



August 4, 2017

Via ECFS

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

**Re: NOTICE OF EX PARTE
WT Docket No. 16-319**

Dear Ms. Dortch:

On July 17, 2017, The Rural Wireless Association, Inc. ("RWA") filed a letter in this proceeding requesting clarification of one aspect of the Bureau's Waiver Letter¹ which RWA had originally opposed and of which RWA has sought reconsideration in the form of an Application for Review.² The Waiver Letter granted T-Mobile a conditional waiver of the Section 27.14 buildout requirements that apply to 700 MHz licenses WQJQ805, WQJQ806 and WQJQ807. RWA's July 17 Letter noted that although the Bureau's Waiver Letter expressly requires a roll back of T-Mobile's license area(s) in the event that the waiver conditions are not met, T-Mobile is presently under no obligation to submit a construction notification that will show precisely what areas of each license were actually receiving coverage and service as of the June 13, 2017 roll back date. In its July 17 Letter, RWA expressed concern that while the Waiver Letter did require T-Mobile to file a construction progress report by July 21, 2017, it was not at all clear whether that report would contain the maps and shapefiles that would enable the Commission to clearly determine T-Mobile's June 13, 2017 coverage area in order to determine whether a license area reduction is required in the future and what that reduction should be rolled back to as of June 13, 2017.³

¹ Letter from Roger S. Noel, Chief, Mobility Division, Wireless Telecommunications Bureau, to Steve B. Sharkey, T-Mobile License LLC, DA 16-1429, WT Docket No. 16-319, rel. December 21, 2016 ("Waiver Letter").

² *In the Matter of Bresnan Communications, LLC Request for Waiver*, WT Docket No. 16-319, Application for Review of the Rural Wireless Association, Inc. (filed January 23, 2017).

³ See waiver condition 2. Waiver Letter at p. 6.

On July 21, 2017, T-Mobile submitted its construction progress report. Even a cursory review of this report validates RWA's concerns. First and foremost, the report does not provide any information from which T-Mobile's current coverage area, much less the roll back area, can be determined. The report speaks in very aspirational terms in defining T-Mobile's goals and planning but is lacking in any specifics that would show the level of coverage and service availability T-Mobile has accomplished to date. With respect to WQJQ805 and WQJQ806, T-Mobile has filed no buildout showings whatsoever. With respect to WQJQ807, T-Mobile has submitted a buildout showing current as of February 17, 2017. With respect to the former two stations, T-Mobile must be required to demonstrate actual coverage and service availability as it existed on June 13, 2017 or stipulate to the fact that no coverage or service availability existed for those two licenses as of that date. With respect to WQJQ807, T-Mobile last filed coverage and service availability information on February 17, 2017. If in fact there has been no expansion of coverage or service area since T-Mobile's last construction notice showing coverage as of February 17, 2017, then at a minimum T-Mobile should stipulate to this fact. If coverage and service areas were increased between December 13, 2016 and June 13, 2017 then it is incumbent upon T-Mobile to demonstrate this fact through the submission of an appropriate construction showing.

Without the filing of system maps and shapefile data reflecting coverage *as of June 13, 2017*, there will be no way for potential competitors to determine the boundaries of T-Mobile's license area in the event that it fails to meet all of the conditions imposed by the waiver letter. This point was specifically acknowledged by the Bureau in its recent decision granting a conditional waiver of section 27.14 of the rules to Alaska Wireless Network ("AWN") for one of its 700 MHz licenses.⁴ In that case, the Bureau specifically required AWN to file "a showing demonstrating its geographic coverage area within 15 days of June 13, 2017" so that the June 13, 2017 coverage area could be readily ascertained.⁵ These same concerns apply with equal force in the present case and the Bureau should rectify its potential oversight by requiring T-Mobile either to submit a construction notification for each of its licenses subject to the waiver immediately, or to include that data in its upcoming construction progress report.

⁴ Letter from Roger S. Noel, Chief, Mobility Division, Wireless Telecommunications Bureau, to Cindy Hall, Alaska Wireless Network, LLC, DA 17-548, WT Docket No. 16-402, rel. June 6, 2017 ("AWN Waiver Letter").

⁵ See waiver condition 2. AWN Waiver Letter at p. 9.

August 4, 2017

Page **3** of **3**

Pursuant to Section 1.1206 of the FCC's Rules, this ex parte is being filed electronically with the Office of the Secretary.

Respectfully submitted,

/s/ Caressa D. Bennet

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