



June 24, 2021

Via ECFS

Marlene H. Dortch
Secretary
Federal Communications Commission
45 L Street NE
Washington, DC 20554

Re: *Notice of Oral Ex Parte Communication*

WT Docket No. 18-120, *Transforming the 2.5 GHz Band*

AU Docket No. 20-429, *Auction of Flexible-Use Service Licenses in the 2.5 GHz Band for Next-Generation Wireless Services; Comment Sought on Competitive Bidding Procedures for Auction 108*

WT Docket No. 19-348, *Facilitating Shared Use in the 3100-3550 MHz Band*

AU Docket No. 21-62, *Auction of Flexible-Use Service Licenses in the 3.45-3.55 GHz Band (Auction 110)*

WT Docket No. 20-443, *Expanding Flexible Use of the 12.2-12.7 GHz Band*

Dear Ms. Dortch:

On June 22, 2021, John Hunter and Christopher Wieczorek of T-Mobile USA, Inc. (“T-Mobile”),^{1/} Russell Fox of Mintz and I conducted separate videoconferences with Gregory Watson, Policy Advisor to Commission Carr and with William Davenport and Jazmin Bejarano, Chief of Staff and Senior Legal Advisor and Legal Intern, respectively, to Commissioner Starks. On June 23, we met by videoconference with Erin Boone, Wireless Advisor to Commissioner Simington. In each case, we discussed the above-referenced proceedings.

2.5 GHz

We stated that the Commission should set a date to begin the auction of the 2496-2690 MHz (“2.5 GHz”) band so that the remainder of this valuable mid-band spectrum can be put to use to provide fifth generation (“5G”) wireless services. The Commission should conduct the auction of this spectrum using the familiar simultaneous multiple-round (“SMR”) format, which will afford bidders the opportunity to engage in price discovery, a key component of ensuring that auctions produce rational results. Because it is familiar to bidders and does not use the blind-bidding approach of a pay-as-bid single-round sealed-bid (“PAB-SRSB”) auction, an SMR

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



auction will attract a broad range of bidders. Indeed, the record reflects support for an SMR auction from large and small entities.^{2/} In contrast, a PAB-SRSB auction requires bidders to guess at product values with little information. And if a bidder guesses incorrectly, either because it overestimated or underestimated what others would bid, it could lose a license it valued more highly than others or win a license it did not value as highly as others – both of which would produce inefficient results.

Concerns regarding the use of the SMR format are misplaced. If the Commission wishes to accelerate the time it takes to conduct the auction, T-Mobile has suggested mechanisms – switching limits, increased bid increments, intra-round bidding – that would accomplish that.^{3/} Similarly, the use of an SMR format will not favor T-Mobile by permitting it to wait to out-bid others on all licenses. Others often out-bid T-Mobile in auctions where those other bidders value spectrum differently than T-Mobile. There is no reason to assert that the results in a 2.5 GHz auction will be any different.

We pointed out that T-Mobile and others have demonstrated errors in the products listed as available for the 2.5 GHz band auction and urged the Commission to make updated information available.^{4/} Similarly, some of the products listed as available suggest that the licenses cover more population than is accurate. We urged the Commission to modify the upfront payment, minimum opening bids, and bidding units to more accurately reflect the population covered by the offered license.

Finally, we urged the Commission to reject the unprecedented requests that incumbent licensees make proprietary lease information publicly available.

3.45 GHz

We applauded the Commission’s actions so far to make this 100 megahertz of mid-band spectrum available to support 5G services. And, consistent with the suggestion of T-Mobile and others, postponing the obligations to submit down payments and final payments until 2022 will encourage additional participation in this auction.

The National Telecommunications and Information Administration and the Department of Defense (“DoD”) recently made available information about the DoD’s use of the 3.45 GHz

^{2/} See, e.g., Comments of Competitive Carriers Association, AU Docket No. 20-429, at 1-2 (filed May 3, 2021); Comments of Rural 2.5 Consortium, AU Docket No. 20-429, at 1-2 (filed May 3, 2021); Comments of TeleGuam Holdings, LLC, AU Docket No. 20-429, at 4 (filed May 3, 2021); Comments of United States Cellular Corporation, AU Docket No. 20-429, at 1 (filed May 3, 2021); Comments of Verizon, AU Docket No. 20-429, at 4-9 (filed May 3, 2021).

^{3/} See Letter from Steve B. Sharkey, Vice President, Government Affairs, Technology and Engineering Policy, T-Mobile, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 18-120 and AU Docket No. 20-429, at 4-5 (filed Feb. 18, 2021).

