



1776 K STREET NW  
WASHINGTON, DC 20006  
PHONE 202.719.7000  
FAX 202.719.7049

7925 JONES BRANCH DRIVE  
MCLEAN, VA 22102  
PHONE 703.905.2800  
FAX 703.905.2820

www.wileyrein.com

March 1, 2013

Nancy J. Victory  
202.719.7344  
nvictory@wileyrein.com

**VIA ECFS**

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

**Re: Applications of Deutsche Telekom AG, T-Mobile USA, Inc., and  
MetroPCS Communications, Inc. for Consent to Assign Licenses, WT  
Docket No. 12-301**

Dear Ms. Dortch:

On March 1, 2013, Deutsche Telekom AG (“DT”) and T-Mobile License, LLC (“T-Mobile License”) filed a Form 703 – Application for Consent to Transfer Control of Corporation Holding Station License with the Office of Engineering and Technology (“OET”). Pursuant to Section 5.79 of the Commission’s rules, the application seeks consent to the *pro forma* transfer of control of experimental call sign WQ2XLN. File number 0008-EX-TU-2013 was assigned to this application.

In the Public Interest Statement filed with the above-captioned applications, Applicants requested that any Commission approval of the applications filed for that transaction include authority for DT to acquire control of “any authorization issued to MetroPCS or its subsidiaries or T-Mobile USA or its subsidiaries while this transaction is pending before the Commission and the period required for consummation of the transaction.”<sup>1</sup> T-Mobile License was not granted its experimental authorization under call sign WG2XLN until December 20, 2012—after the above-captioned applications were filed. Accordingly, this call sign was not included in the initial application filings.

DT and T-Mobile License are hereby filing a copy of the experimental license *pro forma* transfer application in the above-captioned docket, and request that Commission staff expeditiously process this application and approve it contemporaneously with the other pending applications associated with the T-Mobile USA/MetroPCS transaction.

---

<sup>1</sup> Public Interest Statement at 58.



Marlene H. Dortch  
March 1, 2013  
Page 2

Please direct any questions to the undersigned counsel for DT and T-Mobile USA.

Respectfully Submitted,

*/s/ Nancy J. Victory*

Nancy J. Victory

cc: Best Copy and Printing  
David Hu  
Kathy Harris  
Kate Matraves  
David Krech  
Jim Bird  
Linda Ray

**FCC FORM 703 - FEDERAL COMMUNICATIONS COMMISSION  
APPLICATION FOR CONSENT TO TRANSFER CONTROL OF CORPORATION HOLDING  
STATION LICENSE**

**(This application must be filed before Transfer of Control takes place)**

Licensee Information

1. Name of corporate licensee: T-Mobile License LLC  
Attention: Dan Menser  
Street Address: 12920 SE 38th St.  
PO Box:  
City: Bellevue State: WA Zip Code: 98006  
Country: United States  
E-mail Address: FCCregulatorycompliancecontact@t-mobile.com
2. Call sign and radio service of each station: WG2XLN XT

Transferee Information

3. Transferee Name: Deutsche Telekom AG  
Attention: Dan Menser  
Street Address: 12920 SE 38th Street  
PO Box:  
City: Bellevue State: WA Zip: 98006  
Country: United States  
E-mail Address: dan.menser@t-mobile.com
4. Subsequent to the Transfer of Control, will the licensee corporation be the same corporate entity? That is, will it retain its present name, corporate charter, State of incorporation, etc.? If "NO", submit an exhibit giving details. - Y
5. Subsequent to the Transfer of Control, will the licensee corporation be a representative of any foreign government? If "YES", submit an exhibit giving details. - N

Post Card Section of Form 703

6. Name of Corporate Licensee: T-Mobile License LLC
7. Corporate Licensee Mailing Address:  
Street Address: 12920 SE 38th Street  
P.O. Box:  
Mail Stop:  
City: Bellevue State: WA Zip: 98006  
Country: United States

Email Address: FCCregulatorycompliancecontact@t-mobile.com

Certification

8.

CERTIFICATION

- Applicant waives any claim to the use of any particular frequency regardless of prior use by licensee or otherwise
- Applicant will have unlimited access to the radio equipment and will control access to exclude unauthorized persons;
- Neither applicant nor any member thereof is a foreign government or representative thereof;
- Applicant certifies that all statements made in this application and attachments are true, complete and made in good faith;
- Neither the applicant nor any other party to the application is subject to a denial of Federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862, because of a conviction for possession or distribution of a controlled substance.

