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Ex Parte

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

Re: Policies Regarding Mobile Spectrum Holdings, WT Docket No. 12-269; Auction of H Block Licenses in the 1915-1920 MHz and 1995-2000 MHz Bands, AU Docket No. 13-178; Amendment of the Commission's Rules with regard to Commercial Operations in the 1695-1710 MHz, 1755-1780 MHz, and 2155-2180 MHz Bands, GN Docket No. 13-185; Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions, GN Docket No. 12-268

Dear Ms. Dortch:

Sprint's Chief Executive Officer recently reiterated that Sprint is aggressively putting to use its 2.5 GHz Broadband Radio Service and Educational Broadband Service spectrum to provide 4G LTE service, again confirming that Sprint's 2.5 GHz spectrum must be added to the spectrum screen.

Verizon demonstrated almost a year ago that this spectrum is – and has been – suitable and available for commercial mobile use.¹ As demonstrated in repeated filings since then, Clearwire – now Sprint – has access to approximately 140 MHz of 2.5 GHz spectrum on average across its national spectrum footprint and has deployed a 4G mobile broadband network that uses this spectrum across much of the country.²

¹ See *Policies Regarding Mobile Spectrum Holdings*, WT Docket No. 12-269, Comments of Verizon Wireless (filed Nov. 28, 2012), Reply Comments of Verizon Wireless (filed Jan. 7, 2013).

² See, e.g., Letter from Kathleen Grillo, Verizon, to Marlene H. Dortch, FCC, AU Docket No. 13-178, WT Docket No. 12-269 (filed Sept. 24, 2013); Amendment of Commission's Rules with Regard to Commercial Operations in the 1695-1710 MHz, 1755-1780 MHz, and 2155-2180 MHz Bands, GN Docket No. 13-185, Comments of Verizon Wireless (filed Sept. 18, 2013); Letter from Tamara Preiss, Verizon, to Marlene H. Dortch, FCC, GN Docket No. 12-168, WT Docket No. 12-269 (filed July 17, 2013); Letter from Kathleen Grillo, Verizon, to Marlene H. Dortch, FCC, IB Docket No. 12-343, WT Docket No. 12-269 (filed Mar. 4, 2013); *Applications of Sprint Nextel Corporation, Transferor, SoftBank Corp., and Starburst II, Inc., Transferees, Joint Applications for Consent to Transfer of Control of Licenses, Leases, and Authorizations; and Petition for Declaratory Ruling under Section 310(b)(4) of the Communications Act of 1934, as amended*, IB Docket No. 12-343, Reply Comments of Verizon Wireless (filed Feb.

Sprint's recent 4G LTE deployment announcements further emphasize that this spectrum not only is suitable and available for commercial mobile use, but that it is actually being used. On Sprint's 3rd Quarter Earnings Call, Sprint's CEO touted the benefits of the 2.5 GHz spectrum, emphasizing that Sprint "clearly ha[s] a strong spectrum position now with 120 megahertz of Clearwire spectrum in 90% of the top 100 markets"³ in addition to the spectrum previously held directly by Sprint. Sprint further explained that it is rolling out 4G LTE service on this spectrum and "expect[s its] network investments will bring customers greater speeds and capacity and, when combined with our unique unlimited for life offers, will improve [its] competitive positioning."⁴

Sprint's Chief Financial Officer emphasized on the same call that, "with the Softbank and Clearwire transactions closed, [Sprint] ha[s] the assets in place to be a strong competitor in our industry and it's all about execution right now."⁵ Sprint reported that by the end of this year, it will have deployed more than 5,000 LTE cell sites on its 2.5 GHz spectrum and plans to further expand its LTE deployment on the 2.5 GHz spectrum in 2014.⁶ In fact, Sprint launched LTE service on 2.5 GHz cell sites in five markets last week, including New York and Los Angeles.⁷ In addition, Sprint already has introduced three smartphones and three data devices that are capable of operating on the 2.5 GHz band, and plans to make available at least one more 2.5 GHz-capable smartphone by the end of the year.⁸

25, 2013), Comments of Verizon Wireless (filed Jan. 28, 2013); *Policies Regarding Mobile Spectrum Holdings*, WT Docket No. 12-269, Reply Comments of Verizon Wireless (filed Jan. 7, 2013).

