

# **ATTACHMENT A**

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

In the Matter of the Joint Application of Sprint ) Application No. 18-07-011  
Communications Company L.P. (U-5112-C) )  
and T-Mobile USA, Inc., a Delaware )  
Corporation for Approval of Transfer of Control )  
of Sprint Communications Company L.P. )  
Pursuant to California Public Utilities Code )  
Section 854(a) )

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In the Matter of the Joint Application of Sprint )  
Spectrum L.P. (U-3062-C), and Virgin Mobile ) Application No. 18-07-012  
USA, L.P. (U-4327-C) and T-Mobile USA, Inc., )  
a Delaware Corporation for Review of Wireless )  
Transfer Notification per Commission Decision )  
95-10-032 )

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**T-MOBILE USA'S RESPONSE TO THE CALIFORNIA PUBLIC ADVOCATES  
OFFICE'S DATA REQUEST 010**

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Attorneys for T-Mobile USA, Inc.

Dated: February 22, 2019

**T-Mobile USA, Inc. Responses to the California Public Advocates Office's  
Data Request 010 dated February 14, 2019**

**General Objections**

These General Objections are hereby designated as a part of, and incorporated by reference into, any response or information, written or oral, provided by T-Mobile USA, Inc. ("T-Mobile") to the Public Advocates Office's ("Cal PA") Data Request 010 dated February 14, 2019.

1. In providing its responses to the Data Requests, T-Mobile does not waive any applicable objections or privileges. Review of the Data Requests is ongoing, and T-Mobile reserves the right to assert such further objections and privileges as it may subsequently determine are applicable to the Data Requests.
2. Certain information transmitted by T-Mobile in response to the Data Requests is submitted pursuant to California Public Utilities Code Section 583, CPUC General Order No. 66-D, and the California Public Records Act, and shall be treated as confidential information.
3. T-Mobile's responses are made on the basis of the information presently known to T-Mobile, without prejudice to T-Mobile's right to amend or supplement its responses as additional information, if any, is located, and as additional information may be imparted to T-Mobile by Cal PA regarding the scope and meaning of the Data Requests.
4. T-Mobile objects to the Data Requests to the extent they seek information and/or any documents protected by the privilege for attorney-client communications, the doctrine protecting attorney work product, or any other applicable privilege, immunity or restriction. In responding to Cal PA's Data Requests, T-Mobile does not waive, and it is not producing information and documents that it believes are protected by, such privileges and doctrines. The inadvertent production of any such information and documents shall not constitute a waiver of T-Mobile's rights and privileges with regard to such information and documents.
5. In responding to the Data Requests, T-Mobile does not concede the relevancy, materiality, or admissibility of any information or documents sought by the Data Requests or of any response thereto made by T-Mobile.
6. T-Mobile objects to the Data Requests to the extent they seek information and/or any documents that relate to issues that exceed the scope of the Commission's jurisdiction to review the Wireless Application or the scope of its jurisdiction over wireless services.

**Data Request 10-1.**

*How many third-party companies have access to T-Mobile customer data?*

**Response to Data Request 10-1.**

T-Mobile objects to this Data Request on the grounds it is vague and ambiguous with respect to the phrases “third-party companies” and “access.” T-Mobile further objects to this Data Request on the grounds it seeks information which is neither relevant to the pending Wireline or Wireless Applications nor reasonably calculated to lead to the discovery of relevant information as, among other things, neither T-Mobile’s Third-Party Risk Management (“TPRM”) Program, nor the number of third-party providers that have been vetted under that Program and thus have access to certain customer data, is merger dependent and neither have any bearing on the Sprint Wireline Application or any appropriate review of the Sprint Wireless Transfer Notification.

