



Northstar Wireless, LLC
c/o Doyon Limited
1 Doyon Place, Suite 300
Fairbanks, Alaska 99701-2941

November 9, 2015

BY ECFS AND ELECTRONIC MAIL

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, DC 20554

Re: Ex Parte Presentation

Updating Part 1 Competitive Bidding Rules, Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions, WT Docket No. 14-170, GN Docket No. 12-268, AU Docket No. 14-252, WT Docket No. 12-269, MB Docket No. 15-146;

Amendment of the Commission's Rules with Regard to Commercial Operations in the 1695-1710 MHz, 1755-1780 MHz, and 2155-2180 MHz Bands, Auction of Advanced Wireless Services (AWS-3) Licenses, GN Docket No. 13-185, AU Docket No. 14-78

Dear Ms. Dortch:

Northstar Wireless, LLC ("Northstar Wireless") hereby requests that the Commission dismiss as procedurally defective the T-Mobile US ("T-Mobile") letter dated October 30, 2015 ("T-Mobile Letter") submitted in the referenced proceedings.¹

The T-Mobile Letter asks the Commission to prohibit Northstar Wireless, as well as SNR Wireless LicenseCo, LLC ("SNR") and DISH Network Corporation ("DISH"), from bidding in future auctions involving the AWS-3 licenses on which Northstar Wireless and SNR are deemed to have defaulted,² to treat Northstar Wireless, SNR, and DISH as "former defaulters" for

¹ See Letter of Kathleen O'Brien Ham, Senior Vice President, Government Affairs, T-Mobile to Marlene H. Dortch, Secretary, FCC, WT Docket No. 14-170, GN Docket No. 12-268, AU Docket No. 14-252, WT Docket No. 12-269, MB Docket No. 15-146, GN Docket No. 13-185, AU Docket No. 14-78 (filed Oct. 30, 2015).

² *Id.* at 2-3.

purposes of the upcoming Incentive Auction and the re-auction of the AWS-3 licenses,³ and to require that any reaucted AWS-3 spectrum be built out in the same timeframe as required for winners of Auction 97.⁴

The T-Mobile Letter is an untimely request for reconsideration of the August 18, 2015 order in which the Commission determined that Northstar Wireless and its investors, including DISH and its subsidiaries, did not violate Commission Rules and found no grounds to render an adverse decision as to the basic qualifications of Northstar Wireless to hold Commission licenses, or to grant any of the relief requested by other parties to the referenced proceeding other than as set forth in the *Northstar Wireless MO&O*.⁵ It also is an untimely request for reconsideration of the construction requirements applicable to AWS-3 spectrum.

Even if the T-Mobile Letter had been timely filed, T-Mobile lacks standing to challenge the *Northstar Wireless MO&O*, or any subsequent decision by the Wireless Telecommunications Bureau (“WTB”) related to that order, because it did not participate in the Northstar Wireless or SNR application proceedings.⁶ Moreover, the T-Mobile Letter was not filed in the Northstar Wireless application proceeding (or, for that matter, in the SNR application proceeding), it includes no proof of service,⁷ and it may not have been properly served on Northstar Wireless.⁸

Substantively, the WTB correctly applied the Commission’s rules and precedent regarding selective payment of winning bids in auctions,⁹ and neither the Incentive Auction nor

³ *Id.* at 3-4.

⁴ *Id.* at 4.

⁵ See *Northstar Wireless, LLC and SNR Wireless LicenseCo, LLC Applications for New Licenses in the 1695-1710 MHz, 1755-1780 MHz and 2155-2180 MHz Bands*, Memorandum Opinion and Order, 30 FCC Rcd 8887, 8890-91, 8941, 8951 (2015) (“*Northstar Wireless MO&O*”). Petitions for reconsideration of the *Northstar Wireless MO&O* were due on September 17, 2015.

⁶ *Cf.* 47 C.F.R. § 1.106(b)(1). See also *Shareholders of Stop 26 Riverbend, Inc.*, Memorandum Opinion and Order, 27 FCC Rcd 6516, 6519-20 (2012).

⁷ *Cf.* 47 C.F.R. §§ 1.47(g); 1.106(f).

⁸ *Cf. id.*, § 1.106(f).

⁹ See Letter from Roger C. Sherman, Chief, Wireless Telecommunications Bureau, FCC, to Mark F. Dever, Counsel to Northstar Wireless, LLC, DA 15-1108, at 2 n.11 (Oct. 1, 2015) (citing *LMDS Communications, Inc., Request for Waiver of Sections 1.2109(a) and (c), 1.2104(g) and 101.1105(b) of the Commission’s Rules Regarding BTA117, BTA122, BTA203, BTA215, BTA218, BTA287, BTA317, BTA328, BTA330, BTA335, BTA375 and BTA416*, Order, 15 FCC Rcd 8618, 8622 n.30 (2000); *Application of Baker Creek Communications, L.P. for*

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the AWS-3 auction proceedings are appropriate forums for seeking substantive changes to those rules and precedent.

Northstar Wireless reserves its right to submit further filings regarding the T-Mobile requests should such filings be warranted.

Respectfully submitted,

Northstar Wireless, LLC

By: Northstar Spectrum, LLC
Its Sole Member

By: Northstar Manager, LLC
Its Manager

By: Doyon, Limited
Its Manager

By: /s/ Allen M. Todd
Allen M. Todd
Assistant Secretary and General
Counsel

cc: Roger Sherman (via e-mail)
Jean Kiddoo (via e-mail)
Brian Regan (via e-mail)
Bill Richardson (via e-mail)

Authority to Construct and Operate Local Multipoint Distribution Services in Multiple Basic Trading Areas, Order, 14 FCC Rcd 11529 (1999)).

CERTIFICATE OF SERVICE

I, Allen M. Todd, certify that a true and correct copy of the foregoing letter was sent by United States Mail, first class postage prepaid, on November 9, 2015 to:

Kathleen O'Brien Ham
Senior Vice President, Government Affairs
T-Mobile US
601 Pennsylvania Ave., N.W.
Suite 800
Washington, DC 20004

/s/ Allen M. Todd _____
Allen M. Todd