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Ex Parte

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

Re: Applications of Sprint Nextel Corporation and SoftBank Corp., IB Docket No. 12-343; Policies Regarding Mobile Spectrum Holdings, WT Docket No. 12-269

Dear Ms. Dortch:

Kathy Grillo, Tamara Preiss, and John Scott from Verizon met separately with Courtney Reinhard, Wireless Legal Advisor to Commissioner Pai, and David Goldman, Senior Legal Advisor to Commissioner Rosenworcel, on April 16, and with Charles Mathias, Special Counsel to Chairman Genachowski, and Kate Dumouchel, from the Office of General Counsel, on April 17 to discuss the above-referenced proceedings. The attached document was used in the meeting with Ms. Reinhard.

Consistent with Verizon's previous filings, we explained that the record in these proceedings demonstrates that the Broadband Radio Service and Educational Broadband Service ("BRS/EBS") spectrum easily meets the Commission's standard for inclusion in the mobile services spectrum screen: not only is it both suitable and available for those services (the test for inclusion), it is in fact in use.¹ It is the Commission's policy to assess whether spectrum at issue in a transaction is suitable and available for mobile services and thus should be included in the

¹ See Comments of Verizon Wireless, IB Docket No. 12-343, at 2-11 (Jan. 28, 2013); Reply Comments of Verizon Wireless, IB Docket No. 12-343, at 1-7 (Feb. 25, 2013); Comments of Verizon Wireless, WT Docket No. 12-269, at 22-27 (Nov. 28, 2012); Reply Comments of Verizon Wireless, WT Docket No. 12-269, at 8-14 (Jan. 7, 2013); Letter from Kathleen Grillo, Verizon, to Marlene H. Dortch, Secretary, FCC, IB Docket No. 12-343, WT Docket No. 12-269 (filed March 4, 2014)(attaching a recent FCC staff report counting all 194 MHz of BRS/EBS spectrum as available for mobile broadband); Letter from Tamara Preiss, Verizon, to Marlene H. Dortch, Secretary, FCC, IB Docket No. 12-343, WT Docket No. 12-269 (filed April 8, 2013). See also Comments of AT&T Inc., WT Docket No. 12-269, at 39-42 (Nov. 28, 2012); Reply Comments of AT&T Inc., WT Docket No. 12-269, at 16-22 (January 7, 2013); Consolidated Reply to Oppositions of the Consortium for Public Education and The Roman Catholic Diocese of Erie, Pennsylvania, IB Docket No. 12-343, at 1-11 (Feb. 25, 2013); Reply Comments of DISH Network, L.L.C., IB Docket No. 12-343, at 4, 12-13, 16-19 (Feb. 25, 2013); Comments of EBS Licensees Supporting Verizon Request, IB Docket No. 12-343, at 1-7 (Feb. 12, 2013); Petition to Deny of Taran Asset Management, IB Docket No. 12-343, at 9 (Jan. 19, 2013).

screen as part of its review of that transaction. We urged the Commission to follow this long-standing practice and add the EBS and remaining BRS spectrum to the screen in its review of the SoftBank-Sprint-Clearwire transfer applications. Updating the screen in this manner is consistent with the Commission's statement in the *Mobile Spectrum Holdings NPRM* that it "would continue to apply our current case-by-case approach to evaluate mobile spectrum holdings in secondary market transactions" during the pendency of that rulemaking,² and its recent action to add 20 MHz of WCS spectrum to the screen in the course of its review of AT&T's acquisition of that spectrum.³ Failure to update the screen to include the EBS and remaining BRS spectrum would leave intact a screen that fails its purpose of providing an accurate tool for the Commission to conduct its competitive analysis of this and future transactions.⁴

This letter is being filed pursuant to Section 1.1206 of the Commission's Rules. Should you have any questions, please contact the undersigned.

Sincerely,



Attachment

cc: (via e-mail)
Charles Mathias
David Goldman
Courtney Reinhard
Kate Dumouchel

² *Policies Regarding Mobile Spectrum Holdings*, WT Docket No. 12-269, Notice of Proposed Rulemaking, 27 FCC Rcd 11710, para. 16, note 59 (2012).

³ *Applications of AT&T Mobility Spectrum LLC et al. for Consent to Assign and Transfer Licenses*, WT Docket No. 12-240, Memorandum Opinion and Order, 27 FCC Rcd 16459, para. 30 (2012) ("as part of this case-by-case approach in transactions, we consider whether to modify the spectrum screen").

⁴ Verizon asks only that the Commission correct the amount of spectrum included in the screen by adding spectrum that is unquestionably suitable and available – and that is being transferred in this transaction. Verizon agrees that various proposals to modify the current screen itself should be addressed in the pending *Mobile Spectrum Holdings* rulemaking proceeding.

SPECTRUM SCREEN: CURRENT + "MISSING" SPECTRUM

CELLULAR, PCS, SMR, 700 MHz, AWS, BRS, WCS: 452.0 MHZ

ADD:

AWS-4 40 MHZ

BRS 21 MHZ

EBS 111.625 MHZ

MSS 19.275 MHZ

TOTAL MISSING SPECTRUM 191.9 MHZ

TOTAL AMOUNT OF SPECTRUM 643.9 MHZ