T-Mobile also objects on the grounds it is untimely and unduly burdensome as Cal PA propounded numerous data requests regarding third-party risk management (e.g., DRs 4-22, 4-24 to 4-27 and 7-3 to 7-25), yet Cal PA failed to seek the requested information until after the conclusion of the hearings. T-Mobile further objects to this Data Request to the extent it is duplicative of Cal PA’s numerous privacy-related DRs, including but not limited to DRs 1-82 to 1-84, 1-96 to 1-111, 2-33, 4-22, 4-24 to 4-27 and 7-3 to 7-25.

T-Mobile also objects to this Data Request on the grounds it is procedurally improper and inconsistent with basic principles of due process as, among other things, all testimony has been submitted and admitted into the record, and the hearings for these proceedings have been concluded. Cal PA voluntarily waived its right to cross examine Ms. Susan Brye (T-Mobile’s Third-Party Privacy witness) and now attempts to conduct that cross examination through post-hearing Data Requests. Moreover, Cal PA was clearly aware of this subject prior to the submission of any rebuttal testimony by Ms. Brye as reflected by its prior data requests and its direct testimony on third-party privacy issues (see, e.g., Hearing Ex. Pub Adv-007C (Donnelly Testimony), Section I); there is no justification for seeking such information at this stage in the proceeding.

T-Mobile further objects to this Data Request on the grounds it appears to be an improper attempt to extend the procedural schedule established by the Commission for these proceedings and divert T-Mobile from the important task of preparing its post-hearing brief.

**Data Request 10-2.**

*How many third-party subcontractors have access to T-Mobile customer data through third-party suppliers?*

**Response to Data Request 10-2.**

See T-Mobile's Response to Cal PA DR 10-1 above.

**Data Request 10-3.**

*Please provide a detailed description of how T-Mobile tracks and monitors its third-party relationships.*

- a. Please describe [sic] and all risk assessments that could, or must be, conducted by, or that are required to be submitted to, T-Mobile by third parties.*

**Response to Data Request 10-3.**

See T-Mobile's Response to Cal PA DR 10-1 above.

**Data Request 10-4.**

*Regarding T-Mobile's "Information Security and Privacy Council":*

- a. Please include copies of any relevant internal or external documents that describe the structure and responsibilities of the Council.*
- b. If the following questions are not addressed in the attached documentation, please provide narrative responses to the following questions:*
  - i. Please describe what T-Mobile's "Information Security and Privacy Council" is.*
  - ii. Who participates in the Council?*
  - iii. How often does the Council meet?*
  - iv. What is the purpose of the Council? What are the Council's responsibilities?*
  - v. How does the Council interact with the TPRM Program and the Board of Director's "Enterprise Risk and Compliance Committee"?*

**Response to Data Request 10-4.**

See T-Mobile's Response to Cal PA DR 10-1 above.

**Data Request 10-5.**

*The document titled “Exhibit B” (a version of which T-Mobile provided to the Public Advocates Office in response to Data Request and as an attachment to Susan Brye’s Rebuttal Testimony) references T-Mobile materials that, according to T-Mobile, are currently no longer in use.*

- a. Has T-Mobile updated Exhibit B to reflect the changes to the TPRM program?
  - i. If so, please provide a copy of the updated version of Exhibit B.*
  - ii. If not, does T-Mobile plan to update this document? If not, why not?**
- b. Have all existing agreements with third party suppliers been updated to reflect the recent changes to the TPRM Program?
  - i. If not, why not?**

**Response to Data Request 10-5.**

See T-Mobile’s Response to Cal PA DR 10-1 above.



**Data Request 10-6.**

*Regarding T-Mobile's response to DR 7-18: [BEGIN CONFIDENTIAL]*

[REDACTED]

*[END CONFIDENTIAL]*

**Response to Data Request 10-6.**

See T-Mobile's Response to Cal PA DR 10-1 above.

**Data Request 10-7.**

*In response to DR 7-23, T-Mobile referred the Public Advocates Office to T-Mobile's Responses to DRs 7-5 to 7-22. However, T-Mobile's responses to DR 7-5 and DR7-22 did not specifically address the question posed in DR 7-23. To clarify: Does T-Mobile's Board of Directors formally consider third-party risk management to be a company-wide priority? If so, please provide a copy of the relevant documentation or materials that directly identifies third-party risk management as a company-wide priority.*

**Response to Data Request 10-7.**

See T-Mobile's Response to Cal PA DR 10-1 above.

