

March 12, 2013

**VIA ELECTRONIC FILING**

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

Re: **Ex Parte Presentation**  
**In the Matter of Policies Regarding Mobile Spectrum Holdings**  
**WT Docket No. 12-269**

Dear Ms. Dortch:

Attached on behalf of T-Mobile USA, Inc. please find a study prepared by Prof. Jonathan Baker of American University's Washington College of Law, entitled "Spectrum Auction Rules That Foster Mobile Wireless Competition." Prof. Baker provides an economic analysis of T-Mobile's proposal for spectrum caps in auctions of new spectrum and case-by-case review for secondary market transactions, and contrasts this proposal with an approach in which every transaction is reviewed individually.

Prof. Baker reaches the following conclusions:

- Rules restricting spectrum aggregation at the time of new spectrum auctions can foster competition in services that use wireless spectrum as an input.
- Spectrum caps are likely to avoid the costs and delays that would result from the use of case-by-case reviews of spectrum acquisitions after auctions, and are also likely to prevent efficiency-reducing distortions in spectrum allocation arising from uncertainty about the outcome of post-auction review.
- Spectrum caps in auctions can encourage auction participation, so they have the potential to increase auction revenues.
- Case-by-case reviews are more troublesome when applied to auction outcomes than when applied later to secondary market transactions in spectrum.
- Case-by-case reviews of secondary market transactions would be unlikely to encourage speculative bidding that could otherwise undermine spectrum caps in auctions.

**Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.**

- Separate caps for low-frequency spectrum can be beneficial even if wireless providers can overcome disadvantages of high-frequency spectrum with sufficient capital investment.

Prof. Baker's paper provides strong support for T-Mobile's proposal and refutes the baseless criticisms of that proposal put forward in particular by the two largest carriers that, unsurprisingly, seek to protect their own market position at the expense of the Commission's ability to adopt spectrum policies that promote a competitive wireless marketplace.

Please contact the undersigned if there are any questions regarding the study.

Pursuant to Section 1.1206 of the Commission's rules, an electronic copy of this letter is being filed electronically with the Office of the Secretary.

Sincerely,

A handwritten signature in dark ink, appearing to read "Howard J. Symons", with a long horizontal flourish extending to the right.

Howard J. Symons

Attachment

cc: Ruth Milkman  
Renee Gregory  
Erin A. McGrath  
Louis Peraertz  
David Goldman  
Courtney Reinhard  
Steve Wildman  
Evan Kwerel  
Gary Epstein