



# PUBLIC NOTICE

**Federal Communications Commission**  
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T-MOBILE

**DA 18-1155**

**Released: November 13, 2018**

## **COMMISSION ANNOUNCES RECEIPT OF SUPPLEMENTAL ANALYSIS FROM T-MOBILE; ESTABLISHES COMMENT DEADLINE**

**WT Docket No. 18-197**

**Comments Due: December 4, 2018**

Pending before the Commission are applications filed by T-Mobile US, Inc. (T-Mobile), and Sprint Corporation (Sprint, and together with T-Mobile, the Applicants) seeking Commission consent to the transfer of control of licenses and authorizations from Sprint to T-Mobile. On July 18, 2018, the Commission accepted the applications for filing and established a pleading cycle for the proposed transaction.<sup>1</sup> Following the submission of new economic and engineering modeling by the Applicants in September 2018, the Commission paused its informal 180-day clock<sup>2</sup> and extended the deadline for replies to October 31, 2018.<sup>3</sup>

On November 6, 2018, the Applicants filed a new econometric study with the Commission. The new study describes itself as a “merger simulation offer[ing] an economically coherent framework, grounded in detailed industry data, for understanding the competitive significance of the proposed merger.”<sup>4</sup> The analysis represents a substantial body of new material on economic issues central to the review of the proposed transaction. It relies on a newly submitted data set and new methodologies to reach conclusions about the specific effects of the transaction not previously in the record.

When applicants have made substantial new submissions in support of their transactions after their initial applications, the Commission has typically paused its 180-day informal time clock to allow

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<sup>1</sup> *T-Mobile US, Inc., and Sprint Corporation Seek FCC Consent to the Transfer of Control of the Licenses, Authorizations, and Spectrum Leases Held by Sprint Corporation and Its Subsidiaries to T-Mobile US, Inc., and the Pro Forma Transfer of Control of the Licenses, Authorizations, and Spectrum Leases Held by T-Mobile US, Inc., and Its Subsidiaries*, WT Docket No. 18-197, Public Notice, DA 18-740 (WTB Jul. 18, 2018) (*Public Notice*).

<sup>2</sup> See Letter from David B. Lawrence, Director, T-Mobile/Sprint Transaction Task Force, and Donald K. Stockdale, Jr., Chief, Wireless Telecommunications Bureau, to Kathleen O'Brien Ham, T-Mobile US, Inc., and Vonya B. McCann, Sprint Corporation (Sept. 11, 2018).

<sup>3</sup> *Applications of T-Mobile US, Inc., and Sprint Corporation for Consent to Transfer of Control of the Licenses and Authorization*, WT Docket No. 18-197, Public Notice, DA 18-1012 (WTB Oct. 2, 2018).

<sup>4</sup> Economic Analysis of the Proposed T-Mobile/Sprint Merger, by T-Mobile US, Inc., WT Docket No. 18-197, at i (filed Nov. 6, 2018).

for staff and third-party review and has sought additional comment from the public.<sup>5</sup> Doing so ensures that the public interest in a speedy review is balanced with the public interest in careful analysis and the need for third parties to comment on material information submitted by the applicants.

The Commission therefore seeks comment on the Applicants' new econometric study. Comments should be limited to the new study and not repeat arguments previously raised. Interested parties must file comments by no later than **December 4, 2018**. All filings should refer to WT Docket No. 18-197. Absent further significant new record submissions by the Applicants, the informal 180-day clock will resume on December 4, 2018, at day 55.