**Data Request 10-8.**

*On page 3, line 23 of Susan Brye’s Rebuttal Testimony, Ms. Brye references “other assessments,” besides the Cyber Assessment. Please provide a comprehensive list of all assessments T-Mobile conducts when evaluating the risks posed by third-party suppliers. For each assessment, please indicate:*

- a. Who is responsible for completing the assessment.*
- b. Who at T-Mobile is responsible for reviewing the assessment.*
- c. At what point in the relationship the assessment is completed.*
- d. Whether the assessment is mandatory for all suppliers or only a subset. If the assessment is only conducted for a subset of suppliers, please indicate the conditions that would trigger the assessment.*
- e. Whether the assessment is conducted once or periodically throughout the third-party relationship. If the assessment is conducted periodically, please indicate how frequently the assessment is conducted and what triggers a re-assessment.*

**Response to Data Request 10-8.**

See T-Mobile’s Response to Cal PA DR 10-1 above.

**Data Request 10-9.**

*On page 4 line 2 of Susan Brye's Rebuttal Restimony [sic], T-Mobile references a "comprehensive risk scoring protocol," and on page 4 line 5 T-Mobile references a "residual risk score." Please provide a narrative describing how these risks scores are calculated. Please also provide copies of any and all internal documents that describe the risk scores and the scoring protocol, and how the scores are calculated or used.*

**Response to Data Request 10-9.**

See T-Mobile's Response to Cal PA DR 10-1 above.

**Data Request 10-10.**

*Referring to page 4 lines 7-8 of Susan Brye's Rebuttal Testimony, please describe how T-Mobile assesses risk horizontally (across the assessments) and vertically (within each assessment).*

**Response to Data Request 10-10.**

See T-Mobile's Response to Cal PA DR 10-1 above.

**Data Request 10-11.**

*On page 5, line 15-16 of Susan Brye's Rebuttal Testimony, T-Mobile mentions that the "TPRM Framework" was designed by an external consultant, Deloitte.*

- a. Please provide a copy of the framework that Deloitte designed for T-Mobile.*
- b. On what date did Deloitte complete its development of this TPRM Framework?*

**Response to Data Request 10-11.**

See T-Mobile's Response to Cal PA DR 10-1 above.

**Data Request 10-12.**

*Please describe how T-Mobile assesses the risks of supplier engagement for each of the domains listed on page 5, lines 18-22 of Susan Brye's Rebuttal Testimony.*

**Response to Data Request 10-12.**

See T-Mobile's Response to Cal PA DR 10-1 above.

**Data Request 10-13.**

*On page 5, Lines 26-29 of Susan Brye’s Rebuttal Testimony, states “Supplier reviews incorporate the above risk domain coverage through (i) risk assessment questionnaires, some of which are issued to the supplier and some to the internal business sponsor for each engagement; and (ii) commercially-available tools TPRM utilizes to inform or confirm the accuracy of the questionnaire responses of the supplier.” In addition, on page 6, lines 1-4 of Susan Brye’s Rebuttal Testimony, T-Mobile states, “When determining what assessment questionnaires are required for each engagement, TPRM first assigns the engagement an inherent risk score based on the particularized service the supplier will provide to T-Mobile. Those services are mapped to a prescription of assessments that assure coverage of all risk domains applicable to that engagement.”*

- a. For each domain listed on page 5, lines 18-22, and for each “inherent risk score,” please provide the names of the specific risk assessment questionnaires that are required or may be required.*
- b. Please also describe how each supplier service is “mapped to a prescription of assessments.”*
- c. Please provide a copy of any documentation describing this mapping process.*

**Response to Data Request 10-13.**

See T-Mobile’s Response to Cal PA DR 10-1 above.