^{4/} See Comments of T-Mobile USA, Inc., AU Docket No. 20-429, at 16-17, Appendices 1-5 (filed May 3, 2021); Reply Comments of T-Mobile USA, Inc., AU Docket No. 20-429, at Appendix 1, Revised Appendix 5 (filed May 27, 2021).

band.^{5/} This information is critical to potential bidders' auction planning. And while T-Mobile appreciates the information released to date and the planned DoD workshops, the information is not yet sufficient. Accordingly, T-Mobile urges the Commission to continue to work with DoD to make more information available regarding the type and locations of DoD use of the 3.45 GHz band. Because the prohibited communications period begins in under one month, the Commission should clarify that DoD may continue to make that information available in publicly accessible formats even after short form applications are submitted.

The Commission should similarly eliminate any uncertainty regarding the auction by promptly dismissing the petitions for reconsideration of the Commission's *Second Report and Order* in this proceeding. The Aerospace Industries Association request would further erode the availability of this spectrum across the continental United States, availability that will already be limited by Cooperative Planning Areas and Periodic Use Areas created to protect DoD operations. The petitions for reconsideration submitted by the Rural Wireless Association and the Blooston Rural Carriers either impermissibly raise issues not considered before by the Commission or requests, with no new information submitted, that were rejected by the Commission based on the record.

12 GHz

We urged the Commission to consider making some or all of the 12.2-12.7 GHz ("12 GHz") band available for terrestrial mobile operations. As an initial matter, the Commission must consider, based on the extensive record so far, and the additional studies likely to be submitted, whether sharing between mobile and incumbent satellite services is feasible. If it concludes that sharing is not possible, the Commission should consider relocating satellite services from the band. While the Commission has authorized non-geostationary orbit ("NGSO") operations in the band, it has consistently made clear that NGSO use of the band remained subject to potential future operations.^{6/} Moreover, NGSO licensees have access to substantial additional spectrum,

^{5/} See *The Federal Communications Commission and the National Telecommunications and Information Administration: Coordination Procedures in the 3.45-3.55 GHz Band*, Public Notice, DA 21-645 (rel. June 2, 2021); *Transition Plans and Transition Data for the 3450-3550 MHz Band*, NTIA, <https://www.ntia.doc.gov/other-publication/2021/transition-plans-and-transition-data-3450-3550-mhz-band> (June 3, 2021).

^{6/} See, e.g., *Theia Holdings A, Inc., Request for Authority to Launch and Operate a Non-Geostationary Satellite Orbit System in the Fixed-Satellite Service, Mobile-Satellite Service, and Earth-Exploration Satellite Service*, Memorandum Opinion, Order and Authorization, 34 FCC Rcd 3526, ¶ 36 (2019) ("[G]rant of the Theia application will not prejudice any decision, including a contrary action, in any future rulemaking proceedings."); *Kepler Communications, Inc. Petition for Declaratory Ruling to Grant Access to the U.S. Market for Kepler's NGSO FSS System*, Order, 33 FCC Rcd 11453, ¶ 29 (2018) ("[A]ny investments made toward operations in the bands authorized in this order by Kepler in the United States assume the risk that operations may be subject to additional conditions or requirements as a result of any future Commission actions."); *Karousel Satellite LLC, Application for Authority to Launch and Operate a Non-Geostationary Earth Orbit Satellite System in the Fixed Satellite Service*, Memorandum Opinion, Order and Authorization, 33 FCC Rcd 8485, ¶ 13 (2018) ("We note that as with our other recent authorizations of NGSO FSS systems, grant of the Karousel Application will not prejudice any decision, including a contrary action, in any future rulemaking proceedings."); *Space Exploration Holdings, LLC Application for Approval for Orbital Deployment and Operating Authority for the SpaceX NGSO Satellite*

so that their service is not dependent on use of the 12 GHz band. Direct Broadcast Satellite (“DBS”) use of the band is declining and the Commission may wish to consider using the same approach for those licensees as it did for licensees in the C-band (*i.e.*, reducing the spectrum they hold) to make some or all of the 12 GHz band available, if sharing with DBS is not feasible. Finally, we stated that any terrestrial mobile rights to the spectrum must be auctioned under Section 309(j) of the Communications Act,^{7/} and not awarded to existing licensees.

* * *

Pursuant to Section 1.1206 of the Commission’s rules, a copy of this letter has been submitted in the record of the above-referenced proceedings. If there are any questions concerning this matter, please contact the undersigned directly.

Respectfully submitted,

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

cc: (each by e-mail)
Gregory Watson
William Davenport
Jazmin Bejarano
Erin Boone

System, Memorandum Opinion Order and Authorization, 33 FCC Rcd 3391, ¶ 17 (2018) (“[G]rant of the SpaceX application will not prejudice any decision, including a contrary action, in any future rulemaking proceedings.”); *WorldVu Satellites Limited, Petitions for Declaratory Ruling Granting Access to the U.S. Market for the OneWeb NGSO FSS System*, Order and Declaratory Ruling, 32 FCC Rcd 5366, ¶ 6 (2017) (“[OneWeb] assume[s] the risk that operations may be subject to additional conditions or requirements as a result of such Commission actions.”).

^{7/} See 47 U.S.C. § 309(j).