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December 5, 2019

Via ECFS

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

Re: Notice of Oral Ex Parte Communication

GN Docket No. 18-122, *Expanding Flexible Use of the 3.7 GHz to 4.2 GHz Band*
AU Docket No. 19-244, *Auction of Priority Access Licenses for the 3550-3650 MHz Band*

GN Docket No. 17-258, *Promoting Investment in the 3550-3700 MHz Band*

Dear Ms. Dortch:

On December 3, John Hunter of T-Mobile USA, Inc. (“T-Mobile”),^{1/} Russell Fox of Mintz, and I met with Aaron Goldberger, Legal Advisor to Chairman Pai, regarding the above-referenced proceedings.

C-Band

T-Mobile applauds Chairman Pai’s recent announcement that he will pursue adoption of rules that will permit the public auction of 280 megahertz of spectrum in the 3.7-4.2 GHz band (the “C-band”) for Fifth Generation (“5G”) services^{2/} and his commitment to conduct that auction by the end of 2020.^{3/} Making mid-band spectrum, like the C-band, available will help ensure

^{1/} T-Mobile USA, Inc. is a wholly owned subsidiary of T-Mobile US, Inc., a publicly-traded company.

^{2/} See, e.g., Ajit Pai (@AjitPaiFCC), TWITTER (Nov. 18, 2019, 8:43 AM), <https://twitter.com/AjitPaiFCC/status/1196469021358592000>; Letter from Ajit V. Pai, Chairman, FCC, to the Hon. Maria Cantwell, Ranking Member, Committee on Commerce, Science, and Transportation, U.S. Senate, at 1 (dated Nov. 18, 2019).

^{3/} See *Hearing on Accountability and Oversight of the Federal Communications Commission Before the Subcommittee on Communications and Technology of the House Committee on Energy and Commerce* (2019), <https://docs.house.gov/meetings/IF/IF16/20191205/110284/HHRG-116-IF16-Wstate->

United States leadership in 5G technologies. For consumers and businesses to enjoy the full benefits of mid-band 5G spectrum, the Commission must ensure that it is available to multiple providers. Accordingly, the Commission should adopt a spectrum aggregation limit applicable across the entire C-band and to any amounts of spectrum that will be available in separate clearing stages. And while Chairman Pai has targeted licensing 280 megahertz of C-band spectrum for mobile broadband, the Commission should not foreclose options to make even more spectrum available including through the relocation of some users to fiber.

Chairman Pai's recent announcement provides valuable direction on two of the basic components of a potential C-band decision – that an auction will be public and the amount of spectrum that is contemplated for auction. However, many additional issues require resolution. T-Mobile continues to consider how these other matters should be addressed and expects to supplement the record shortly. But, in our meeting, we suggested the following—

- While T-Mobile initially suggested that the Commission conduct a reverse auction, for which it continues to have authority, the Commission's decision to license 280 megahertz on a nationwide basis likely means that a standard forward auction that adheres to the procedural processes required by the Communications Act, is more appropriate.^{4/}
- As T-Mobile and others have demonstrated, the Commission has authority to require winning bidders of a standard auction to make payments to incumbent licensees.^{5/}
- Those payments to incumbent licensees may include costs, specified by the FCC, above those required to reimburse incumbent relocation. Auction winners' payments should also include, as Chairman Pai has committed, some funds to the Treasury (in addition to relocation expenses and any spectrum relinquishment payment).
- The Commission should require that individual satellite operators accommodate existing users, in the manner chosen by those users. Any spectrum relinquishment payments to satellite operators should be made only once satellite operators certify that end-user accommodation is complete. To the extent that satellite operators do not use all funds

PaiA-20191205.pdf (statement of Ajit Pai, Chairman, FCC); *see also* Howard Buskirk, *et al.*, *Pai Will Propose Late 2020 C-Band Auction, No FCC Vote This Year*, COMM. DAILY (Nov. 19, 2019).

^{4/} *See* Letter from Steve B. Sharkey, Vice President, Government Affairs, Technology and Engineering Policy, T-Mobile USA, Inc., to Marlene H. Dortch, Secretary, FCC, GN Docket No. 18-122, *et al.*, at 3-4 (filed Nov. 15, 2019) (“T-Mobile Nov. 15 *Ex Parte* Letter”) (explaining that, in advance of an auction, the Commission, as required by the Communications Act, seeks comment on and adopts precise auction procedures, including application requirements, upfront payments, bidding procedures, and post-auction processes).

^{5/} *See, e.g.*, T-Mobile Nov. 15 *Ex Parte* Letter at 8; Letter from Steve B. Sharkey, Vice President, Government Affairs, Technology and Engineering Policy, T-Mobile USA, Inc., to Marlene H. Dortch, Secretary, FCC, GN Docket No. 18-122 (filed July 12, 2019); Letter from Steve B. Sharkey, Vice President, Government Affairs, Technology and Engineering Policy, T-Mobile USA, Inc., to Marlene H. Dortch, Secretary, FCC, GN Docket No. 18-122 (filed Feb. 15, 2019); Letter from Elizabeth Andrion, Senior Vice President, Regulatory Affairs, Charter Communications, to Ms. Marlene H. Dortch, Secretary, FCC, GN Docket No. 18-122, *et al.* (filed Feb. 22, 2019); Letter from Elizabeth Andrion, Senior Vice President, Regulatory Affairs, Charter Communications, to Ms. Marlene H. Dortch, Secretary, FCC, GN Docket No. 18-122, *et al.* (filed Nov. 14, 2019).

designated for user relocation, they may retain those funds. The quicker relocation occurs, the quicker satellite operators may access the relinquishment payment. By being permitted to retain excess user relocation funds, satellite operators will be incented to evaluate lower-cost options like fiber.

- At the end of the relocation period or upon certification by satellite operators that relocation is complete, the Commission may exercise its authority under Section 316 to modify the authorizations of satellite operators and earth stations users.^{6/}

Auction 105

T-Mobile appreciates the Commission’s efforts to make the 3550-3650 MHz band available for commercial wireless use through the upcoming auction of Priority Access Licenses (“PALs”). However, the Commission should not allow bidding for PALs at the Cellular Market Area (“CMA”) level *and* at the county level in the same geographic areas. Not only would permitting a mix of CMA-level bidding and county-level bidding in the same geographic areas perpetuate the interference protection problems identified by the Commission and complicate adjacent-channel coordination, but it would also likely result in unsold licenses.

* * * *

Pursuant to Section 1.106 of the Commission’s rules, a copy of this letter has been submitted in the record of the above-referenced proceedings and copies have been sent to the members of the Commission’s staff with whom we met. If there are any questions regarding the foregoing, please contact the undersigned.

Respectfully submitted,

/s/ Steve B. Sharkey

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

cc: Aaron Goldberger

^{6/} See 47 U.S.C. § 316.