**Data Request 10-14.**

*On page 7, line 16-19 of Susan Brye’s Rebuttal Testimony, T-Mobile states that “suppliers are now required to undergo an even more comprehensive review, including a detailed Cyber Assessment...if certain conditions are present,” and provided one example of one condition that would trigger an “even more comprehensive review.”*

- a. Please describe all of the conditions that would trigger an “even more comprehensive review.”*
- b. Please describe all of the steps that would be followed under the “even more comprehensive review,” in addition to the detailed Cyber Assessment that T-Mobile already mentioned.*

**Response to Data Request 10-14.**

See T-Mobile’s Response to Cal PA DR 10-1 above.

**Data Request 10-15.**

*On page 7, lines 20-21 of Susan Brye's Rebuttal Testimony, T-Mobile states, "New TISS-610 better aligns with NIST standards, technology advancements, and security industry best practices."*

- a. Please provide a description of all of the specific changes that were made between the previous TRS-610 program and the new TISS-610, and how they better align the TPRM program with NIST standards, technology advancements, and security industry best practices.*
- b. Have T-Mobile's existing third-party relationships been subject to re-review under the new TPRM Program?*
  - i. If so, when did T-Mobile complete these re-evaluations?*
  - ii. If not, why not?*

**Response to Data Request 10-15.**

See T-Mobile's Response to Cal PA DR 10-1 above.

**Data Request 10-16.**

*On page 7, line 26-29, of Susan Brye's Rebuttal Testimony, T-Mobile states that, "years ago" senior leadership "tasked the business to develop and manage a defensible third-party risk program." In what year did T-Mobile first develop and implement its third party risk management program?*

**Response to Data Request 10-16.**

See T-Mobile's Response to Cal PA DR 10-1 above.

**Data Request 10-17.**

*On page 8, lines 11-14 of Susan Brye's Rebuttal Testimony, T-Mobile states that it is "creating an additional comprehensive inventory specifically of our vendors who have access to T-Mobile customer data."*

- a. On what date did T-Mobile begin developing this inventory?*
- b. On what date does T-Mobile anticipate completing the creation of the inventory?*
- c. How does T-Mobile plan to use this inventory? Please include any documentation that describes this new system.*
- d. T-Mobile's response states that this is an "additional comprehensive inventory;" What is this new inventory in addition to? What other inventories does T-Mobile maintain? Please describe.*

**Response to Data Request 10-17.**

See T-Mobile's Response to Cal PA DR 10-1 above.

**Data Request 10-18.**

*Does T-Mobile periodically conduct annual security audits on its own internal systems, as is required of its third-party partners?*

- a. If not, why not?*
- b. If so, please provide the results from the most recent three audits.*

**Response to Data Request 10-18.**

See T-Mobile's Response to Cal PA DR 10-1 above.

### **Data Request 10-19.**

*In Mr. Ray's Rebuttal Testimony, he references the number of Sprint cell sites that New T-Mobile plans to decommission. Please provide the following information regarding the Sprint cell sites that T-Mobile plans to decommission in California after the merger:*

- a. The number of decommissioned sites collocated with a T-Mobile site.*
- b. The number of decommissioned sites within 500 ft of a T-Mobile site.*
- c. The number of decommissioned sites within half a mile of a T-Mobile cell sites.*
- d. The number of decommissioned sites within one mile of a T-Mobile cell site.*
- e. The number of decommissioned sites in urban areas.*
- f. The number of decommissioned sites in rural areas*

### **Response to Data Request 10-19.**

T-Mobile objects to this Data Request on the grounds it is vague and ambiguous with respect to the phrase "collocated."

T-Mobile also objects on the grounds it is untimely and unduly burdensome as Cal PA propounded numerous data requests regarding Sprint and T-Mobile's California cell sites (e.g., 1-27, 1-28 and 2-6), yet Cal PA failed to seek the requested information until after the conclusion of the hearings. T-Mobile further objects to this Data Request to the extent it is duplicative of information already provided by T-Mobile in its Responses to Cal PA DRs 1-27, 1-28 and 2-6 in which T-Mobile provided Cal PA with the latitude and longitude coordinates of T-Mobile's current sites as well as the Sprint sites which, based on a preliminary analysis, New T-Mobile expects to retain and/or decommission. Thus, this information has been available to Cal PA since October 2018.

