

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Applications of T-Mobile US, Inc.)	
)	
and)	WT Docket No. 18-197
)	
Sprint Corporation)	
)	
For Consent to Transfer Control of the Licenses)	
and Authorizations)	

**JOINT OPPOSITION OF T-MOBILE US, INC. AND SPRINT CORPORATION
TO REQUESTS FOR COMMISSION DELAY**

T-Mobile US, Inc. (“T-Mobile”) and Sprint Corporation (“Sprint,” and collectively with T-Mobile, “Applicants”) hereby oppose the request filed August 8, 2019 by the Wireless Internet Service Providers Association (“WISPA”) and the August 5, 2019 Informal Request for Commission Action filed by the Rural Wireless Association, Inc. (“RWA”) and NTCA – The Rural Broadband Association (“NTCA,” collectively the “Petitioners”) in this proceeding.¹ The Petitioners ask the Commission to issue a Public Notice seeking comment on the Stipulation and Order and proposed Final Judgment (collectively, “Consent Decree”) filed in the U.S. District Court for the District of Columbia,² as well as on requests for extension of certain license build-

¹ Letter from Louis Peraertz, Wireless Internet Service Providers Association, to Marlene H. Dortch, FCC Secretary, WT Docket No. 18-197 (filed Aug. 8, 2019) (*August 8 Request*) and Rural Wireless Association, Inc. and NTCA – The Rural Broadband Association, Informal Request for Commission Action, WT Docket No. 18-197 (Aug. 5, 2019) (*August 5 Request*), collectively, the “*August Requests*.”

² *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.

out deadlines filed by DISH Network Corporation (“DISH”).³ WISPA also requests that the Commission seek comment on commitments made by the Applicants to the Commission in May.⁴

The Petitioners have articulated no credible basis that could plausibly justify yet another delay in Commission action in this proceeding. The license transfer applications associated with the merger of T-Mobile and Sprint were filed on June 18, 2018 and have now been pending for over 415 days. During the course of this proceeding, the Applicants have submitted an unprecedented amount of documentary material and other granular data on, among other topics, the Applicants’ business operations, product offerings, business plan for New T-Mobile, 5G network plans and modeling, customer transition plans, agreements with other carriers, and economic modeling.⁵ There have also been multiple rounds of comments and third parties have submitted an enormous number of comments and *ex parte* filings. The resulting record before the Commission is comprehensive and complete, and it is time for the Commission to act.

Petitioners attempt to argue that the existence of the Consent Decree somehow requires the Commission to defer a decision on the pending applications while it gathers additional

³ Letter from Jeffrey Blum, DISH Network Corporation, to Donald K. Stockdale, Jr., Chief, Wireless Telecommunications Bureau, *In re: DBSD Corporation, AWS-4, Lead Call Sign T070272001; Gamma Acquisition L.L.C., AWS-4, Lead Call Sign T060430001; Manifest Wireless L.L.C., Lower 700 MHz E Block, Lead Call Sign WQTX200; ParkerB.com Wireless L.L.C., 600 MHz, Lead Call Sign WQZM232* (July 26, 2019).

⁴ 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).

⁵ Letter from Donald K. Stockdale, Jr., Chief, Wireless Telecommunications Bureau, to Kathleen O’Brien Ham, T-Mobile U.S., Inc., WT Docket No. 18-197 (Aug. 15, 2018); Letter from Donald K. Stockdale, Jr., Chief, Wireless Telecommunications Bureau, to Kathleen O’Brien Ham, T-Mobile U.S., Inc., WT Docket No. 18-197 (Sep. 10, 2018).

evidence to determine whether the transaction satisfies the statutory public interest standard.⁶ That assertion is plainly baseless. The terms of the Consent Decree do not affect the ability of the Applicants to meet or exceed their representations and commitments to the Commission regarding the New T-Mobile business and 5G network deployment or achieve the competitive and consumer benefits that have already been extensively detailed in the record. New T-Mobile's business plan, network plan, and customer migration plan are in no way impeded or limited by the Consent Decree.⁷ Moreover, the commitments made to the Commission by the Applicants have been available for public comment since they were filed in May.

Prior to the announcement of the Consent Decree, a majority of the Commissioners publicly stated their support for the merger based on the record before the Commission.⁸ The additional commitments resulting from the Consent Decree only create added public interest benefits for consumers and competition. Indeed, the Consent Decree's requirements for an expanded divestiture of prepaid assets to DISH, an entity with significant spectrum holdings and which has now made extensive 5G broadband build-out commitments to the FCC,⁹ will ensure

⁶ The *August 5 Request* suggests that the Administrative Procedure Act ("APA") would require the Commission to solicit additional public comment. *August 5 Request* at 6-7. However, the APA's notice and comment requirements apply only to rulemaking proceedings, which the instant proceeding is not.

⁷ The Consent Decree's requirement to divest Sprint's 800 MHz spectrum to DISH does not impact New T-Mobile's network plan as such spectrum is not part of the merged company's plan following the transition of customers off that spectrum (within a timeframe fully consistent with the divestiture timeframe).

⁸ Office of Chairman Pai, *Chairman Pai Statement on T-Mobile/Sprint Transaction* (May 20, 2019), <https://docs.fcc.gov/public/attachments/DOC-357535A1.pdf>; Twitter Account of Commissioner Michael O'Rielly (May 20, 2019), <https://twitter.com/mikeofcc/status/1130583036595179520?s=21>; Office of Commissioner Carr, *Carr Announces Support for T-Mobile-Sprint Transaction* (May 20, 2019), <https://docs.fcc.gov/public/attachments/DOC-357536A1.pdf>.

⁹ Letter from Jeffrey Blum, DISH Network Corporation, to Donald K. Stockdale, Jr., Chief, Wireless Telecommunications Bureau, *In re: DBSD Corporation, AWS-4, Lead Call Sign T070272001; Gamma Acquisition L.L.C., AWS-4, Lead Call Sign T060430001; Manifest Wireless L.L.C., Lower 700 MHz E Block, Lead Call Sign WQTX200; ParkerB.com Wireless L.L.C., 600 MHz, Lead Call Sign WQZM232*, Appendix A (July 26, 2019).

the creation of substantial additional 5G capacity and wireless competition. These are benefits that go beyond the already extensive benefits detailed in the Applicants' Public Interest Statement and subsequent filings. However, consideration of these additional benefits is not necessary to find the transaction to be in the public interest.

For the foregoing reasons, the *August Requests* should be rejected promptly.

Respectfully submitted,

SPRINT CORPORATION

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