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September 23, 2020

Via ECFS

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

Re: *Notice of Oral Ex Parte Communications*

**WT Docket No. 19-348, *Facilitating Shared Use in the 3.1-3.55 GHz Band*
**WP Docket No. 07-100, *Amendment of Part 90 of the Commission's Rules*
WT Docket No. 18-120, *Transforming the 2.5 GHz Band*****

Dear Ms. Dortch:

On September 21, 2020, John Hunter of T-Mobile USA, Inc. (“T-Mobile”),^{1/} Russell Fox of Mintz, and I met with Umair Javed, Legal Advisor to Commissioner Rosenworcel regarding the above-referenced proceedings. We generally covered the points summarized in our *ex parte* letter of September 17, 2020 submitted in the record in those proceedings.^{2/} While complete details of T-Mobile’s positions are contained in that letter, our discussion is very briefly summarized below.

3.45-3.55 GHz Band

Service Rules

We stated that T-Mobile strongly supports the Commission’s adoption of the draft Report and Order and Further Notice of Proposed Rulemaking that would make the 3.45-3.55 GHz band

^{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 Letter from Steve B. Sharkey, Vice President, Government Affairs, Technology and Engineering Policy, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 19-348, WP Docket No. 07-100, and WT Docket No. 18-120 (filed Sept. 17, 2020).

available for flexible commercial use.^{3/} T-Mobile is encouraged that the Commission has proposed to license this spectrum on an exclusive basis, with full-power operations.^{4/} The Commission should not consider designating any of this spectrum for shared use between non-federal users. T-Mobile is similarly encouraged that the Commission would propose mechanisms that will promote cooperation between commercial wireless licensees and federal government users of the 3.45-3.55 GHz band.^{5/} Nevertheless, the Commission should seek comment on how that may occur in the future and how licensees' rights will be affected once coordination zones are reduced. The Commission should also, as the draft suggests, solicit comment on licensees' abilities to work directly with federal agencies to promote individualized arrangements that both protect federal operations and maximize licensees' ability to deploy the spectrum.

Spectrum Aggregation

While the draft Further Notice of Proposed Rulemaking proposes rules that T-Mobile generally supports and asks questions that will be useful to develop regulations governing the 3.45-3.55 GHz band, T-Mobile urges the Commission to broaden its inquiry regarding spectrum aggregation limits in the context of authorizing use of the band in three respects. First, the Commission should ask and examine whether applying a spectrum screen to greenfield spectrum awarded through competitive bidding makes any sense at all. Second, if a spectrum screen is used, the Commission should ask whether it should use a post-auction case-by-case review – rather than simply deciding before the auction limits on the amount of spectrum any bidder can win. Finally, in any event, the current spectrum screen is woefully out of date. All of these factors favor the Commission asking broader questions regarding spectrum aggregation, rather than simply proposing the rules specified in the draft Further Notice of Proposed Rulemaking. In particular, the Commission should ask whether it should evaluate metrics other than the number of megahertz held by a licensee in evaluating spectrum aggregation.

4.9 GHz Band

T-Mobile supports the Commission's continued evaluation of the use of the 4940-4990 MHz band (the "4.9 GHz band"), which has been historically underutilized. While the draft Sixth Report and Order and Seventh Further Notice of Proposed Rulemaking in this proceeding would contemplate the selection of a single state-endorsed entity to lease the spectrum to commercial entities for non-public safety operations,^{6/} T-Mobile encourages the Commission to solicit input

^{3/} See *Facilitating Shared Use in the 3400-3550 MHz Band*, Draft Report and Order and Further Notice of Proposed Rulemaking, FCC-CIRC2009-01 (draft rel. Sept. 9, 2020) ("*Draft 3.45-3.55 GHz Order and FNPRM*").

^{4/} T-Mobile continues to assess all of the technical rules in the draft Further Notice of Proposed Rulemaking and expects to address those proposals in its comments in this proceeding. To the extent that those proposals will permit full-power operations and are consistent with rules governing other mobile wireless operations, they appear directionally appropriate.

^{5/} See *Draft 3.45-3.55 GHz Order and FNPRM* ¶¶ 44-52.

^{6/} See *Amendment of Part 90 of the Commission's Rules*, Draft Sixth Report and Order and Seventh Further Notice of Proposed Rulemaking, FCC-CIRC2009-02 (draft rel. Sept. 9, 2020) ("*Draft 4.9 GHz Order and FNPRM*").

on other options. To more completely promote the value of the 4.9 GHz band, the Commission should inquire whether it should permit – but not require – public safety licensees to *sell* spectrum rights to non-public safety entities. T-Mobile is encouraged that the draft Sixth Report and Order would reject suggestions that this spectrum be made available to AT&T for incorporation into the FirstNet network and urges the Commission to adopt that position in the draft.^{7/}

2.5 GHz Band

Finally, we urged the Commission to proceed with measures necessary to conduct an auction for the 2496-2690 MHz band (“2.5 GHz band”). As we stated in more detail in the *ex parte* letter we submitted on September 16, 2020^{8/} –

- The pending petitions for reconsideration in this proceeding should be dismissed and need not delay the issuance of a pre-auction public notice in any case.
- The identification of available spectrum need not delay the issuance of a pre-auction public notice.
- The Commission should dismiss any requests for waiver that would allow applicants to serve geographic areas that are not considered “rural Tribal lands” as defined by the Commission.
- The Commission should propose to conduct the 2.5 GHz auction using a time-tested simultaneous multiple-round auction format.
- The auction format should recognize that not all licenses that will be made available in the 2.5 GHz auction are fungible and should assign bidding units accordingly.
- The 2.5 GHz auction should be conducted on a county basis.

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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 proceedings. 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

cc: (via e-mail)
Umair Javed

^{7/} See Draft 4.9 GHz Order and FNPRM ¶ 21.

^{8/} See Letter from Steve B. Sharkey, Vice President, Government Affairs, Technology and Engineering Policy, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 18-120 (filed Sept. 16, 2020).