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

In the Matter of	)	
	)	
Process Reform for Executive Branch Review of	)	IB Docket No. 16-155
Certain FCC Applications and Petitions Involving	)	
Foreign Ownership	)	

COMMENTS OF T-MOBILE USA, INC.

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I. INTRODUCTION AND SUMMARY

T-Mobile USA, Inc. ("T-Mobile")[1] hereby responds to the Federal Communications Commission's ("Commission" or "FCC") Notice of Proposed Rulemaking ("NPRM") proposing changes to the Commission's rules and procedures regarding certain applications and petitions for declaratory ruling involving foreign ownership.[2] Under the existing "Team Telecom" process the Commission seeks the views of Executive Branch agencies—including the Departments of Defense, Justice, Homeland Security, Commerce, State, and the United States Trade Representative—as to whether an application involving reportable foreign ownership poses national security, law enforcement, foreign policy, or trade concerns. T-Mobile applauds the Commission's recognition that the existing Team Telecom process is sorely in need of reform and offers suggestions to reduce delays and add transparency. T-Mobile strongly encourages the Commission to move forward promptly to implement much needed changes.

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

[2] *Process Reform for Executive Branch Review of Certain FCC Applications and Petitions Involving Foreign Ownership*, Notice of Proposed Rulemaking, IB Docket No. 16-155, FCC 16-79 (June 24, 2016) ("NPRM").

One of the most significant problems with the current process is its unduly lengthy and opaque timeframe. To remedy this issue, T-Mobile strongly supports the Commission's proposal to impose deadlines on the Team Telecom review process, specifically a 90-day period for review with a potential one-time additional 90-day extension in extraordinary cases. The Commission also proposes streamlining the Team Telecom process via the use of threshold requests for information and applicant certifications. If properly structured, such mechanisms can be helpful in expediting review. However, any threshold information requirements should encompass only the information necessary for Team Telecom to conduct its review. Likewise, any required certifications must be narrowly tailored and impose no new obligations outside the bounds of existing U.S. law. Finally, the Commission should limit referrals to Team Telecom to only those applications or petitions reflecting new or materially changed foreign ownership. Applications where an applicant's foreign ownership has previously been reviewed by Team Telecom and remains materially unchanged should not be referred and the additional information and certification requirements should not apply. T-Mobile believes that these reforms will properly balance the needs of the Executive Branch agencies to perform a thorough and appropriate review with the needs of telecommunications companies to secure beneficial investment within reasonable timeframes.

II. T-MOBILE STRONGLY SUPPORTS EFFORTS TO REFORM THE TEAM TELECOM PROCESS.

T-Mobile applauds the Commission—as well as the National Telecommunications and Information Administration ("NTIA")—for their leadership in initiating efforts to improve the Team Telecom review process. While the checks and insight the Executive Agencies bring to the table are very important, the process for review is in need of urgent reform. The existing Team Telecom process is often extremely lengthy, totally opaque and unduly burdensome on

applicants. And the delays and uncertainty associated with the current process can result in unintended negative consequences, such as discouraging companies from accessing foreign capital. The public interest would best be served by giving applicants certainty that their applications will be reviewed by Team Telecom in a timely and transparent manner.

Team Telecom is not currently subject to any deadlines for action, making the timeframe for review uncertain and, frequently, very lengthy. It is striking that, despite the FCC's prior efforts to reform its foreign ownership policies, the Team Telecom process has only become less predictable and more onerous for applicants. In 2013, the Commission modified its foreign ownership policies and procedures pertaining to section 310(b) foreign ownership petitions to "reduce the regulatory costs and burdens imposed on common carrier and aeronautical radio station applicants, licensees, and spectrum lessees; provide greater transparency and more predictability with respect to the Commission's foreign ownership filing requirements and review process; and facilitate investment from new sources of capital."[3] The Commission estimated that the rule changes would result in a reduction in the number of section 310(b) petitions for declaratory ruling filed annually by 40 to 70 percent.[4] These reforms may have reduced the number of section 310(b) petitions that are filed and referred to Team Telecom, but the duration of the review process for such petitions has not lessened. To the contrary, the Team Telecom process has seemed to grow even lengthier and more burdensome for petitioners as Team Telecom has expanded its information requests and broadened the scope of its review. In addition, the 2013 reforms did not extend to section 214, satellite earth station, and submarine

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[3] *Review of Foreign Ownership Policies for Common Carrier and Aeronautical Radio Licensees Under Section 310(b)(4) of the Communications Act, as Amended*, Second Report & Order, 28 FCC Rcd. 5741, ¶ 1 (2013) ("2013 Foreign Ownership Order").

