601 Pennsylvania Ave., NW
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Washington, DC 20004

July 26, 2018

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: ***Notice of Oral Ex Parte Communication***

MB Docket No. 18-214, *LPTV, TV Translator, and FM Broadcast Station Reimbursement; and*

GN Docket No. 12-268, *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions.*

Dear Ms. Dortch:

On July 26, 2018, Chris Wieczorek of T-Mobile USA, Inc. ("T-Mobile")[1] and the undersigned met with Evan Swarztrauber from the Office of Commissioner Brendan Carr, regarding the above-referenced dockets.[2]

During the meeting, T-Mobile reiterated its commitment to rapidly deploying its 600 MHz spectrum to provide mobile broadband to consumers across the country, especially in previously underserved rural areas. It also highlighted that in order to facilitate its 600 MHz deployment, and recognizing that Congress did not initially provide relocation funding to low power television ("LPTV") stations, T-Mobile voluntarily committed to establishing a Supplemental Reimbursement Program to help reimburse LPTV stations for the reasonable costs associated with any second move of a station displaced because of T-Mobile's 600 MHz deployment.[3]

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[1] T-Mobile USA, Inc. is a wholly owned subsidiary of T-Mobile US, Inc., a publicly traded company.

[2] *LPTV, TV Translator, and FM Broadcast Station Reimbursement*, Draft Notice of Proposed Rulemaking and Order, MB Docket No. 18-214, GN Docket No. 12-268, FCC-CIRC1808-5 (circulated July 12, 2018) ("Draft NPRM").

[3] *See* Letter from Steve B. Sharkey, Vice President, Government Affairs, T-Mobile, to Marlene H. Dortch, Secretary, FCC, MB Docket No. 16-306 (filed July 17, 2017).

T-Mobile explained that while it was willing to step in at a time when Congress had not funded the post-auction relocation of LPTV stations (including translators), the passage of the Reimbursement Expansion Act ("REA") has materially altered the post-auction landscape for these stations.

T-Mobile expressed agreement with the tentative conclusion in the Draft NPRM that stations should not receive duplicate funding for relocation costs, but expressed concern that some of the other tentative conclusions appear to penalize T-Mobile for taking a proactive approach to help facilitate the transition of these stations. In particular, the Draft NPRM suggests that T-Mobile could remain responsible for funding LPTV relocation costs, notwithstanding the availability of the Reimbursement Fund for this purpose.[4] In this regard, T-Mobile noted that the NPRM as currently drafted appears to propose an even broader prohibition on duplicate payments than the statutory language applicable to duplicate funding for Class A and FM stations by proposing to preclude funding from the Reimbursement Fund for future as well as prior expenses if the station has had past expenses reimbursed by a third party.[5]

T-Mobile proposed that the Commission tentatively conclude that stations that received funds from third parties (including T-Mobile and any other third party that has been paying these costs to date) should be eligible to receive funds from the Reimbursement Fund, provided that they demonstrate that funds received from the third party have been returned or have not been used to fund the same eligible expenses and that going forward LPTV stations are eligible to seek reimbursement through the Reimbursement Fund provided that they do not receive duplicate payments from a third party. The foregoing would be subject to appropriate documentation to ensure that LPTV stations were not receiving duplicate payments. Such an approach is fair to all parties and consistent with the objective of avoiding such duplicate payments. At a minimum, T-Mobile suggested that the Draft NPRM should be revised to take a neutral approach by seeking comment on how to address the interplay between the expanded Reimbursement Fund and the pre-REA funding for LPTV relocation. This approach would accord more closely with the fact that the REA lacks an express provision addressing duplicate payments for LPTV relocation.[6]

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[4] *See* Draft NPRM para. 44 ("we tentatively conclude that a cost that is reimbursed by another source of funding is not a "cost . . . incurred" by the station under Section 511(k)(1).").

[5] *See id*. para. 46 (proposing that displaced LPTV stations be required to indicate whether they "expect to receive" third-party reimbursement).

[6] *Cf.* 47 U.S.C. § 1452(k)(3) (prohibiting duplicate payments to Class A station's); *id.* § 1452(l)(1)(C)(prohibiting duplicate payments to FM stations).

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 provided to each member of the Commission's staff with whom I spoke. Please direct any questions regarding this filing to me.

Respectfully submitted,

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

cc: Evan Swarztrauber