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June 12, 2019

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: *Ex Parte Notification*

GN Docket No. 14-177, *Use of Spectrum Bands Above 24 GHz for Mobile Radio Services*

AU Docket No. 19-59, *Incentive Auction of Upper Microwave Flexible Use Service Licenses in the Upper 37 GHz, 39 GHz, and 47 GHz Bands for Next-Generation Wireless Services*

Dear Ms. Dortch:

On June 11, 2019, Michael Amend and Christopher Wieczorek of T-Mobile USA, Inc. (“T-Mobile”),^{1/} Russell Fox and Angela Kung of Mintz, and I met with Donald Stockdale, Jonathan Campbell, Blaise Scinto, Erin Fitzgerald, Simon Banyai, Jennifer Tomchin (by telephone), and Stephen Buenzo (by telephone) of the Wireless Telecommunications Bureau; Giulia McHenry, Patrick DeGraba, Margaret Wiener, Martha Stancill, Craig Bomberger, Erik Salovaara, Mark Montano, Erik Beith, Jill Goldberger, and Shabnam Javid (by telephone) of the Office of Economics and Analytics regarding the above-referenced proceedings.

Consistent with our comments in these proceedings, we discussed the need for transparency and certainty in the incentive auction of the Upper 37 GHz (37.6-38.6 GHz), 39 GHz (38.6-40 GHz), and 47 GHz (47.2-48.2 GHz) bands (“Auction 103”). In particular, we urged the Commission to provide incumbent 39 GHz licensees with information during bidding about their incentive payment credits and to provide data file format specifications and sample data files at least 30 days before bidding commences. To reduce complexity during the auction, we suggested that bidders be presented only with feasible options during the assignment phase. We also urged the Commission to reject the requests of others to reduce the size of the license areas for the spectrum in Auction 103 and the proposals to include “white spaces” in the auction.

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

To ensure that Auction 103 proceeds at an appropriate pace, we recommended that the Commission use the tools it currently has – increasing price increments and number of bidding rounds – to accelerate bidding. As bidders have become more familiar with the Commission’s clock auction format, it has become less important for the Commission to use protracted bidding rounds. In addition, while we expressed support for conducting separate assignment rounds for the top 20 Partial Economic Areas, we noted that the Commission could instead proceed with conducting assignments based on Regional Economic Area Groupings in order to allow the assignment phase to proceed more quickly.

We explained that, contrary to the assertions of others, the Upper 37 GHz and 39 GHz bands should be treated as a single product that is separate from the 47 GHz band. We noted that, to the extent incumbent licensees are concerned about where they may be relocated, the Commission could specify prior to the auction the portion of the Upper 37 GHz and 39 GHz bands in which it expects to repack incumbent licensees. We expressed support for the Commission’s proposed upfront payment and minimum opening bid amounts, but requested that the upfront payment and minimum opening bid amounts for the 47 GHz band be lowered due to its limited utility relative to the Upper 37 GHz and 39 GHz bands. We, however, also stressed that the Commission need not lower upfront payments generally for incumbent licensees.

Finally, we discussed the application of the Commission’s prohibited communications rule to incumbent 39 GHz licensees and Auction 103 participants. We acknowledged and appreciated that the Commission has provided previous guidance on and sought to narrow the scope of the prohibited communications rule. However, due to the potential length of the prohibition for incumbent licensees, we requested that the Commission either delay the application of the rule to incumbent licensees – currently scheduled to start on July 15, 2019 – or to provide greater clarification as to the types of communications that would be permissible under the rule.

Pursuant to Section 1.1206(b)(2) of the Commission’s rules, an electronic copy of this letter is being filed in the above-referenced dockets and a copy is being provided to the staff with whom we met. Please direct any questions regarding this filing to me.

Respectfully submitted,

/s/ Steve B. Sharkey

Steve B. Sharkey
Vice President, Government Affairs
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cc: (each by e-mail)
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