Under the Commission's current procedures for the submission of filings and other documents,<sup>6</sup> non-confidential submissions in this matter may be filed electronically through the Commission's Electronic Comment Filing System (ECFS) or by hand delivery to the Commission. Confidential submissions must also follow the procedures set forth in the Protective Order in this proceeding.<sup>7</sup>

- **To file electronically**,<sup>8</sup> access ECFS via the Internet at <http://apps.fcc.gov/ecfs>. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket number.
- **To file by paper**, the original and one copy of each filing must be filed by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701. U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, SW, Washington, DC 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

One copy of each pleading, *ex parte* submission, or other filing must be delivered electronically, by email or facsimile, or if delivered as paper copy, by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (according to the procedures set forth above for paper filings), to: (1) Kathy Harris, Mobility Division, Wireless Telecommunications Bureau, at [kathy.harris@fcc.gov](mailto:kathy.harris@fcc.gov) or (202) 418-2643 (facsimile); (2) Linda Ray, Broadband Division, Wireless Telecommunications Bureau, at [linda.ray@fcc.gov](mailto:linda.ray@fcc.gov) or (202) 418-7247 (facsimile); (3) Kate Mataves, Competition and Infrastructure Policy Division, Wireless Telecommunications Bureau, at [catherine.mataves@fcc.gov](mailto:catherine.mataves@fcc.gov) or (202) 418-0787 (facsimile); (4) Jim Bird, Office of General Counsel, at [TransactionTeam@fcc.gov](mailto:TransactionTeam@fcc.gov) or (202) 418-1234 (facsimile); and (5) David Krech, Telecommunications and Analysis Division, International Bureau, at [david.krech@fcc.gov](mailto:david.krech@fcc.gov) or (202) 418-2824 (facsimile). Any submission emailed to these individuals should include in the subject line of the email: (1) WT Docket

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<sup>5</sup> See, e.g., *Commission Announces Extension of Time to File Replies To Responses And Oppositions For Its Review Of Applications of Comcast Corporation, Time Warner Cable, Inc., Charter Communications, Inc.*, MB Docket No. 14-57, Public Notice, 29 FCC Rcd 11773 (MB 2014); Letter from Rick Kaplan, Chief, Wireless Telecommunications Bureau, to Richard L. Rosen, Counsel for AT&T Inc., WT Docket No. 11-65 (July 20, 2011), <https://docs.fcc.gov/public/attachments/DOC-308512A1.pdf>; *Applications of Comcast Corporation, General Electric Company and NBC Universal, Inc. For Consent to Assign Licenses or Transfer Control of Licensees*, Order, 25 FCC Rcd 3802 (MB 2010).

<sup>6</sup> *FCC Announces Change in Filing Location for Paper Documents*, Public Notice, 24 FCC Rcd 14312 (2009).

<sup>7</sup> *Applications of T-Mobile US, Inc., and Sprint Corporation for Consent to Transfer of Control of the Licenses and Authorization*, WT Docket No. 18-197, Protective Order, DA 18-624 (WTB June 15, 2018).

<sup>8</sup> *Electronic Filing of Documents in Rulemaking Proceedings*, Report and Order, 13 FCC Rcd 11322 (1998).

No. 18-197; (2) the name of the submitting party; and (3) a brief description or title identifying the type of document being submitted (e.g., WT Docket No. 18-197, Widget Corp., Notice of *Ex Parte* Communications).

The application and any associated documents are available for public inspection and copying during normal reference room hours at the following Commission office: FCC Reference Information Center, 445 12th Street, SW, Room CY-A257, Washington, DC 20554. The exhibits and declarations associated with the proposed transaction are available electronically through ECFS, which may be accessed on the Commission's Internet website. The applications in addition are available electronically through ULS, which also may be accessed on the Commission's Internet website. Additional information regarding the proposed transaction will be available on the FCC's Office of General Counsel's T-Mobile/Sprint website, <https://www.fcc.gov/transaction/t-mobile-sprint>, which will contain an unofficial listing and electronic copies of materials in this matter.

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice) or (202) 418-0432 (TTY). Contact the FCC to request reasonable accommodations for filing comments (accessible format documents, sign language interpreters, CART, etc.) by email: [FCC504@fcc.gov](mailto:FCC504@fcc.gov); phone: (202) 418-0530; or TTY: (202) 418-0432.

For further information, send an email to [T-MobileSprintTransaction@fcc.gov](mailto:T-MobileSprintTransaction@fcc.gov).

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