[4] *Id*. ¶ 6.

cable applications involving foreign ownership so the number of those applications referred has not been reduced.

T-Mobile itself has experienced the challenges and unpredictability of the Team Telecom process. In T-Mobile's experience, Team Telecom's review of even routine applications and petitions involving no change in foreign ownership regularly extends the normal processing time of these filings—sometimes to a year or more. For example, only a few months after Team Telecom had conducted a thorough review of T-Mobile's ownership in the T-Mobile/MetroPCS transaction[5] and completed a detailed site visit of T-Mobile facilities, T-Mobile filed several *pro forma* license transfer applications and associated section 310(b) petition. The *pro forma* applications proposed to add to its ownership structure a new wholly-owned foreign subsidiary of T-Mobile's previously reviewed and approved controlling foreign parent.[6] Despite Team Telecom's recent review of the company and the *pro forma* nature of the transaction,[7] the Executive Branch agencies began a thorough review process anew, requiring T-Mobile to respond to an extensive information request despite the fact that T-Mobile had recently completed this very exercise.[8]

This repetitive review was particularly problematic since it provided an opportunity for one Team Telecom member agency to attempt to impose a condition on T-Mobile that was

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[5] *See Applications of Deutsche Telekom AG, T-Mobile USA, and MetroPCS Communications, Inc. for Consent to Transfer of Control of Licenses and Authorizations*, Memorandum Opinion and Order and Declaratory Ruling, 28 FCC Rcd. 2322, ¶¶ 97-99 (2013).

[6] IBFS File No. ISP-PDR-20130924-0006 (filed Sept. 24, 2013).

[7] Only the foreign ownership triggered the need to seek prior FCC approval of the transfers. Absent foreign ownership, transactions involving the *pro forma* transfer of CMRS and section 214 licenses (*i.e.*, those held by T-Mobile) could have been closed without Commission review subject only to notifying the agency of the license transfers within 30 days.

[8] *See* Public Notice, International Authorizations Granted, Report No. TEL-01650, DA 14-24, IBFS File No. ISP-PDR-20130924-0006 (Jan. 9, 2014).

substantively unrelated to the *pro forma* transfer. And, this issue was first raised with T-Mobile months after the Team Telecom review process had begun. The objection concerned activity that was not compelled by law or by T-Mobile's network security agreement. The late-raised objection required emergency negotiations through the Christmas holidays to enable the transaction to proceed prior to the end-of-year tax deadline. This eleventh hour activity could have been avoided if a structured process were in place that required timely Executive Branch agency review and that declined to refer *pro forma* filings or those involving no material change in foreign ownership.

Delay and uncertainty such as T-Mobile experienced can result in unintended negative consequences. Although the Commission has noted that "foreign investment has been and will continue to be an important source of financing for U.S. telecommunications companies, fostering technical innovation, economic growth, and job creation,"[9] the Team Telecom process can discourage U.S. companies from accessing foreign capital or put those that do at a competitive disadvantage. The Team Telecom process is intended to protect national security and foreign policy interests—not to create regulatory barriers and burdens on foreign investment. Such unintended consequences can be avoided through appropriate reforms of the Team Telecom process.

III. THE COMMISSION SHOULD IMPOSE CLEAR DEADLINES ON THE TEAM TELECOM REVIEW PROCESS.

Imposing a time clock on Team Telecom's review would give applicants certainty that their applications and petitions will be handled in an expeditious and efficient manner as well as impose a structure and rigor on the review process. Many commenters to the Commission's

[9] 2013 Foreign Ownership Order ¶ 3.

Public Notice on Team Telecom reform[10] joined T-Mobile in calling for firm timeframes for Team Telecom review.[11] The Commission proposes instituting a 90-day period for Team Telecom to complete its review of referred applications and petitions.[12] The Commission also proposes a one-time additional 90-day extension for those rare and extraordinary situations in which Team Telecom "demonstrates that issues of complexity warrant such an extension and provides to the Commission the status of its review every 30 days thereafter."[13] T-Mobile strongly supports the Commission's proposal.

