



PUBLIC NOTICE

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DA 22-572

Released: May 23, 2022

**DOCKET ESTABLISHED FOR MONITORING DISH'S COMPLIANCE WITH CONDITIONS
GRANTING AN EXTENSION OF TIME TO COMPLETE CONSTRUCTION OF FACILITIES
AND BUILDOUT COMMITMENTS**

WT Docket Nos. 18-197, 22-212

By this Public Notice, the Wireless Telecommunications Bureau (Bureau) announces the opening of a docket to monitor compliance with conditions imposed on DISH by the Commission. On July 26, 2019, DISH filed applications, pursuant to section 309(c) of the Communications Act,¹ for an extension of time to complete construction of its facilities for its AWS-4, Lower 700 MHz E Block, and AWS H Block licenses.² With those requests, DISH committed to construct a nationwide 5G broadband network, subjecting itself to making significant financial payments if it fails to do so.³ On November 5, 2019, the Commission released an order approving the applications for the transfer of control of licenses, authorizations and spectrum leases from Sprint Corporation (Sprint) to T-Mobile USA, Inc. (T-Mobile).⁴ As part of the transfer of control, the Commission also concluded that significant public interest benefits would flow from DISH's deployment of 5G broadband services over its spectrum holdings and that the acquisition of Sprint's Boost Mobile would help DISH achieve that deployment.⁵ Thus, contingent upon DISH's consummation of the Boost Mobile divestiture, certain build out extensions and modifications and other conditions related to the DISH licenses were granted.⁶ The DISH commitments, which were imposed as conditions, included monitoring of nationwide 5G network deployment build out and coverage requirements as well as verification and enforcement.⁷ By this Public Notice, we are opening a new docket, WT Docket No. 22-212, for the purpose of monitoring compliance with the conditions imposed by the Commission, which is captioned "Monitoring DISH's Compliance with Conditions Granting an Extension of Time to Complete Construction of Facilities and Buildout Commitments."

¹ 47 U.S.C. § 309(c).

² Application for Extension of Time of American H Block Wireless L.L.C., ULS File No. 0008741236 (filed July 26, 2019); Application for Extension of Time of DBSD Corp., ULS File No. 0008741420 (filed July 26, 2019); Application for Extension of Time of Gamma Acquisition L.L.C., ULS File No. 0008741603 (filed July 26, 2019); and Application for Extension of Time of Manifest Wireless L.L.C., ULS File No. 0008741789 (filed July 26, 2019).

³ Letter from Jeffrey H. Blum, Senior Vice President, Public Policy and Government Affairs, DISH, to Donald Stockdale, Chief, Wireless Telecommunications Bureau, WT Docket No. 18-197 (filed July 26, 2019).

⁴ See *Applications of T-Mobile US, Inc., and Sprint Corporation for Consent to Transfer Control of Licenses and Authorizations*, WT Docket No. 18-197, Memorandum Opinion and Order, Declaratory Ruling, and Order of Proposed Modification, 34 FCC Rcd 10578, 10583, para. 12 and Appendix H (2019) (*T-Mobile-Sprint Order*).

⁵ *T-Mobile-Sprint Order*, 34 FCC Rcd at 10739-45, paras. 364-83.

⁶ *Id.* at 10583, para. 12 and Appendix H.

⁷ *Id.* at 10747, paras. 394-98 and Appendix H.

Ex Parte Rules. This proceeding shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.⁸ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must: (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made; and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenters written comments, memoranda, or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with section 1.1206(b) of the Commission’s rules. In proceedings governed by section 1.49(f) of the rules or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf).⁹ Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Government Affairs Bureau at (202) 418-0530.

For further information regarding this proceeding, please contact Stacy Ferraro, Stacy.Ferraro@fcc.gov; Catherine Mataves, Catherine.Mataves@fcc.gov; and Joel Rabinovitz, Joel.Rabinovitz@fcc.gov.

Action by Acting Chief, Wireless Telecommunications Bureau.

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⁸ See 47 CFR §§ 1.1200 *et seq.*

⁹ *Id.* § 1.1206(b).