

May 23, 2019

The Honorable Ajit Pai
Chairman
Federal Communications Commission
445 12th Street SW
Washington, D.C. 20554

The Honorable Makan Delrahim
Assistant Attorney General for the Antitrust
Division
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Chairman Pai and Assistant Attorney General Delrahim:

We write to you regarding Chairman Pai's May 20, 2019 statement expressing his intention to recommend that the Federal Communications Commission (FCC) approve the proposed merger of T-Mobile US, Inc. (T-Mobile) and Sprint Corporation (Sprint).¹ As we outlined in detail in our previous letter, we are concerned that this four-to-three merger does not serve the public interest and would result in substantial anticompetitive effects, harming consumers, workers, and innovation.² Accordingly, we again urge both the FCC and the Department of Justice (Department) to reject this transaction.

We are aware of the proposed behavioral conditions that T-Mobile and Sprint have offered to the FCC as part of their efforts to gain regulatory approval of their market-consolidating merger,³ but these commitments would not prevent the harms this transaction would produce. Among other issues, the behavioral conditions and voluntary commitments offered are filled with loopholes, lack meaningful enforcement mechanisms, and do not come close to ameliorating the negative effects that a reduction in wireless competition would cause for consumers across the country, including the wholesale and prepaid markets.

Additionally, the parties' submission includes a handful of vague promises. For instance, they commit to building out the 5G network in rural America, but it still falls far short. It fails to include a pledge to create jobs and opportunities for the ones that will be lost – a factor in the FCC's public interest determination as Commissioner Starks has recognized.⁴

Ironically, in his statement, Chairman Pai has endorsed a set of conditions that are almost entirely behavioral in nature and unrelated to any merger-specific harms – precisely the type of conditions which both of you have so strongly criticized in the past. In addition, we are concerned about the process by which these commitments came about – without any public input

¹ Chairman Pai Statement on T-Mobile/Sprint Transaction, May 20, 2019, *available at* <https://www.fcc.gov/document/chairman-pai-statement-t-mobilesprint-transaction>.

² Letter to Chairman Pai by Senators Blumenthal, Klobuchar, Udall, Brown, Gillibrand, Warren, Sanders, Booker, and Markey, February 12, 2019.

³ T-Mobile/Sprint Counsel filing May 20, 2019 Accessed here <https://newtmobile.com/wp-content/uploads/2019/05/FCC-Filing-May-20.pdf>

⁴ The Kansas City Star, For Johnson County native and new FCC commissioner, jobs factor into Sprint merger, March 22, 2019, <https://www.kansascity.com/news/politics-government/article228280384.html>.

or visibility. We agree with Commissioner Rosenworcel that the FCC “should put them out for comment so the public can tell us just what they think about this new proposal.”⁵ Therefore, we request that the FCC let in light on T-Mobile’s substantially revised merger plans and allow for a 30-day comment period so that interested parties may evaluate T-Mobile and Sprint’s proposals.

We note that Chairman Pai has expressed support for this merger subject to the behavioral conditions and voluntary commitments proposed by the Applicants and based on the public interest standard applied by the FCC. Even with the proposed behavioral conditions and voluntary commitments, the merger of T-Mobile and Sprint does not appear to be in the public interest, and we urge Chairman Pai to reconsider his support for the transaction.

The Department applies a different standard under section 7 of the Clayton Antitrust Act, which prohibits mergers that substantially lessen competition. The conditions proposed by the parties to the FCC do not alleviate our competitive concerns. For the reasons set forth in our letter of February 12, 2019 and above, we reiterate our call on the Department to protect competition and consumers by opposing this proposed merger.

Sincerely,



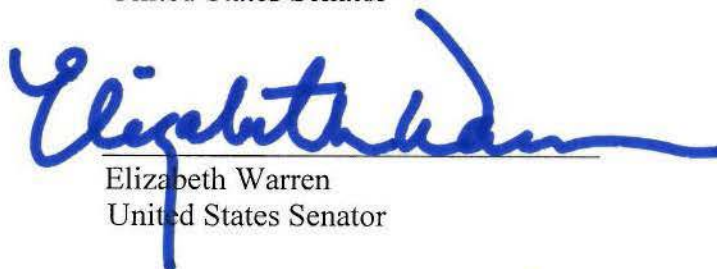
Tom Udall
United States Senator



Amy Klobuchar
United States Senator



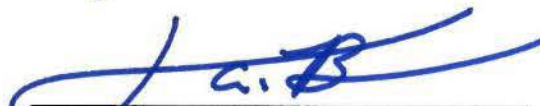
Richard Blumenthal
United States Senator



Elizabeth Warren
United States Senator



Edward J. Markey
United States Senator



Cory Booker
United States Senator

cc: Commissioner Michael O'Rielly
Commissioner Brendan Carr
Commissioner Jessica Rosenworcel
Commissioner Geoffrey Starks

⁵ Jessica Rosenworcel, Twitter, May 20, 2019, 10:15 am.



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

June 11, 2019

The Honorable Tom Udall
United States Senate
531 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Udall:

Thank you for your letter regarding the proposed merger of T-Mobile and Sprint. I appreciate hearing your views, and your letter will be made part of the official record of the proceeding.

As you observe, the Commission is evaluating whether this proposed transaction is in the public interest. Based on a careful analysis of the record that has been developed thus far and commitments the parties have made to the Commission, I believe approval of the transaction would be in the public interest.

