhere to, or accelerate, Transition Plans.

IV. CONCLUSION

Based on T-Mobile’s experience, Federal entities have been able to relocate from AWS-3 spectrum for which they were authorized, allowing access to that spectrum to the commercial licensees that purchased rights to the spectrum at auction. Those licensees should therefore generally be required to adhere to the 12-year license term and performance deadlines. The

^{19/} See, 47 USC § 923(g)(3); and 47 USC § 928(f) and (g).

Commission should not issue a blanket extension for all AWS-3 licensees to meet those deadlines and delay the deployment of that spectrum to meet consumer needs. Instead, the Commission grant only limited extensions to AWS-3 as circumstances require, based on amendments to Transition Plans, through NTIA-established processes.

Respectfully submitted,

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