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(A)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

Signature of Authorized Employee of Licensee Corporation: Steve Sharkey Date: Mar 1 2013 3:24PM

Signature of Transferee of Control: Wolfgang Kopf Date: Mar 1 2013 3:24PM

Officer

## Description of *Pro Forma* Transfer and Public Interest Statement

Pursuant to Section 5.79 of the Commission's rules,<sup>1</sup> T-Mobile License LLC ("T-Mobile License") and Deutsche Telekom AG ("DT") hereby seek consent to the *pro forma* transfer of control of experimental call sign WG2XLN from and to DT. On October 18, 2012, DT, its wholly-owned subsidiary, T-Mobile USA, Inc. ("T-Mobile USA"), and MetroPCS Communications, Inc. ("MetroPCS") filed a series of applications requesting the Commission's consent to the transfer of control of the FCC licenses and authorizations held by MetroPCS and its subsidiaries from the current public shareholders of MetroPCS to DT.<sup>2</sup> The parties also requested authority for the *pro forma* transfer of control<sup>3</sup> of the licenses and authorizations held by T-Mobile USA and its subsidiaries as a result of the proposed transaction.<sup>4</sup>

In the Public Interest Statement filed with the T-Mobile USA/MetroPCS applications (the Applications"), the Applicants requested that any Commission approval of the Applications filed for that transaction include authority for DT to acquire control of "any authorization issued to MetroPCS or its subsidiaries or T-Mobile USA or its subsidiaries while this transaction is pending before the Commission and the period required for consummation of the transaction."<sup>5</sup> T-Mobile License was not granted its experimental authorization under call sign WG2XLN until December 20, 2012.<sup>6</sup> Accordingly, this call sign was not included in the initial application filings.

As T-Mobile USA and DT will continue to control the license both before and after the consummation of the instant transaction, no substantial change in control of the affected license will occur.<sup>7</sup> The Commission has stated that, in situations "where no substantial change of

---

<sup>1</sup> 47 C.F.R. § 5.79.

<sup>2</sup> See ULS File No. 0005446627, Exhibit 1, Description of Transaction and Public Interest Statement ("Public Interest Statement").

<sup>3</sup> *In re Fed. Communications Bar Ass'n's Petition for Forbearance from Section 310(d) of the Communications Act Regarding Non-Substantial Assignments of Wireless Licenses & Transfers of Control Involving Telecomms. Carriers*, Memorandum Opinion and Order, 13 FCC Rcd. 6293, 6299, ¶ 8 (1998) ("*FCBA Forbearance Order*") ("corporate reorganization which involves no substantial change in the beneficial ownership of the corporation" is *pro forma* in nature); cf. 47 C.F.R. § 63.24(d).

<sup>4</sup> See Public Interest Statement at 3-5 for a more detailed description of the transaction.

<sup>5</sup> Public Interest Statement at 58.

<sup>6</sup> Prior to the Commission's grant of call sign WG2XLN, T-Mobile License held a Special Temporary Authorization under call sign WF9XQW. While the Commission's OET Experimental Licensing System lists call sign WF9XQW as an active authorization, it in fact expired in 2012. Accordingly, this call sign is not included in the instant application.

<sup>7</sup> *FCBA Forbearance Order*, 13 FCC Rcd. at 6299, ¶ 8.

control will result from the transfer or assignment, grant of the application is deemed presumptively in the public interest.”<sup>8</sup> Applicants request that Commission staff expeditiously process this application and approve it contemporaneously with the other pending applications associated with the T-Mobile USA/MetroPCS transaction (WT Docket No. 12-301).

---

<sup>8</sup> *Id.* at 6295, ¶ 2.

**Second Signature of Transferee**

The internal governance policies of transferee, Deutsche Telekom AG (“DT”), require the signatures of two legal representatives of DT to legally bind the company. Wolfgang Kopf, Senior Vice President – Public and Regulatory Affairs, is signing this FCC application form on behalf of DT. Because the form provides for only one transferee signature, the Applicants have attached this exhibit so as to include a second “CERTIFICATION” section for the transferee containing the certification and signature of Volker Stapper, Vice President International Competition and Media Policy.

## CERTIFICATION

8.

### CERTIFICATION

- Applicant waives any claim to the use of any particular frequency regardless of prior use by licensee or otherwise
- Applicant will have unlimited access to the radio equipment and will control access to exclude unauthorized persons;
- Neither applicant nor any member thereof is a foreign government or representative thereof;
- Applicant certifies that all statements made in this application and attachments are true, complete and made in good faith;
- Neither the applicant nor any other party to the application is subject to a denial of Federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862, because of a conviction for possession or distribution of a controlled substance.

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(A)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

Signature of Transferee of Control: Volker Stapper Date: Mar. 1, 2013

Vice President International Competition and Media Policy