Connie Diaz

From: Elizabeth Fishel
Sent: Tuesday, April 14, 2020 4:20 PM
To: Kung, Angela; Sharkey, Steve; Wieczorek, Christopher; Fox, Russell; Blaise Scinto; Paul Malmud; Peter Daronco; John Schauble; Stephen Buenzow (CTR); Sommer Gilbert; Susan Mickley
Cc: Charles Mathias; Donald Stockdale; Dana Shaffer; Sean Spivey; Kari Hicks; Connie Diaz; Cecilia Sulhoff
Subject: FW: T-Mobile -- 600 MHz STA Request
Attachments: 600 MHz STA Request -- Spotlight Media Corporation.pdf

Good afternoon,

Shown below is the grant of T-Mobile License LLC's STA filed on April 14, 2020 to obtain permission to operate on 600 MHz (WT) spectrum.

Please let me know if you have any questions.

Thanks for your help.

Elizabeth (Beth) Fishel

T-Mobile License LLC's request for an emergency special temporary authorization (STA) to operate on the spectrum; and within the market areas of the WT (600 MHz) radio service stations identified in its attached STA request has been granted via this email for a period of 60 days. These WT radio service stations are licensed to Spotlight Media Corporation (Spotlight). T-Mobile License LLC must cease its operations on this spectrum if Spotlight withdraws its approval for T-Mobile License LLC's use of this 600 MHz spectrum at any time. T-Mobile License LLC will be using this spectrum to provide relief during the state-of emergency caused by the spread of the coronavirus throughout the United States.

This STA is authorized on a secondary non-interference basis. T-Mobile License LLC must cease operating on these frequencies if it causes harmful interference to any primary users. Any structure utilized to operate pursuant to this STA must comply with the height limitations specified in Section 17.7 of the Commission's rules or must be registered with the FAA.

T-Mobile License LLC must file an STA application for Special Temporary Authorization to continue its operations within 10 days of today's date (April 14, 2020). In addition, please email a courtesy copy of the STA application to the FCC staff members on this email. The mailing addresses for courier/messenger delivery and for delivery by the U.S. Postal Service are listed at the bottom of this email.

STA applications being delivered via a courier or by messenger service must be sent to the address below:
Federal Communications Commission
9050 Junction Drive
Annapolis Junction, MD 20701

STA applications being delivered by the U.S Postal Service must be sent to the address below:
Federal Communications Commission
1270 Fairfield Road
Gettysburg, PA 17325

From: Kung, Angela <AYKung@mintz.com>
Sent: Tuesday, April 14, 2020 3:00 PM
To: Donald Stockdale <Donald.Stockdale@fcc.gov>; Charles Mathias <Charles.Mathias@fcc.gov>; Stephen Buenzow (CTR) <Stephen.Buenzow.CTR@fcc.gov>; Sommer Gilbert <Sommer.Gilbert@fcc.gov>; Elizabeth Fishel <Elizabeth.Fishel@fcc.gov>; Blaise Scinto <Blaise.Scinto@fcc.gov>; Susan Mickley <Susan.Mickley@fcc.gov>; Paul Malmud <Paul.Malmud@fcc.gov>; Peter Daronco <Peter.Daronco@fcc.gov>; John Schauble <John.Schauble@fcc.gov>; Dana Shaffer <dana.shaffer@fcc.gov>; Sean Spivey <Sean.Spivey@fcc.gov>; Kari Hicks <Kari.Hicks@fcc.gov>; Cecilia Sulhoff <Cecilia.Sulhoff@fcc.gov>; Connie Diaz <Connie.Diaz@fcc.gov>
Cc: Sharkey, Steve <Steve.Sharkey@T-Mobile.com>; Chris (Chris.Wieczorek@T-Mobile.com) <Chris.Wieczorek@T-Mobile.com>; Fox, Russell <RFox@mintz.com>
Subject: T-Mobile -- 600 MHz STA Request

Good afternoon:

Attached please find an emergency request for special temporary authority submitted on behalf of our client, T-Mobile USA, Inc. Consistent with our previous requests and FCC guidance, we will submit a paper FCC Form 601 within the next 10 days confirming this request.

If you have any questions, please let us know.

