

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

In the Matter of)	
)	
STATE OF INDIANA)	WT Docket No. 02-55
)	
And)	TAM-12005
)	
SPRINT CORPORATION)	

To: Marlene H. Dortch, Secretary
Attn: Chief Administrative Law Judge Richard L. Sippel

ENFORCEMENT BUREAU’S COMMENTS IN RESPONSE TO JOINT REQUEST

1. On October 17, 2017, the Commission’s Public Safety and Homeland Security Bureau designated for hearing a number of issues relating to the costs to be reconciled as part of the closing of the Frequency Reconfiguration Agreement between the State of Indiana (Indiana) and Sprint Corporation (Sprint).¹ On November 21, 2017, the Presiding Judge released *Order*, FCC 17M-38, providing Indiana and Sprint until December 22, 2017 to: (1) file their notices of appearances; (2) sign, submit, and file a settlement agreement; and (3) submit a joint motion to dismiss.² In addition, the Presiding Judge directed the Enforcement Bureau (Bureau) to submit comments, within five days of Indiana and Sprint’s filing(s), “indicating the Bureau’s concurrence, or notation of no objection, or make its objection giving reasons.”³ On December 11, 2017, Indiana and Sprint entered appearances, and filed a Joint Request with a settlement

¹ See Hearing Designation Order, rel. October 17, 2017 (HDO). The Enforcement Bureau was added as a party to the proceeding on November 15, 2017. See *Erratum*, rel. Nov. 15, 2017.

² See *Order*, FCC 17M-38 (ALJ, rel. Nov. 21, 2017).

³ *Id.* at n.1.

agreement, requesting approval of the settlement agreement and dismissal of the proceeding with prejudice.⁴ The Chief, Enforcement Bureau, by her attorneys, herein respectfully provides comments to the Joint Request, indicating that the Bureau has no objection to approval of the settlement agreement and dismissal of the case with prejudice.

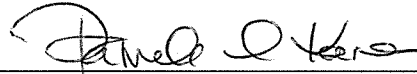
2. The Bureau has reviewed the settlement agreement and finds that Indiana and Sprint have fully resolved all of the issues in the HDO, and that, subject to the Presiding Judge's approval, there remains no need for a hearing. In addition, on December 4, 2017, counsel for the Bureau participated in a conference call with Indiana and Sprint, and the Bureau specifically confirmed that Indiana and Sprint have resolved all of the issues set forth in Paragraph 24(a)-(m) of the HDO. The Bureau suggests that approval of the settlement agreement, and termination of the proceeding with prejudice, will serve the public interest by promoting the private resolution of disputes, eliminating the need for further litigation, and conserving the resources of the parties, the Office of the Administrative Law Judge, and the Commission.

3. For the foregoing reasons, the Bureau does not oppose Indiana and Sprint's Joint Request that the Presiding Judge approve their settlement agreement and dismiss the hearing proceeding with prejudice.

⁴ See Joint Request, WT Docket No. 02-55 (filed Dec. 11, 2017) (Joint Request); [Sprint] Notice of Appearance and Request for Deferral of Hearing Fee, WT Docket No. 02-55 (filed Dec. 11, 2017); [Indiana] Notice of Appearance, WT Docket No. 02-55 (filed Dec. 11, 2017). The Bureau likewise does not oppose the request to defer the hearing fee in the interest of conserving resources.

Respectfully submitted,

Rosemary Harold
Chief, Enforcement Bureau



Pamela S. Kane
Special Counsel
Investigations and Hearings Division
Enforcement Bureau
Federal Communications Commission
445 12th Street, SW, Room 4-C330
Washington, D.C. 20554
(202) 418-1420

Michael Engel
Special Counsel
Market Disputes Resolution Division
Enforcement Bureau
Federal Communications Commission
445 12th Street, SW, Room 4-C366
Washington, D.C. 20554
(202) 418-7330

December 12, 2017

CERTIFICATE OF SERVICE

Pamela S. Kane certifies that she has on this 12th day of December, 2017, sent copies of the foregoing "ENFORCEMENT BUREAU'S COMMENTS IN RESPONSE TO JOINT REQUEST" via email to:

The Honorable Richard L. Sippel
Chief Administrative Law Judge
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554 (by hand, courtesy copy)

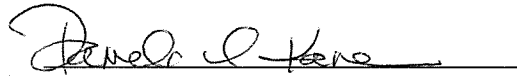
Rachel Funk
Office of the Administrative Law Judge
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554 (by hand, courtesy copy)

William M. Braman
Senior Deputy Attorney General
Office of Attorney General Curtis Hill
302 West Washington Street
IGCS-5th Floor
Indianapolis, Indiana 46204
William.Braman@atg.in.gov

Heather M. Crockett, Section Chief
Asset Recovery and Bankruptcy Litigation
Office of Attorney General Curtis Hill
302 West Washington Street
IGCS-5th Floor
Indianapolis, Indiana 46204
Heather.Crockett@atg.in.gov
Susan.Gard@atg.in.gov

Robert H. Schwaninger, Jr., Esq.
Schwaninger and Associates, P.C.
1331 H Street, N.W. Suite 500
Washington, D.C. 20005
rschwaninger@sa-lawyers.net

Laura Phillips
Drinker Biddle & Reath LLP
1500 K Street, N.W.
Suite 1100
Washington, D.C. 20005-1209
Laura.Phillips@dbr.com


Pamela S. Kane