In particular, two of the FCC's top priorities are closing the digital divide in rural America and advancing United States leadership in 5G, the next generation of wireless connectivity. The commitments made by T-Mobile and Sprint would substantially advance each of these critical objectives. For example, the companies have committed to deploying a 5G network that would cover 97% of our nation's population within three years of the closing of the merger and 99% of Americans within six years. This 5G network would also reach deep into rural areas, with 85% of rural Americans covered within three years and 90% covered within six years. Additionally, T-Mobile and Sprint would guarantee that 90% of Americans would have access to mobile broadband service at speeds of at least 100 Mbps and 99% would have access to speeds of at least 50 Mbps. Demonstrating that 5G will indeed benefit rural Americans, T-Mobile and Sprint have promised that their network would cover at least two-thirds of our nation's rural population with high-speed, mid-band 5G, which could improve the economy and quality of life in many small towns across the country. The construction of this network and the delivery of such high-speed wireless services to the vast majority of Americans would substantially benefit consumers and our country as a whole. Moreover, the companies have offered specific commitments regarding the rollout of an in-home broadband product, including to rural households. This would give many Americans another option for home broadband service—an infusion of competition that will benefit consumers.

Moreover, the parties have also taken steps to respond to concerns that have been raised about this transaction. Most importantly, in addition to their prior commitment not to raise prices for three years, T-Mobile and Sprint have decided to divest Boost Mobile. This sale would be designed to address potential competitive issues that have been identified in the prepaid wireless segment.

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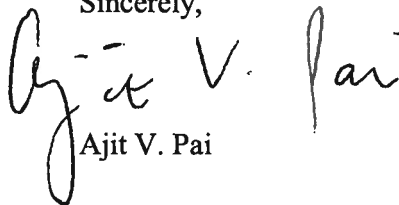
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In light of the significant commitments made by T-Mobile and Sprint as well as the facts in the record to date, I believe that this transaction is in the public interest and intend to recommend to my colleagues that the FCC approve it. I have already said publicly that I will circulate an order to my colleagues reflecting this recommendation in the coming weeks. In my view, this is a unique opportunity to speed up the deployment of 5G throughout the United States and bring much faster mobile broadband to rural Americans. We should seize this opportunity.

Finally, in terms of process, I can assure you that the FCC has followed the consistent agency practice with respect to transactional review. Indeed, we have been even more transparent than has often been the case, making public the specific details of particular commitments made by the parties weeks before the circulation of a draft order. This has afforded an opportunity for public comment on the conditions, already taken advantage of by several commenters for and against the transaction.

Please let me know if I can be of any further assistance.

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Ajit V. Pai



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

June 11, 2019

The Honorable Elizabeth Warren
United States Senate
317 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Warren:

Thank you for your letter regarding the proposed merger of T-Mobile and Sprint. I appreciate hearing your views, and your letter will be made part of the official record of the proceeding.

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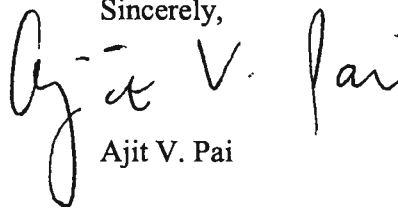
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Ajit V. Pai



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

June 11, 2019

The Honorable Edward J. Markey
United States Senate
255 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Markey:

Thank you for your letter regarding the proposed merger of T-Mobile and Sprint. I appreciate hearing your views, and your letter will be made part of the official record of the proceeding.

As you observe, the Commission is evaluating whether this proposed transaction is in the public interest. Based on a careful analysis of the record that has been developed thus far and commitments the parties have made to the Commission, I believe approval of the transaction would be in the public interest.

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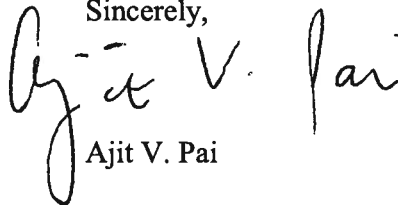
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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

June 11, 2019

The Honorable Amy Klobuchar
United States Senate
425 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Klobuchar:

Thank you for your letter regarding the proposed merger of T-Mobile and Sprint. I appreciate hearing your views, and your letter will be made part of the official record of the proceeding.

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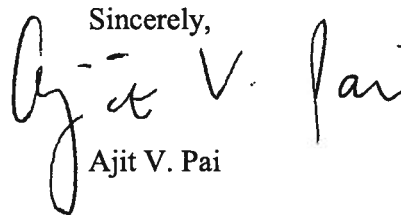
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WASHINGTON

OFFICE OF
THE CHAIRMAN

June 11, 2019

The Honorable Cory Booker
United States Senate
717 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Booker:

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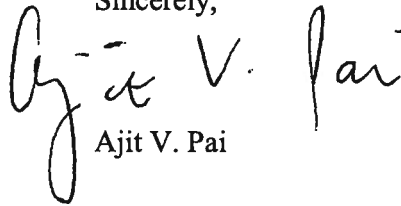
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Ajit V. Pai



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

June 11, 2019

The Honorable Richard Blumenthal
United States Senate
706 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Blumenthal:

Thank you for your letter regarding the proposed merger of T-Mobile and Sprint. I appreciate hearing your views, and your letter will be made part of the official record of the proceeding.

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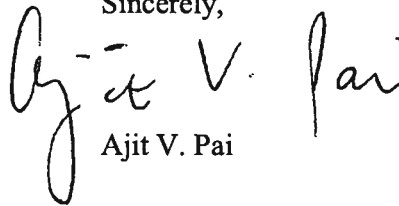
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Ajit V. Pai