



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

January 21, 2016

The Honorable Bob Casey  
United States Senate  
393 Russell Senate Office Building  
Washington, D.C. 20510

Dear Senator Casey:

Thank you for your letter urging the Commission to work with Mobile Citizen and Mobile Beacon to prevent the loss of affordable broadband services to thousands of Americans. As your letter indicates, Mobile Beacon and Mobile Citizen are involved in a dispute with Sprint regarding Sprint's contractual obligation to provide certain broadband services to Mobile Beacon and Mobile Citizen for use by schools, libraries, and other non-profits, using radio spectrum allocated to educational use. One of the core responsibilities of the Commission is to ensure that all Americans have access to vital communications services. During my time as Chairman, the agency has been particularly focused on ensuring affordable access to high-speed broadband, especially in schools and libraries. Given the Commission's keen interest in access to broadband, the agency has been monitoring this matter closely.

As you note, this dispute involves certain changes that Sprint plans to make regarding the manner in which broadband services are provided and the capacity that will be available to users as Sprint moves its network away from an older technology, WiMAX, towards a newer technology, LTE. Mobile Beacon and Mobile Citizen allege the terms of service after this move occurs are inconsistent with their contracts. As a result, affiliates of Mobile Beacon and Mobile Citizen filed a lawsuit in Massachusetts state court against Sprint to enforce what they believe are their contractual rights. As part of this litigation, the state court granted an emergency preliminary injunction requiring Sprint to continue to offer Mobile Citizen and Mobile Beacon the same level of service they have been receiving while the litigation is ongoing. Sprint's motion to stay this injunction was subsequently denied by the state court.

For the immediate future, the broadband services provided to organizations like those mentioned in your letter will remain unchanged pending resolution of this contract dispute. As the litigation proceeds, the Commission will continue to monitor the situation and, to the extent necessary, take appropriate action consistent with the scope of the Commission's jurisdiction. Please let me know if I can be of any further assistance.

Sincerely,

Tom Wheeler