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July 30, 2020

Via ECFS

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

Re: *Written Ex Parte Communication*

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

Dear Ms. Dortch:

T-Mobile USA, Inc. (“T-Mobile”)^{1/} applauds the Commission’s actions intended to transform the use of the 2.5 GHz band (2496-2690 MHz).^{2/} T-Mobile has already begun to use the band by deploying 2.5 GHz fifth generation (“5G”) wireless services in parts of Chicago, Houston, Los Angeles, New York City, and Philadelphia, and is quickly expanding use of this spectrum for 5G services across the country.^{3/}

As part of its plan for auctioning the 2.5 GHz band, the Commission established a Rural Tribal Priority Window to afford federally recognized Tribal entities the opportunity to apply for unassigned 2.5 GHz spectrum to serve their communities and residents on rural Tribal lands before the spectrum is made available for commercial use.^{4/} That window is currently scheduled to close on August 3, 2020.^{5/} The National Tribal Telecommunications Association (“NTTA”),

^{1/} T-Mobile USA, Inc. is a wholly-owned subsidiary of T-Mobile US, Inc., a publicly traded company. T-Mobile and Sprint are now one company operating under the name T-Mobile. The merger closed on April 1, 2020.

^{2/} See *Transforming the 2.5 GHz Band*, Report and Order, 34 FCC Rcd 5446 (2019) (“*2.5 GHz Order*”).

^{3/} See T-Mobile News, *T-Mobile Wins 5G Availability Award: Customers Get 5G 56x More Often than Verizon* (June 20, 2020), <https://www.t-mobile.com/news/network/opensignal-5g-availability-win-june-2020>.

^{4/} See *2.5 GHz Order* ¶¶ 47-65.

^{5/} See *Federal Communications Commission Announces 2.5 GHz Rural Tribal Window and Technical Workshop*, Public Notice, 34 FCC Rcd 11138 (2019); *Wireless Telecommunications Bureau*

supported by several others, asked the Commission to extend the closing of the Window by 90 days, or until November 2, 2020, because of the continued impact of the COVID-19 pandemic – conditions that did not exist when the Commission announced the opening of the Window.^{6/} More recent requests, including by the National Congress of American Indians, Amerind, Southern California Tribal Chairmen’s Association, and Public Knowledge, seek a longer extension.^{7/}

T-Mobile does not object to a 90-day extension of the Window. However, it is important that grant of the pending requests not delay action necessary to auction the remaining 2.5 GHz spectrum for commercial use. While T-Mobile has begun to deploy 2.5 GHz spectrum for 5G services, currently unlicensed spectrum should be available to provide broadband services and not continue to lie fallow. That is why T-Mobile urges the Commission to pair any extension of the Window with a commitment to initiate action on a Public Notice that will result in the auction of the 2.5 GHz band in 2021. While NCAI *et al.* state that “there is no concern that granting the Motion for Stay will delay deployment of 2.5 GHz spectrum elsewhere,”^{8/} that will only be true if the Commission begins the process of preparing for an auction now.

The Commission released the *2.5 GHz Order* in the above-referenced proceeding over one year ago.^{9/} Contrary to its usual practice, however, it has not released a Public Notice seeking comment on procedures to govern the auction of the 2.5 GHz band.^{10/} The Commission should

Announces Procedures for 2.5 GHz Rural Tribal Priority Window, Public Notice, 35 FCC Rcd 4852 (2020).

^{6/} See Motion of the National Tribal Telecommunications Association for Extension of Time for Rural Tribal Priority Window Applications, WT Docket No. 18-120 (filed Apr. 30, 2020); see also Letter from Gregory W. Guice, Esq., McGuire Woods, LLC, Counsel for Gila River Telecommunications, Inc., to Marlene H. Dortch, Secretary, FCC, WT Docket No. 18-120 (filed May 6, 2020); Letter from Danae Wilson, Nez Perce Tribe, on behalf of the Tribal Members of the Native Nations Communication Task Force, to Ajit V. Pai, Chairman, FCC, WT Docket No. 18-120 (filed May 7, 2020); Letter from A Colony of Women, *et al.*, to Ajit V. Pai, Chairman, FCC, *et al.*, WT Docket No. 18-120 (filed May 15, 2020); Letter from Mariel Triggs, CEO, MuralNet, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 18-120 (filed July 13, 2020).