Thanks,

Angela Kung
Of Counsel

Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.
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601 Pennsylvania Ave., NW
Suite 800
Washington, DC 20004
202-654-5900

April 14, 2020

***Via* E-Mail**

Donald Stockdale
Chief, Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street, SW
Washington DC, 20554

Re: Emergency Request for Special Temporary Authority

Dear Mr. Stockdale:

T-Mobile USA, Inc. ("T-Mobile"),[1/] on behalf of its subsidiary, T-Mobile License, LLC and pursuant to Section 1.931 of the Commission's rules and the guidance recently released by the Wireless Telecommunications Bureau ("Bureau"),[2/] hereby requests emergency special temporary authority ("STA") to use spectrum in the 600 MHz band for which it is not licensed. T-Mobile will use this spectrum to provide enhanced wireless broadband services for a period of sixty (60) days from Commission action to help keep Americans connected during the ongoing novel coronavirus pandemic. T-Mobile seeks Commission action as part of its Keep Americans Connected Pledge to help citizens overcome current challenges that have required them to remain socially distant.[3/]

STA is in the Public Interest

With each passing day, more Americans are being separated from each other as the United States continues to fight against the novel coronavirus. Americans have been directed to work from home and take classes remotely.[4/] T-Mobile can help. As the Commission is aware, T-Mobile

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1/ T-Mobile USA, Inc. is a wholly owned subsidiary of T-Mobile US, Inc., a publicly-traded company.

2/ *See* 47 C.F.R. § 1.931(a)(2)(iv); *Wireless Telecommunications Bureau Provides Guidance on Requesting Special Temporary Authority and Waivers in Response to COVID-19*, Public Notice, DA 20-365 (rel. Apr. 1, 2020) ("*STA and Waiver Guidance*").

3/ *See* News Release, *Chairman Pai Launches the Keep Americans Connected Pledge*, FCC (Mar. 13, 2020), https://docs.fcc.gov/public/attachments/DOC-363033A1.pdf

4/ *See, e.g.*, *FCC Encouraging Staff to Telework Due to Coronavirus*, COMM. DAILY (Mar. 12, 2020); Melissa Korn, *Coronavirus Prompts Colleges to Send Students Home*, WALL STREET JOURNAL

has aggressively built out the 600 MHz spectrum for which it is authorized, delivering both Fourth Generation ("4G") LTE and Fifth Generation ("5G") wireless service nationwide.[5/] T-Mobile can even better meet the unprecedented need for our country to be connected by having access to additional 600 MHz spectrum – deploying additional capacity in areas where it has already provided, and where it soon expects to provide, service, including in rural areas. More spectrum capacity will enable Americans to even more effectively telework, engage in distance learning (including taking tests and submitting homework, projects, and other coursework), obtain medical advice through telehealth, and simply remain connected to loved ones who may be quarantined, through applications like FaceTime. And, more capacity on T-Mobile's network will ensure that first responders and others can communicate in the event of an escalating crisis.

Indeed, that is why the Commission recently provided relief to T-Mobile and other providers to enhance network capacity.[6/] Accordingly, and consistent with its previous requests, T-Mobile requests authority, for a period of sixty (60) days from Commission action, to use the spectrum associated with call signs WQZS230 (600 MHz G Block covering PEA325 – Bismarck, ND), WQZS231 (600 MHz G Block covering PEA381 – Del Rio, TX), and WQZS229 (600 MHz A Block covering PEA387 – Wahpeton, ND), which are currently licensed to Spotlight Media Corporation ("Spotlight Media"). Spotlight Media has consented to T-Mobile's use of the spectrum.[7/] Spotlight Media is not currently using the licensed spectrum and has agreed to support T-Mobile's temporary use of it in support of the Keep Americans Connected Pledge.

(Mar. 10, 2020), https://www.wsj.com/articles/coronavirus-prompts-colleges-to-send-students-home-11583862936?mod=djem10point; Ben Chapman, *New York City Shuts Two Public Schools Over Coronavirus Case*, WALL STREET JOURNAL (Mar. 12, 2020), https://www.wsj.com/articles/new-york-city-shuts-two-public-schools-over-coronavirus-case-11584019007?mod=djem10point.

