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May 1, 2014

**Via Electronic Filing**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., Room TW-A325  
Washington, D.C. 20554

Re: ***Notice of Ex Parte Presentation: Policies Regarding Mobile Spectrum Holdings, WT Docket No. 12-269; Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions, GN Docket No. 12-268***

Dear Ms. Dortch:

On April 29, 2014, Lawrence R. Krevor, Vice President, Legal and Government Affairs – Spectrum, Richard B. Engelman, Director, Legal and Government Affairs, and the undersigned of Sprint Corporation (“Sprint”), and Kostas Liopiros of the Sun Fire Group LLC, consultant to Sprint, met with Louis Peraertz, Legal Advisor to Commissioner Clyburn regarding the above-captioned proceedings.

At this meeting, Sprint discussed the necessity of refining the Commission’s spectrum screen to reflect the varying competitive utility of different bands for mobile broadband. Sprint reiterated points consistent with its recent filings, emphasizing that the overwhelming weight of the record demonstrates the necessity of distinguishing among bands contained in the screen. Sprint described a potential refinement to its proposal in the form of a three-tier “low/mid/high” band weighting approach. Building on the fundamental principles of Sprint’s original proposal,<sup>1</sup> this simplified weighting version supports a more logical competition-based screen than the Commission staff proposal.

As the attached slides reflect,<sup>2</sup> the Commission staff proposal creates a screen that would provide AT&T on average with nearly three times the spectrum screen headroom it enjoys today

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<sup>1</sup> *Sprint’s Competition-Based Framework for A Weighted Wireless Broadband Spectrum Screen*, attached to Letter from Lawrence Krevor, Vice President, Sprint Corp., to Marlene H. Dortch, Secretary, FCC, Docket No. 12-269 (Feb. 11, 2014).

<sup>2</sup> The attached slides use licensing data as of March 30, 2014. As a result, they reflect an update from December 31, 2013 licensing data contained in the slides Sprint presented to Mr. Peraertz during the meeting.

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and would almost double Verizon's average headroom. Sprint's headroom would, on average, be eliminated thereby subjecting even "routine" or *de minimis* future Sprint spectrum transactions to detailed competitive analysis. Accordingly, Sprint expressed concern that Commission adoption of the staff proposal, after reviewing the voluminous record in this proceeding, would signal that the Commission has concluded that the only carrier with dominant national market power is Sprint. This, of course, is preposterous.

A three-tiered weighted screen would correct the staff recommendation's failure to recognize the relative utility of and resultant impact on competition of using different spectrum bands in wireless broadband networks. It would also correct the serious inconsistency in the staff's spectrum holdings "package"; namely, that low-band spectrum is so competitively important that it warrants a 600 MHz reserve for carriers with limited low-band spectrum, yet the staff recommends that all spectrum (including low-band) count equally in a revised spectrum screen. Recognizing that Verizon and AT&T have national market power, the Commission staff proposes creating auction reserves to prevent them from "sweeping" the auction. By treating all spectrum as equal for spectrum screen purposes, the staff's recommendation undermines the consistency and sustainability of a 600 MHz auction reserve and the overall spectrum holdings package.

Pursuant to Section 1.1206 of the Commission's rules, this letter is being electronically filed with your office. Please let me know if you have any questions regarding this filing.

Respectfully submitted,

/s/ Gardner H. Foster

Gardner H. Foster

Senior Counsel

Legal and Government Affairs

Sprint Corporation

Attachment

cc: (via e-mail)  
Louis Peraertz

# Estimated Holdings Under Existing Spectrum Screen

Existing Screen Revised 1/31/2014	Sprint	AT&T	T-Mobile	Verizon
Threshold (MHz)	151	151	151	151
Exceeds Screen - Counties	0	178 (5.5%)	0	2 (0.1%)
Exceeds Screen - Population	0	16.9M (5.4%)	0	42K (0%)
Avg MHz	110.6	122.3	70.6	102.3
Avg MHz (Top 100 CMA)	112.9	126	77.3	104.9
Headroom (Top 100 CMA)	38.1 MHz	25.0 MHz	73.7 MHz	46.1 MHz

# Estimated Holdings Under Staff Proposal

Staff Proposal (Updated with 1Q14 data)	Sprint	AT&T	T-Mobile	Verizon
Threshold (MHz)	194.0	194.0	194.0	194.0
Exceeds Screen - Counties	797 (24.7%)	0 (0%)	0 (0%)	0 (0%)
Exceeds Screen - Population	205.8 M (65.6%)	0 (0%)	0 (0%)	0 (0%)
Avg MHz	187.8	122.2	70.7	102.6
Avg MHz (Top 100 CMA)	202.9	125.4	77.5	104.9
Headroom (Top 100 CMA)	-8.9 MHz	68.6 MHz	116.5 MHz	89.1 MHz



# Estimated Holdings Under Possible Three-Bucket Approach

	Sprint	AT&T	T-Mobile	Verizon
< 1 GHz weighted at 1.5	187.0	187.0	187.0	187.0
1-2.2 GHz weighted at 1.0	0 (0%)	37 (1.1%)	0 (0%)	2 (0.1%)
> 2.2 GHz weighted at 0.5 (Updated with 1Q14 data)	0 (0%)	5.5 M (1.8%)	0 (0%)	0.04 M (0.01%)
<b>Threshold (MHz)</b>	126.3	138.7	73.7	125.6
<b>Avg MHz</b>	134.4	144.1	81.4	128.2
<b>Exceeds Screen – Counties</b>	52.6 MHz	42.9 MHz	105.6 MHz	58.8 MHz
<b>Exceeds Screen – Population</b>				
<b>Avg MHz (Top 100 CMA)</b>				
<b>Headroom (Top 100 CMA)</b>				

