



601 Pennsylvania Ave., NW  
Suite 800  
Washington, DC 20004  
202-654-5900

November 15, 2018

***VIA ELECTRONIC FILING***

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

**Re: *Ex Parte Notification***

**GN Docket No. 18-122**, *Expanding Flexible Use of the 3.7 GHz to 4.2 GHz Band*

Dear Ms. Dortch:

On November 13, 2018, John Hunter of T-Mobile USA, Inc. (“T-Mobile”),<sup>1/</sup> Russell Fox of Mintz, and I met with the following members of the Commission’s staff (except as noted, all from the Wireless Telecommunications Bureau):

Dana Shaffer\*  
Roger Noel\*  
Blaise Scinto  
Matthew Pearl  
Peter Daronco  
Thomas Derenge\*  
William Huber  
Paul Powell\*

Jeffrey Tignor\*  
Brian Wondrack\*  
Rebecca Schwartz  
Anna Gentry\*  
Evan Kwerel (Office of Strategic Planning  
& Policy Analysis)  
Paul Lafontaine (Office of Strategic  
Planning & Policy Analysis)

\* By telephone

We reviewed T-Mobile’s multiple-round, incentive auction plan, under which the Commission would make the 3.7-4.2 GHz band available for terrestrial mobile broadband services. We noted that the approach would have, among others, a number of significant benefits: it would maximize the amount of spectrum that would be made available for terrestrial services, including by allowing variable amounts of spectrum to be licensed in different areas, depending on the needs of satellite users; it would ensure the continued delivery of programming and other valuable content; it would assure a minimum level of spectrum being designated for terrestrial services – an amount sufficient to support multiple carriers; spectrum would be made available through an

---

<sup>1/</sup> T-Mobile USA, Inc. is a wholly owned subsidiary of T-Mobile US, Inc., a publicly-traded company.

open, public, and transparent process accessible by all interested providers; and at least some portion of the auction proceeds would be returned to taxpayers.

We explained how decisions of the Commission and the U.S. Court of Appeals support a broad reading of the operative provisions of the Communications Act that govern incentive auctions – provisions that require that “competing licensees” “participate” in the auction. We noted that past interpretations of those requirements provide the Commission with ample authority to conduct the incentive auction that T-Mobile proposes.

Pursuant to Section 1.1206(b)(2) of the Commission’s rules, an electronic copy of this letter is being filed in the above-referenced docket and a copy provided to the staff with whom we met. Please direct any questions regarding this filing to me.

Respectfully submitted,

/s/ Steve B. Sharkey

Steve B. Sharkey  
Vice President, Government Affairs  
Technology and Engineering Policy

cc: (each by e-mail)  
Dana Shaffer  
Roger Noel  
Blaise Scinto  
Matthew Pearl  
Peter Daronco  
Thomas Derenge  
William Huber  
Paul Powell  
Jeffrey Tignor  
Brian Wondrack  
Rebecca Schwartz  
Anna Gentry  
Evan Kwerel  
Paul Lafontaine