Complying with a time clock should not be difficult for Team Telecom. Indeed, the core Executive Branch agencies and their staff who review foreign investment already operate ably under Committee on Foreign Investment in the United States ("CFIUS") statutory deadlines.[14] CFIUS has authority to review transactions "by or with any foreign person which could result in foreign control of any person engaged in interstate commerce in the United States" to determine the effects of the transaction on the national security of the United States.[15] Once an applicant has filed a notice with CFIUS that is deemed to be complete, CFIUS has 30 days to review the

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[10] Public Notice, *NTIA Letter Regarding Information and Certifications from Applicants and Petitioners for Certain International Authorization*, IB Docket No. 16-155, DA 16-531 (May 12, 2016) ("Public Notice"), attaching Letter from The Honorable Lawrence E. Strickling, Assistant Secretary for Communications & Information, U.S. Dept. of Commerce, to Marlene H. Dortch, Secretary, FCC (May 10, 2016).

[11] *See, e.g.* Comments of CTIA, IB Docket No. 16-155 at 3-4 (filed May 23, 2016); Comments of Level 3 Communications, IB Docket No. 16-155 at 5-6 (filed May 23, 2016); Comments of Sprint Corporation, IB Docket No. 16-155 at 2 (filed May 23, 2016).

[12] NPRM ¶ 36.

[13] *Id*.

[14] *See* 50 U.S.C.A. § 4565; 31 C.F.R. § 800.502.

[15] 50 U.S.C.A. § 4565.

transaction and a possible additional 45 days in which to conduct an investigation.[16] The CFIUS process is designed to provide certainty to foreign investors in terms of timing and demonstrates the feasibility of reviewing complex ownership structures involving multiple parties, jurisdictions, and lines of business within 90 days or less.

The Commission should also consider the following refinements to its timeframe proposal. First, the Commission should encourage the individual agencies that make up Team Telecom to reach consensus on any follow-up questions and to issue them to the applicant at one time. Doing so will ensure efficient application processing and that any concerns are resolved in a timely manner. Second, factors unrelated to the actual application, such as a heavy workload, should not be a basis for granting Team Telecom an extension request. As contemplated by the NPRM,[17] Team Telecom should be required to provide application-specific justification for any extensions, and extensions should only be granted when necessary for Team Telecom to review complex issues for which the 90-day review period is insufficient. Third, while some extensions of time will be necessary to deal appropriately with emergent issues, the Commission must be prepared to enforce the proposed deadlines. For reform to be meaningful, the proposed rule must specify that the Commission will move forward with a proceeding if Team Telecom either has not responded by an applicable deadline or cannot specify for the Commission a substantive and appropriate concern that justifies a one-time 90-day extension of time.

Two of the major challenges associated with the existing Team Telecom process are its length and unpredictability. The FCC's proposed time clock on the Executive Branch agencies'

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[16] *Id*. *See also* U.S. Department of the Treasury, Resource Center, Process Overview, https://www.treasury.gov/resource-center/international/foreign-investment/Pages/cfius-overview.aspx (Dec. 1, 2010).

[17] *See* NPRM ¶ 36.

review will help address both of these problems by imposing a deadline and structure on the conduct of the process.

IV. THE COMMISSION SHOULD REFINE ITS PROPOSALS REGARDING FOREIGN-OWNED APPLICANTS' SUBMISSION OF INITIAL INFORMATION.

The Commission proposes requiring foreign-owned applicants submitting certain types of applications or section 310(b) petitions to provide information on ownership, network operations, and related matters when filing their applications.[18] T-Mobile supports the concept of requiring filers of applications and petitions subject to Team Telecom review to provide responses to threshold questions at the outset of the process. Early submission of relevant information will likely help reduce delays in Team Telecom's review and get the time clock ticking promptly. However, the upfront information required should be limited to reflect the appropriate scope of the Executive Branch agencies' review. Further, the information should be submitted directly to Team Telecom with a contemporaneous certification to the Commission that a complete informational filing has been submitted.

A. The Threshold Information Requirements Must Not Exceed the Scope of Appropriate Team Telecom Review.

T-Mobile supports requiring filers of applications and petitions subject to Team Telecom review to provide upfront information about their ownership, network operations and related matters so the Executive Branch agencies have a full record to enable a prompt start of their review. However, the sample information requirements provided by the Executive Branch and included in the NPRM[19] are excessively broad and burdensome and appear to exceed the appropriate scope of the Executive Branch agencies' review. Indeed, several of the areas of

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[18] NPRM ¶ 16.