T-Mobile further objects to this Data Request on the grounds it is procedurally improper and inconsistent with basic principles of due process as, among other things, all testimony has been submitted and admitted into the record, and the scheduled hearings have been concluded. Cal PA had the opportunity to cross examine Mr. Ray on the issue of cell site retention, took advantage of that opportunity (see, e.g., Hearing Tr. at 476:13 to 480:6 (Ray Cross)), apparently failed to ask certain questions it wishes it had pursued at the hearing, and now attempts to further cross examine Mr. Ray through post-hearing Data Requests; there is no justification for seeking such information at this stage in the proceeding.

T-Mobile further objects to this Data Request on the grounds it appears to be an improper attempt to extend the procedural schedule established by the Commission for these proceedings and divert T-Mobile from the important task of preparing its post-hearing brief.

### **Data Request 10-20.**

*In its February 4, 2019 response to the Public Advocates Office's Data Request 9.1, T-Mobile objected on various grounds, including timeliness, and did not provide the information requested. Addressing several of these objections, the question is resubmitted as follows:*

- a. Please provide documents You produced to the U.S. Department of Justice from January 1, 2019 to date in relation to the regulatory review of the T-Mobile/Sprint Merger Request.*
- b. Please provide all communications between You and the U.S. Department of Justice from January 1, 2018 to date in relation to the regulatory review of the T-Mobile/Sprint Merger Request.*

### **Response to Data Request 10-20.**

T-Mobile objects to this Data Request on the grounds it is overbroad in temporal scope, vague and ambiguous with respect to the phrases “documents You produced” and “all communications,” and unduly burdensome with respect to subsection (b) at a minimum. T-Mobile further objects to this Data Request on the grounds it seeks information which is neither relevant to the pending Wireline or Wireless Applications nor reasonably calculated to lead to the discovery of relevant information. Among other things, all of the T-Mobile and Sprint testimony in these proceedings has been submitted and there is no reference to any document provided to the Department of Justice in that testimony that has not already been produced in this proceeding. See also T-Mobile Response to Cal PA DR 9-1.

T-Mobile also objects to this Data Request to the extent it is duplicative of information already provided by T-Mobile in its Response to Cal PA DR 006 which included a number of presentations to the Department of Justice regarding the economic and network models.

T-Mobile further objects to this Data Request on the grounds it is untimely and procedurally improper as among other things, all testimony has been submitted and admitted into the record, and the hearings for these proceedings have been concluded; there is no justification for seeking such information at this stage in the proceeding.

T-Mobile further objects to this Data Request on the grounds it appears to be an improper attempt to extend the procedural schedule established by the Commission for these proceedings and divert T-Mobile from the important task of preparing its post-hearing brief.

**Data Request 10-21.**

*Mr. Sievert claims on page 30 of his Rebuttal Testimony that consumer benefits of the proposed merger will be “the competitive response of in-home broadband providers and paying \$5-\$10 less per month.” What data or evidence did Mr. Sievert rely in determine the competitive response of in-home broadband providers? Please provide such data or evidence in Your answer.*

**Response to Data Request 10-21.**

T-Mobile objects to this Data Request on the grounds it is vague and ambiguous with respect to the phrases “data” and “evidence.” T-Mobile further objects to this Data Request on the ground it mischaracterizes Mr. Sievert’s Rebuttal Testimony. The actual Rebuttal Testimony [redacted] on page 30 reads as follows:

1	<b>Q: What does that mean in terms of actual cost savings to customers here in</b>
2	<b>California?</b>
3	<b>A:</b> The new offering will have monthly prices [BHC – AEO] [redacted] [EHC – AEO]
4	than the products of traditional in-home broadband providers. Our economists have shown that
5	Californians could save significantly from New T-Mobile’s entry into the in-home broadband
6	market. The consumer cost savings in California consists of several elements:
7	• [BHC-AEO] [redacted] [EHC-AEO] annually for the 1.15 million California
8	households switching to New T-Mobile’s in-home fixed wireless broadband service
9	assuming they are paying [BHC-AEO] [redacted] [EHC-AEO] less per month;
10	• \$24–\$94 million for an estimated 0.79–1.58 million new California fixed broadband
11	customers;
12	• [BHC-AEO] [redacted] [EHC-AEO] for the 0.76 million New T-Mobile
13	California mobile broadband customers who unsubscribe from fixed broadband service,
14	altogether saving \$25–\$35 per month; and
15	• \$480–\$960 million for the 8 million California in-home fixed broadband consumers not
16	switching to New T-Mobile service, but benefitting from the competitive response of
17	other in-home broadband providers and paying \$5–\$10 less per month.
18	Our current estimate of the cumulative consumer welfare benefits in California are
19	approximately [BHC-AEO] [redacted] [EHC-AEO] in annual savings by 2024.

T-Mobile also objects on the grounds it is untimely and unduly burdensome as the reference to “the competitive response of in-home broadband providers and paying \$5-\$10 less per month” was provided in Response to Cal PA DR 1-6 on October 10, 2018, yet Cal PA failed to seek the requested information until after the conclusion of the hearings.<sup>1</sup> T-Mobile also objects to this Data Request to the extent it is duplicative of Cal PA’s numerous data requests regarding in-home broadband (e.g., Cal PA DRs 1-6, 1-30, 1-122, 2-1, 2-2 and 4-17).

<sup>1</sup> The reference to “the competitive response of in-home broadband providers and paying \$5-\$10 less per month” was first available to Cal PA with the filing of the public version of the Reply to the Joint Opposition on September 17, 2018.



T-Mobile also objects to this Data Request on the grounds it is procedurally improper and inconsistent with basic principles of due process as, among other things, all testimony has been submitted and admitted into the record, and the scheduled hearings have been concluded. Cal PA had the opportunity to cross Mr. Sievert on the topic of broadband, took advantage of that opportunity (see, e.g., Hearing Tr. at 263:20 – 265:15 (Sievert Cross)), apparently failed to ask certain questions it wishes it had pursued at the hearing, and now attempts to further cross examine Mr. Sievert through post-hearing Data Requests; there is no justification for seeking such information at this stage in the proceeding.

T-Mobile further objects to this Data Request on the grounds it appears to be an improper attempt to extend the procedural schedule established by the Commission for these proceedings and divert T-Mobile from the important task of preparing its post-hearing brief.

**Data Request 10-22.**

*Mr. Sievert mentions on page 31 of his Rebuttal Testimony that New T-Mobile will have usage policies to handle customers that use above 500 GB. Please describe these usage policies.*

**Response to Data Request 10-22.**

See T-Mobile's Response to Cal PA DR 10-21 above.

**Data Request 10-23.**

*On page 31 of his Rebuttal Testimony, Mr. Sievert estimates the number of California residences to which New T-Mobile plans to offer in-home broadband service. Where geographically (such as which county/census blocks) does New T-Mobile plan to offer its in-home broadband to cover the residences discussed on page 31? Please provide maps of in-home coverage plans if available.*

**Response to Data Request 10-23.**

See T-Mobile's Response to Cal PA DR 10-21 above. T-Mobile further objects on the grounds that the Data Request is untimely as it specifically identified the California residences to which New T-Mobile plans to offer in-home broadband service in its Second Supplemental Response to Cal PA DR 1-122(g) on December 3, 2018, yet Cal PA failed to seek the requested information until after the conclusion of the hearings.