³ Sprint's CEO Discusses Q3 2013 Results – Earnings Call Transcript, Oct. 30, 2013, <http://seekingalpha.com/article/1787062-sprints-ceo-discusses-q3-2013-results-earnings-call-transcript>.

⁴ Sprint, Sprint Reports Third Quarter 2013 Results, Press Release, Oct. 30, 2013, <http://newsroom.sprint.com/news-releases/sprint-reports-third-quarter-2013-results.htm>.

⁵ Sprint's CEO Discusses Q3 2013 Results – Earnings Call Transcript, Oct. 30, 2013, <http://seekingalpha.com/article/1787062-sprints-ceo-discusses-q3-2013-results-earnings-call-transcript>.

⁶ *Id.* ("The third layer to the network will be the high band 2.5 gigahertz spectrum that we acquired in the Clearwire transaction, which improved speed and capacity. As we have said previously, it's what we expect to complete the 5,000 LTE sites that Clearwire had under construction this year. As we move into next year, we will continue to expand the rollout of 2.5 gigahertz on selected sites across our existing network. . . . [O]ur approach will be to really densify and really in the urban areas first to be able to get the speed and the capacity in those areas. But now the goal is to build out 2.5 and use that 120 megahertz across the nation.").

⁷ See Sprint, First Sprint Spark Cities Announced, Nov. 11, 2013, http://faster.sprint.com/2013/11/11/first-sprint-spark-cities-announced/?INTMKT=MA:MS:103013:SparkHub:Articles_RelatedContent (announcing Sprint Spark deployments in New York, Los Angeles, Chicago, Tampa, and Miami); Sprint, The Heart of Sprint Spark, Nov. 7, 2013, http://faster.sprint.com/2013/11/07/the-heart-of-sprint-spark/?INTMKT=MA:MS:103013:SparkHub:Articles_RelatedContent ("The high-speed capability is expected to be achieved by combining Sprint's 800 Megahertz (MHz), 1.9M Gigahertz (GHz) and 2.5GHz spectrum; TDD-LTE technology (2.5GHz only); and carrier aggregation in the 2.5GHz band; along with unique spectrum capacity.").

⁸ Sprint, Tri-Band Smartphones Are Here, Nov. 5, 2013, http://faster.sprint.com/2013/11/05/sprint-spark-is-live/?INTMKT=MA:MS:103013:SparkHub:Articles_RelatedContent ("Sprint's first tri-band smartphones arrive Nov. 8, bringing to life the promise of Sprint Spark.").

Analysts have commented that Sprint's use of the 2.5 GHz spectrum will enhance its commercial mobile services and competitive position. For example, New Street Research analyst Jonathan Chaplin wrote in a research note that "[w]e continue to believe Sprint can take significant share once they have deployed their 2.5GHz spectrum giving them a speed and capacity advantage."⁹

These developments further demonstrate why the Commission must update the screen to include the remaining BRS and EBS spectrum. As it stands today, the spectrum screen cannot provide a meaningful tool to evaluate potential spectrum concentration issues because it omits substantial amounts of spectrum that are available for, and are actually being used to provide, commercial mobile broadband services.

This letter is being filed pursuant to Section 1.1206 of the Commission's rules. Please contact me with any questions.

Sincerely,

A handwritten signature in black ink that reads "Kathleen Gilh". The signature is written in a cursive, slightly slanted style.

⁹ Phil Goldstein, Sprint to cover 100M POPs with 2.5 GHz LTE by end of 2014, FierceWireless, Oct. 30, 2013, <http://www.fiercewireless.com/story/sprint-cover-100m-pops-25-ghz-lte-end-2014/2013-10-30#ixzz2jionqqBH>.