[19] NPRM, Appendix D, Sample Questions Regarding National Security and Law Enforcement Provided by NTIA ("Sample Questions").

inquiry overlap areas where the FCC has been granted exclusive jurisdiction and is the expert agency. Clearly, requiring the submission of information that expands the scope of Team Telecom's review and needlessly increases the burden on applicants is not consistent with the public interest or the articulated goals of this proceeding. The FCC's effort to expedite and streamline the Team Telecom process would be undermined by the unbounded questions proposed by the Executive Branch, which encourage "fishing expeditions" and "mission creep" away from central national security issues.

In particular, the Commission should eliminate the requirement to provide upfront information about the applicant's financial condition.[20] Financial statements and a list of "all" financial institutions that have a relationship with the applicant would likely be voluminous and do not seem relevant to a national security and law enforcement review. Indeed, this request goes beyond the data sought in the current version of the Department of Justice Triage Questions for Applications Reviewed by Team Telecom ("DOJ Triage Questions"). Review of the financial qualifications of the applicant also overlaps with the Commission's exclusive jurisdiction to review the applicant's qualifications.

Further, the Commission should not require applicants to provide information pertaining to the regulatory and other legal compliance of applicants and their owners, affiliates and personnel.[21] The scope of this proposed request is breathtakingly broad and without any time or materiality limitation. Indeed, as written, the request would require the disclosure of all parking tickets an officer or director of the applicant ever received. It would also require the disclosure of information plainly not available to the applicant, such as the compliance and regulatory investigation history of unaffiliated entities that merely share a common investor with the

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[20] Sample Questions, Question I. 3.

[21] *Id*. Questions I. 2(b), I. 5(b)-(d).

applicant. Plainly, such regulatory and compliance information is not relevant to a review of national security, law enforcement, foreign policy, and trade concerns and, not surprisingly, far exceeds the types of data sought today by Team Telecom in its DOJ Triage Questions. Team Telecom's review of such information would also overlap with the Commission's exclusive jurisdiction to review the applicant's qualifications.

In addition, the Commission should clearly limit the information required to be provided with respect to the applicant's business relationships with foreign entities.[22] In today's global market, a company may have myriad such relationships with foreign entities who are customers, investors, suppliers, distributors, consultants or vendors of all types of products and services. It is unnecessary and overbroad to require an applicant to detail all of these relationships. Instead, such information should be limited to material partnership or joint venture relationships the applicant has with foreign entities. The Commission already requires extensive disclosure of corporate structure and shareholder information and foreign affiliations so separate filing of this information is unnecessary.[23]

Similarly, there is no basis for requiring an applicant to file with Team Telecom a list of all of its FCC licenses, including licenses that were previously cancelled or terminated years earlier. For entities like T-Mobile, this list could contain hundreds of licenses and would be burdensome to produce, particularly to hunt down all cancelled or terminated licenses. It is hard to see how such information could possibly be relevant to Team Telecom's review. And, such review would again seem to overlap with the FCC's exclusive jurisdiction to review the applicant's fitness to be a licensee. Refining the threshold questions to correspond to the

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22 *Id*. Question I. 4(b).

23 *See e.g.*, 47 C.F.R. § 1.767(a)(7)-(8), 47 C.F.R. § 63.18(h)-(i).

purposes and narrow scope of Team Telecom's review will increase the efficiency of the process and reduce overly burdensome information-gathering requirements for applicants.

B. Responses to Threshold Questions Should be Submitted Directly to the Executive Branch Agencies.

The NPRM proposes that the upfront information be submitted to the Commission and that the FCC staff review the responses for completeness prior to forwarding the information to Team Telecom.[24] While T-Mobile recognizes some benefit to having the FCC verify the completeness of the information so it can start the 90-day clock on the Executive Branch agencies' review, it believes such benefit is outweighed by the risks and delays associated with inserting another entity into the review of this information. The Commission is already resource-constrained and should not be burdened with an essentially clerical task of determining whether the upfront information is complete. Further, the submission of such highly sensitive information to the FCC raises substantial confidentiality risks and necessarily involves some delay before the information is provided to Team Telecom. The costs of such risks and delay far outweigh any benefit gained by the FCC doing a non-substantive, clerical review.

These concerns would be avoided if the responses were submitted directly to Team Telecom. Direct filing with Team Telecom would better protect the confidentiality of the highly sensitive information to be submitted and would ensure the Executive Branch agencies receive it as promptly as possible so they can begin their review. T-Mobile would suggest that the information be submitted to Team Telecom on the same date the application or petition is filed with the FCC. So that the FCC can be made aware that the required information is being provided, T-Mobile suggests that applicants subject to Team Telecom review certify in their FCC application that they are contemporaneously providing to Team Telecom a complete

[24] NPRM ¶ 25.

response to the threshold questions. The Executive Branch agencies then can review the completeness of the information simultaneously with the FCC's review of the application's acceptability for filing.

