

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

In the Matter of the Joint Application of Sprint)
Communications Company L.P. (U-5112) and)
T-Mobile USA, Inc., a Delaware Corporation,) A. 18-07-011
For Approval of Transfer of Control of Sprint) (filed July 13, 2018)
Communications Company L.P. Pursuant to)
California Public Utilities Code Section 854(a))

In the Matter of the Joint Application of Sprint)
Spectrum L.P. (U3062C), and Virgin Mobile USA)
L.P. (U4327C) and T-Mobile USA, Inc., a) A. 18-07-012
Delaware Corporation, for Review of Wireless) (filed July 13, 2018)
Transfer Notification per Commission Decision)
95-10-032.)

**RESPONSE OF THE CALIFORNIA EMERGING TECHNOLOGY FUND
ON JOINT APPLICANTS' PETITION FOR MODIFICATION OF
DECISION NO. 20-04-008**

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July 23, 2020

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Pursuant to Rule 16.4(f) of the Commission’s Rules of Practice and Procedure, the California Emerging Technology Fund (“CETF”) hereby timely files its response to the “Joint Applicants’ Petition for Modification of Decision 20-04-008” filed on June 23, 2020 (“Petition”).

CETF is a formal party to the above-captioned proceeding representing broadband consumers. After its intervention as a party, CETF fully participated in the proceeding. CETF entered into a Memorandum of Understanding with Joint Applicants (“CETF MOU”) on issues of concern set forth in CETF’s prior filings in the above-referenced Applications. The CETF MOU was acknowledged in Decision No. (“D.”) 20-04-008, and some of the CETF MOU provisions were included in the Ordering Paragraphs (although with some changes).

Post-closing, New T-Mobile and CETF have been working together in close collaboration on the New T-Mobile CETF MOU commitments. After D.20-04-008 was released, CETF and Joint Applicants made minor amendments in the CETF MOU in writing to

harmonize the New T-Mobile's commitments under the CETF MOU with certain Ordering Paragraphs ("OP")¹ including OP 4 in D.20-04-008. One of the changes caused by OP 4 reflected the shift of the 5G deployment dates by two years (from 2024 to 2026) consistent with the Joint Applicants' first request in the Petition. CETF agreed to this change in the CETF MOU because it recognizes that New T-Mobile will require the full five to six years in order to accomplish the 5G network buildout in our state.

In this Response, therefore, CETF supports Joint Applicants' initial request in the Petition, namely the proposed change to Ordering Paragraph Nos. ("OP") 4.b. and 30 relating to establishment of certain benchmarks for speed and population coverage that New T-Mobile is required to meet for deployment of 5G across California and in rural areas by year end 2023, 2024 and 2026. CETF fully participated in the evidentiary hearings relating to this merger, including cross examination of Joint Applicants' witnesses. In the first evidentiary hearing, Joint Applicants' witnesses Michael Sievert and Neville Ray presented evidence on its network model which showed coverage projections for three-year and six-year periods from the date of the transaction close for its 5G network build in California.² Thus, CETF can confirm that the record evidence presented by Joint Applicants supports a target date for New T-Mobile providing average speeds of 300 Mbps to 93% of California in 2026, which is six years after the transaction closing date in mid-April 2020. The 2024 date was a "proxy date" in the testimony, filed in 2018 with the original application. Given that it was a two-year regulatory approval process culminating in the final Commission decision with conditions in mid-April 2020, the target years for the 5G construction benchmarks should be adjusted two years from the proxy dates, so that New T-Mobile has the full time period it requested and needs to perform the 5G buildout in California. Implementing state-of-the-art 5G technology is a complex and time consuming process in a state as large and with challenging geography as California.

WHEREFORE, CETF respectfully requests that the Commission amend OPs 4 and 30 to shift the completion of the 5G build date to 2026 because this date is fully consistent with the

¹ The date change impacted CETF MOU provisions, such as the California network build out dates, network speed testing dates, and reporting/compliance reporting dates.

² Joint Applicants have cited to the record evidence in the transcript in the Petition at pages 9-14.

record in the proceeding, and further, it is in the best interests of the state's consumers to give New T-Mobile its requested time frame to perform a quality 5G build in California.

Respectfully,

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