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March 4, 2014

**VIA ELECTRONIC FILING**

Ms. Marlene Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Room TW-A325  
Washington, D.C. 20554

**Re: *Ex Parte Notice***

*In the Matter of Amendment of the Commission's Ex Parte Rules and Other Procedural Rules*, CG Docket No. 10-43

*In the Matter of 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

Dear Ms. Dortch:

On February 28, Kathleen Ham and Steve Sharkey of T-Mobile USA, Inc. ("T-Mobile") and Trey Hanbury of Hogan Lovells US LLP (counsel to T-Mobile) met with David Goldman, legal advisor to Commission Jessica Rosenworcel, and separately with Diane Cornell, special counsel to the Office of Chairman Tom Wheeler. Also on February 28, Kathleen Ham, Joshua Roland (also of T-Mobile), and Trey Hanbury met with Erin McGrath, legal advisor to Commissioner Michael O'Rielly.

At each of the meetings, the parties discussed the real-party-in-interest recommendation from the recent Report on FCC Process Reform,<sup>1</sup> and the Commission's strong institutional interests in adopting a real-party-in-interest disclosure rule. As T-Mobile has explained in advocating for real-party-in-interest disclosure requirements,<sup>2</sup> and as the Commission itself has recognized,<sup>3</sup> requiring participants in rulemaking proceedings to disclose all real parties-in-interest will

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<sup>1</sup> See *Report on FCC Process Reform*, Recommendation 5.44 at 79 (Feb. 14, 2014) ("*Report on Process Reform*"), attached to *FCC Seeks Public Comment on Report on Process Reform*, Public Notice, Docket No. 14-25, DA 14-199 (Feb. 14, 2014).

<sup>2</sup> See Letter from Trey Hanbury, Counsel to T-Mobile, to Diane Cornell, Special Counsel, Office of the Chairman, Federal Communications Commission, Docket No. 10-43 (Dec. 20, 2013); Letter from Trey Hanbury, Counsel to T-Mobile, to Marlene H. Dortch, Secretary, FCC, Docket No. 10-43 (Feb. 24, 2014).

<sup>3</sup> See *Report on Process Reform* at 79.

increase transparency, enhance accountability, and improve decision-making in proceedings before the Commission.

In the meeting with David Goldman, T-Mobile's representatives also emphasized the benefits of creating a band plan for the AWS-3 spectrum using five, five-megahertz block pairs. Creating fungible block sizes would allow for bidders to shift their eligibility among blocks, which would increase competitive opportunity for carriers of all sizes and limit exposure risk by creating many avenues for accessing both wider channel sizes and the bidder's desired geographic area. By contrast, establishing two 10x10 MHz blocks and one 5x5 MHz block would likely recreate many of the harmful features of the 700 MHz auction, including substantially greater risk of concentration of spectrum resources among the two dominant carriers, reduced competitive opportunity for all other providers, and lower auction revenue for the U.S. Treasury.

Establishing two 10x10 MHz blocks and one 5x5 MHz in the AWS-3 auction, particularly when combined with package bidding for one or more of the larger-bandwidth blocks, would raise barriers to entry on forty of the fifty megahertz of spectrum available in the AWS-3 band. As in the 700 MHz auction, the two largest carriers would likely bid for the larger blocks, where they would face less upward price pressure due to the combination of large block sizes, larger geographic areas, and potential package bidding. In this way, a band plan consisting of different block sizes would not only frustrate competition in the wireless market, but also result in substantially less revenue to the US Treasury than a more competitively neutral band plan of evenly sized, five-megahertz blocks.

Pursuant to Section 1.1206(b)(2) of the Commission's rules, an electronic copy of this letter is being filed for inclusion in the above-referenced docket.

Respectfully submitted,

/s/ Kathleen O'Brien Ham

Kathleen O'Brien Ham  
Vice President, Federal Regulatory Affairs