The Executive Branch agency personnel are in the best position to evaluate the completeness of the response. To the extent they find the response wanting, they can notify the applicant and the FCC of the specific areas of deficiency. Team Telecom should be encouraged to conduct its completeness review and provide any necessary notification promptly after the information's submission and, in any event, prior to the FCC's timely issuance of public notice of the application. Any review for completeness should be able to be conducted quickly. If Team Telecom finds a deficiency and promptly notifies the FCC of such, the FCC would have discretion to delay the issuance of the public notice until after the deficiency is addressed. In no event should the issuance of the public notice be delayed to wait for Team Telecom's evaluation. Rather, the purpose of this approach is to incentivize Team Telecom to conduct its completeness review promptly so it has the opportunity to delay issuance of the public notice and the start of the 90-day clock in those cases where the submission is deficient. T-Mobile's proposed alternative process would better protect the confidentiality of the threshold information and get it in the hands of the Executive Branch agencies as quickly as possible, while ensuring that a complete record is developed promptly.[25]

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[25] If the Commission nevertheless determines to require submission of the threshold information to Commission staff, the rules should make clear that the Commission will consider such submissions to be presumptively confidential. The Commission should not require the filing of a request for confidentiality to cover these responses. *See* Comments of T-Mobile, IB Docket No. 16-155 at 13 (filed May 23, 2016); Comments of U.S. TelePacific Corp., IB Docket No. 16-155 at 3-4 (filed May 23, 2016). The vast majority of the information contained in such submissions is plainly confidential (and much of it is highly sensitive), the information is being forwarded to law enforcement agencies for review, and the FCC's review of these materials is

V. ANY REQUIRED CERTIFICATIONS MUST BE NARROWLY TAILORED TO COMPLY WITH EXISTING LAW AND MATCH THE SCOPE OF TEAM TELECOM'S REVIEW.

The Commission proposes to require all applicants for section 214 authorizations, satellite earth station licenses, submarine cable landing licenses, and section 310(b) declaratory rulings, regardless of foreign ownership, to certify that they agree to (i) comply with CALEA, (ii) make communications to, from, or within the United States, as well as records thereof, available in a form and location that permits them to be subject to lawful request or valid legal process, and (iii) designate a point of contact in the United States who is a U.S. citizen or lawful permanent resident for the execution of lawful requests and/or legal process.[26] Such a requirement is excessively overbroad in several ways. To rectify this, T-Mobile urges the Commission instead to limit required certifications to filers of applications or petitions being referred to Team Telecom and to ensure such certifications are narrowly tailored and do not exceed the parameters of U.S. law.

As an initial matter, there is no basis for extending the certification requirement to *all* applicants, including those without reportable foreign ownership. The purpose of this proceeding is to streamline and make more efficient Team Telecom's review process. The Executive Branch review process today is limited to applications with reportable foreign ownership, due to the fact that foreign ownership could raise national security, law enforcement, foreign policy, or trade concerns. Indeed, only a small fraction of entities filing section 214 and satellite earth station applications have reportable foreign ownership, and an even smaller fraction of applications filed by such entities seek approval for new or changed foreign

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limited to completeness, not substance. Accordingly, there are no viable grounds for public disclosure.

[26] NPRM ¶¶ 30-31, 33.

ownership that warrants Team Telecom review. If an application is not to be reviewed by Team Telecom, requiring additional certifications by the applicant serves no purpose except to impose an added, unnecessary burden on that applicant. That plainly would be contrary to the public interest. Accordingly, the Commission should limit the requirement to provide added certifications only to filers of applications or petitions subject to Team Telecom review.

Further, the certifications must not impose obligations that go beyond the bounds of U.S. law. One of the proposed certifications requires applicants to agree "to make communications . . . available in a form and location that permits them to be subject to a valid and lawful request or legal process."[27] This language is broad enough to be read as prohibiting encryption, establishing duties to decrypt, and requiring disclosure to government agencies. Such obligations are not required under current law and should not be imposed on *any* applicants, including those with reportable foreign ownership. The proposed certification language also appears to be trying to enforce localization and repatriation in the United States, which would be highly improper. Since this is an evolving area of law, T-Mobile suggests that the certification be revised to require the applicant to certify that it will "comply with applicable law regarding assistance to law enforcement and disclosure of records to law enforcement." Such language would enable Team Telecom to receive a promise of ongoing compliance with applicable legal requirements, without demanding obligations that exceed the delicate privacy and security balance that Congress has put in place.[28]

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[27] *Id.* ¶ 31.