[5/] *See, e.g.*, T-Mobile News, *T-Mobile Reports Record Financials and Strong Customer Growth in FY 2019, Beating Increased Guidance While Balancing Growth and Profitability* (Feb. 6, 2020), https://www.t-mobile.com/news/t-mobile-q4-fy19-earnings; Letter from Steve B. Sharkey, Vice President, Government Affairs, Technology and Engineering Policy, T-Mobile, to Ms. Marlene H. Dortch, Secretary, FCC, GN Docket No. 12-268, *et al.*, at 1 (filed Oct. 24, 2019) (reporting that T-Mobile is proceeding on, or ahead of, the schedule the Commission established for clearing the 600 MHz band).

[6/] *See, e.g.*, News Release, *FCC Provides T-Mobile Temporary Access to Additional Spectrum to Help Keep Americans Connected During Coronavirus Pandemic*, FCC (Mar. 15, 2020), https://docs.fcc.gov/public/attachments/DOC-363051A1.pdf; News Release, *FCC Provides U.S. Cellular Temporary Access to Additional Spectrum to Help Keep Americans Connected During Coronavirus Pandemic*, FCC (Mar. 17, 2020), https://docs.fcc.gov/public/attachments/DOC-363114A1.pdf; News Release, *FCC Grants Verizon Temporary Spectrum Access to Keep Americans Connected During COVID-19 Pandemic*, FCC (Mar. 18, 2020), https://docs.fcc.gov/public/attachments/DOC-363145A1.pdf; News Release, *FCC Grants AT&T and Verizon Further Temporary Spectrum Access to Keep Americans Connected During Coronavirus Pandemic*, FCC (Mar. 20, 2020), https://docs.fcc.gov/public/attachments/DOC-363211A1.pdf.

[7/] While Spotlight Media and T-Mobile may have otherwise sought to permit T-Mobile's use of the spectrum through the usual Commission leasing process, resulting in T-Mobile's expeditious use of the spectrum, T-Mobile believes that, because of the unique nature of the 600 MHz spectrum, waiver of the rules may be required, defeating the Commission's streamlined leasing procedures. (In particular, in order to lease the 600 MHz spectrum, T-Mobile would be required to conduct analyses under Sections

Requested Rule Waivers

T-Mobile recognizes that the Commission's rules generally require that STA requests be submitted electronically on FCC Form 601.[8/] Accordingly, it hereby requests waiver of that rule. Waiver is justified because, as the Commission acknowledges, the Universal Licensing System is not optimized to allow applicants to seek permission to use 600 MHz spectrum for which an applicant is not authorized, on a temporary basis.[9/] While T-Mobile could potentially submit a request using FCC Form 601 in a paper format, doing so would elevate form over substance and potentially delay Commission action on this request.[10/] Seeking STA through this letter will likely permit the Commission to act more quickly, allowing T-Mobile to help bridge the connectivity gap sooner, and, as indicated above, is consistent with the recent guidance provided by the Wireless Bureau.

* * * *

T-Mobile looks forward to your prompt response. If you have any questions, please feel free to contact me directly.

Respectfully submitted,

/s/ Steve B. Sharkey

Steve B. Sharkey
Vice President, Government Affairs
Technology and Engineering Policy

cc: (Electronically)
Charles Mathias
Stephen Buenzow
Sommer Gilbert
Elizabeth Fishel
Blaise Scinto
Susan Mickley
Paul Malmud
Peter Daronco
John Schauble

20.22(c)(2) and (3). Grant of this STA request will allow T-Mobile to use the spectrum more quickly by alleviating the need for this analysis.)

8/ *See* 47 C.F.R. § 1.931.

9/ *See* FCC, WTB Special Temporary Authority and Waiver Request Filing Guide (last visited Apr. 2, 2020), https://www.fcc.gov/research-reports/guides/wtb-special-temporary-authority-and-waiver-request-filing-guide.

10/ Nevertheless, T-Mobile expects to submit a paper FCC Form 601 within the next ten (10) days confirming this request consistent with the *STA and Waiver Guidance*.

Dana Schaffer
Sean Spivey
Kari Hicks
Cecilia Sulhoff
Connie Diaz