



August 8, 2019

VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: ***Applications of T-Mobile US, Inc. and Sprint Corporation, Consolidated Applications for Consent to Transfer Control of Licenses and Authorizations, WT Docket No. 18-197***

Dear Ms. Dortch:

The Wireless Internet Service Providers Association (“WISPA”) writes to respectfully request that the Commission adopt a Public Notice to invite comment on new developments in the above-referenced proceeding.

On May 20, 2019, T-Mobile and Sprint submitted a letter to the Commission committing to a number of conditions that New T-Mobile would accept in exchange for approval of the proposed merger.¹ Among other things, New T-Mobile conditionally agreed to market, within three years of closing, “in-home broadband” to at least 2.6 million “eligible households” in rural areas and, within six years of closing, “in-home broadband” to 5.6 million “eligible households” in rural areas.² On July 26, 2019, T-Mobile and Sprint entered into a series of agreements with the Department of Justice (“DOJ”) that, among other things, proposes the divestiture of certain spectrum assets to DISH Network Corporation (“DISH”).³ Separately, on July 26, 2019, DISH subsidiaries filed applications for extension of time to complete construction of certain spectrum licenses, and agreed to certain commitments if the Commission decided that extension of build-out deadlines is consistent with the public interest.⁴

¹ Letter from Nancy Victory, Counsel to T-Mobile, and Regina Keeney, Counsel to Sprint, to Marlene H. Dortch, FCC Secretary, WT Docket No. 18-197 (filed May 20, 2019) (“Conditions Letter”).

² *Id.* at 5.

³ *U.S. v. Deutsche Telekom AG, T-Mobile US, Inc., Softbank Group Corp.*, and Sprint Corporation, Stipulation and Order, Case 1:19-cv-02232, Document 2-1, filed July 26, 2019, U.S. District Court for the District of Columbia; *U.S. v. Deutsche Telekom AG, T-Mobile US, Inc., Softbank Group Corp., Sprint Corporation and DISH Network Corporation*, [Proposed] Final Judgment, Case 1:19-cv-02232, Document 2-2, filed July 26, 2019, U.S. District Court for the District of Columbia (collectively, “Consent Decree”).

⁴ See Application for Extension of Time of American H Block Wireless L.L.C., ULS File No. 0008741236 (filed July 26, 2019); Application for Extension of Time of DBSD Corp., ULS File No. 0008741420 (filed July 26, 2019); Application for Extension of Time of Gamma Acquisition L.L.C., ULS File No. 0008741603 (filed July 26, 2019); and Application for Extension of Time of Manifest Wireless L.L.C., ULS File No. 0008741789 (filed July 26, 2019).



WISPA is pleased that the Commission has consolidated the merger proceeding and the DISH extension requests.⁵ However, the Commission should take the additional step of inviting comment on the significant changes to the transaction that have recently occurred in order to ensure that the Commission has a full and complete record to determine whether and to what extent the transaction is consistent with the public interest. Taken together, the Conditions Letter and the Consent Decree propose changes to the rural broadband marketplace that could affect competition with smaller fixed broadband providers and eligibility for universal service high-cost funding. The build-out extensions also could impact the ability of small providers to access spectrum to provide fixed wireless services to consumers in rural areas.

As the Rural Wireless Association, Inc. (“RWA”) and NTCA – The Rural Broadband Association (“NTCA”) point out in their recent Informal Request for Commission Action,⁶ “[t]here is no immediate urgency for the FCC to act without public comment” because the Consent Decree is subject to a 60-day period under the Tunney Act in which parties can submit comments to DOJ.⁷ In addition, the lawsuit filed by 15 attorneys general is scheduled to commence on December 9, 2019. Accordingly, it may be several months before the transaction can obtain all required governmental, regulatory and court approvals.

During this time period, the Commission can be accepting and reviewing additional public comment to ensure that the proposed newly-structured comports with the Commission’s public interest standard. This transparent process will not delay the overall process, and will establish formality for the benefit of the public that is interested in the commenting on the transaction which, as RWA and NTCA point out, “is now a completely different arrangement than what is currently before the Commission.”⁸

Please contact the undersigned if there are questions concerning this matter.

Respectfully submitted,

/s/ Louis Peraertz

Louis Peraertz, Vice President of Policy
WISPA

⁵ See Public Notice, *Wireless Telecommunications Bureau Consolidates Proceedings on DISH Applications for Extension of Time to Construct Facilities with Docket of T-Mobile-Sprint Transaction*, WT Docket No. 18-197, DA 19-747 (rel. Aug. 7, 2019).

⁶ Informal Request for Commission Action filed by RWA and NTCA, WT Docket 18-197 (filed Aug. 5, 2019).

⁷ *Id.* at 6.

⁸ *Id.* at 3.