[28] The NTIA Letter attached to the Commission's Public Notice in this proceeding proposed some additional certifications that are not referenced in the NPRM. The Commission was right not to propose that they be adopted as some of these omitted certifications were unduly burdensome. For example, the NTIA Letter proposed that applicants certify that all information submitted "whether at the time of submission of the application/petition *or subsequently in response to either FCC or Executive Branch agency request* is accurate and complete to the best

VI. THE FCC SHOULD LIMIT TEAM TELECOM REFERRALS TO ONLY THOSE APPLICATIONS OR PETITIONS INVOLVING NEW OR MATERIALLY CHANGED FOREIGN OWNERSHIP.

In the NPRM, the Commission inquires whether there are categories of applications with foreign ownership that the Commission should and should not refer to Team Telecom.[29] To eliminate repetitious reviews and unnecessary burdens on applicants, T-Mobile suggests that the Commission refer only applications and petitions containing new, not previously reviewed foreign ownership or material changes in foreign ownership. Where an applicant's foreign ownership has previously been reviewed and approved by the Executive Branch agencies and is not materially changing, no referral is warranted or should occur.

In 2013, the FCC reformed its requirements for section 310(b) declaratory ruling petitions such that, once an entity had received a declaratory ruling, it need not file subsequent, repetitious petitions (with corresponding referral to Team Telecom) unless it had a material change in its foreign ownership.[30] Under this policy, applications for new licenses, for *pro forma* assignment or transfer, or for changes in ownership not materially altering the previously approved foreign ownership did not trigger the need to file a new petition or undergo Team Telecom review. As the Commission found, these rule changes made great sense as they eliminated repetitious filings for both the Commission and Team Telecom and removed significant burdens and processing uncertainty imposed on foreign-owned applicants.[31]

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of Applicant's knowledge." Public Notice at Attachment A, 1 (emphasis added). This open-ended certification with respect to all future filings is just not feasible and it would be beyond the ability of any individual to make such a promise regarding future behavior in perpetuity. The Commission was right to reject this and the other omitted requests.

29 NPRM ¶ 47.

30 *See* 2013 Foreign Ownership Order.

31 *See id*. ¶ 6, 94.

Under the same logic, the FCC should extend this referral/non-referral policy to section 214, satellite earth station, and submarine cable landing license applications. T-Mobile understands that today these applications are automatically referred to Team Telecom if they disclose 10 percent or greater direct or indirect foreign ownership, regardless of whether the applicant's foreign ownership has previously been reviewed by Team Telecom. If the purpose of this proceeding is to streamline and make more efficient the Team Telecom review process, the best way to do that is to limit the filings referred to applications and petitions that actually warrant the Executive Branch agencies' review. Where an applicant's foreign ownership was previously reviewed and approved by Team Telecom and such foreign ownership is materially unchanged from what was reviewed, there is no basis for a referral as there is nothing new for the agencies to evaluate.[32] Limiting the referrals in this way would allow the Executive Branch agencies to allocate their scarce resources to those filings that appropriately warrant review and thus hopefully make the review of those applications more efficient and effective. Applicants would plainly benefit as they would avoid the burdens and delays associated with Team Telecom review, except where their foreign ownership was not previously reviewed or is materially changing.

VII. CONCLUSION

T-Mobile supports the Commission's efforts in this proceeding to reduce delay and bring transparency and certainty to Team Telecom's review of certain FCC applications and petitions involving foreign ownership. Reform of this process is urgently needed to ensure that beneficial

[32] Under this approach, an application for *pro forma* assignment or transfer that merely adds to the ownership chain a new wholly owned foreign subsidiary of a previously reviewed investor or controlling parent should not trigger referral as such transaction would not materially change the applicant's foreign ownership in any meaningful way.

foreign investment in U.S. companies is not impeded due to regulatory barriers. As detailed above, T-Mobile supports many of the Commission's proposals but urges the agency to adopt the modifications proposed herein to better ensure that the reforms actually streamline Team Telecom's review and do not impose unnecessary burdens on applicants.

Respectfully submitted,

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