^{7/} See Emergency Motion for Stay of 2.5 GHz Rural Tribal Priority Window of National Congress of American Indians, Amerind, Southern California Tribal Chairmen’s Association, and Public Knowledge, WT Docket No. 18-120 (filed July 20, 2020) (“NCAI Request”); see also Letter from Harold Feld, Senior Vice President, Public Knowledge, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 18-120 (filed July 6, 2020); Letter from Jeffrey A. Campbell, Senior Vice President, Government Affairs and Public Policy, Cisco Systems, Inc., to Marlene H. Dortch, Secretary, FCC, WT Docket No. 18-120 (filed July 2, 2020).

^{8/} NCAI Request at 35.

^{9/} And, at that time, Chairman Pai suggested that the Commission would conduct the auction in 2020. See *2.5 GHz Order* at Statement of Chairman Ajit Pai.

^{10/} For example, for both of the Commission’s most recent spectrum auctions – Auctions 103 and 105 – the Commission initiated the process for establishing auction procedures within a year of adopting final services rules. See, e.g., *Promoting Investment in the 3550-3700 MHz Band*, Report and Order, 33 FCC Rcd 10598 (2018); *Auction of Priority Access Licenses for the 3550-3650 MHz Band*; *Comment Sought on Competitive Bidding Procedures for Auction 105*; *Bidding in Auction 105 Scheduled to Begin June 25, 2020*, Public Notice, 34 FCC Rcd 9215 (2019); *Use of Spectrum Bands Above 24 GHz for*

take the same approach here. Consistent with its past practices, merely because the Commission cannot now precisely identify the spectrum that will be available in particular areas need not delay the release of proposed auction procedures and the adoption of those procedures.^{11/}

* * *

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 proceeding. 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

Mobile Radio Services, Fourth Report and Order, 33 FCC Rcd 12168 (2018); *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; Comment Sought on Competitive Bidding Procedures for Auction 103*, Public Notice, 34 FCC Rcd 2656 (2019). Indeed, as evidenced by the C-band proceeding, the Commission can seek comment on auction procedures nearly simultaneously with adopting service rules. See *Expanding Flexible Use of the 3.7 to 4.2 GHz Band*, Report and Order and Order of Proposed Modification, 35 FCC Rcd 2343 (2020) (“*C-band Order*”) (adopting rules on February 28, 2020 and releasing the *C-band Order* on March 3, 2020); *Auction of Flexible-Use Service Licenses in the 3.7-3.98 GHz Band for Next-Generation Wireless Services; Comment Sought on Competitive Bidding Procedures for Auction 107*, Public Notice, 35 FCC Rcd 2601 (2020) (requesting comment on auction procedures for the C-band on March 3, 2020 – the same day the *C-band Order* was released).

^{11/} See, e.g., *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; Notice and Filing Requirements, Minimum Opening Bids, Upfront Payments, and Other Procedures for Auction 103; Bidding in Auction 103 Scheduled to Begin December 10, 2019*, Public Notice, 34 FCC Rcd 5532 (2019) (adopting procedures for Auction 103 on July 11, 2019); *Number of Generic License Blocks Available in Incentive Auction of Upper Microwave Flexible Use Service Licenses in the Upper 37 GHz, 39 GHz, and 47 GHz Bands (Auction 103)*, Public Notice, 34 FCC Rcd 7207 (2019) (announcing the number of generic 100-megahertz license blocks that will be made available in Auction 103 on August 21, 2019); *Broadcast Incentive Auction Scheduled to Begin on March 29, 2016; Procedures for Competitive Bidding in Auction 1000, Including Initial Clearing Target Determination, Qualifying to Bid, and Bidding in Auctions 1001 (Reverse) and 1002 (Forward)*, Public Notice, 30 FCC Rcd 8975 (2015) (adopting bidding procedures for the Broadcast Incentive Auction on August 11, 2015); *Application Procedures for Broadcast Incentive Auction Scheduled to Begin on March 29, 2016; Technical Formulas for Competitive Bidding*, Public Notice, 30 FCC Rcd 11034 (2015) (adopting application procedures for the Broadcast Incentive Auction on October 15, 2015); *Initial Clearing Target of 126 Megahertz Set for the Broadcast Television Spectrum Incentive Auction; Bidding in the Clock Phase of the Reverse Auction (Auction 1001) Will Start on May 31, 2016*, Public Notice, 31 FCC Rcd 3863 (2016) (announcing the initial clearing target on April 29, 2016, which, in any case, was not the ultimate amount of spectrum that was made available in the forward auction of the Broadcast Incentive Auction).