**Data Request 10-24.**

*On page 33 of his testimony, Mr. Sievert discusses stand-alone T-Mobile's plan to launch in-home broadband services.*

- a. Where geographically does stand-alone T-Mobile plan to offer in-home broadband service? Please provide maps of in-home coverage plans if available.*
- b. How many residences does T-Mobile plan to serve with in-home broadband in that geographic area?*

**Response to Data Request 10-24.**

See T-Mobile's Response to Cal PA DR 10-21 above.

### **Data Request 10-25.**

*Mr. Ray states on page 39 of his Rebuttal Testimony in footnote 2 that the above figures use a rural California population of 2.02 million. In this context please describe:*

- a. How T-Mobile defines a rural population (POP).*
- b. How T-Mobile defines an urban pop.*
- c. How T-Mobile defines a rural area.*
- d. How T-Mobile defines an urban area.*

### **Response to Data Request 10-25.**

T-Mobile objects to this Data Request on the grounds it is vague and ambiguous with respect to the phrase “above figures.”

T-Mobile also objects to this Data Request on the ground it is untimely, unduly burdensome and duplicative as, among other things, T-Mobile already clarified that it uses the FCC’s definition of “rural” in its November 7, 2018 Response to Cal PA DR 2-2, yet Cal PA failed to seek the requested information until after the conclusion of the hearings. T-Mobile also objects to this Data Request to the extent it is duplicative of Cal PA’s numerous data requests regarding the provision of services to rural areas and rural populations.

T-Mobile also objects to this Data Request on the grounds it is procedurally improper and inconsistent with basic principles of due process as, among other things, all testimony in these proceedings has been submitted and admitted into the record, and the scheduled hearings have been concluded. Cal PA had opportunity to cross Mr. Ray (or Mr. Sievert who also references rural subscribers) on this topic, failed to take advantage of that opportunity, and now attempts to further cross examine through post-hearing Data Requests; there is no justification for seeking such information at this stage in the proceeding.

T-Mobile further objects to this Data Request on the grounds it appears to be an improper attempt to extend the procedural schedule established by the Commission for these proceedings and divert T-Mobile from the important task of preparing its post-hearing brief.

### **Data Request 10-26.**

*Mr. Ray mentions on page 11 of his testimony that T-Mobile's end-of-year 2017 sub/month network usage is 10.1 GB.*

- a. Please provide the data and evidence T-Mobile relied upon to determine the 10.1 GB number.*
- b. Please describe how T-Mobile calculated the 10.1 GB network usage number.*

### **Response to Data Request 10-26.**

T-Mobile objects to this Data Request on the grounds it is vague and ambiguous with respect to the phrases "data" and "evidence."

T-Mobile also objects to this Data Request on the grounds it is untimely and unduly burdensome as the specific reference to T-Mobile's 10.1 GB monthly customer usage was provided in Response to Cal PA DR 6-3 on December 21, 2018, yet Cal PA failed to seek the requested information until after the conclusion of the hearings. T-Mobile also objects to this Data Request to the extent it is duplicative of Cal PA's numerous data requests regarding network modeling and in-home broadband during the course of this proceeding (e.g., Cal PA DRs 1-6 and 6-3).

T-Mobile also objects to this Data Request on the grounds it is procedurally improper and inconsistent with basic principles of due process as, among other things, all testimony has been submitted and admitted into the record, and the scheduled hearings have been concluded. Cal PA had opportunity to cross Mr. Ray on the topic of broadband usage, failed to take advantage of that opportunity, and now attempts to further cross examine Mr. Ray through post-hearing Data Requests. Moreover, Cal PA was clearly aware of this subject prior to the submission of any rebuttal testimony by Mr. Ray as reflected by its direct testimony (see, e.g., Hearing Ex. Pub Adv-006C (Reed SQ Testimony) at 21:22 – 22:5) in which it asserted, among other things, that New T-Mobile's Network Model "overestimates the expected data consumption per mobile subscriber;" there is no justification for seeking such information at this stage in the proceeding.

T-Mobile further objects to this Data Request on the grounds it appears to be an improper attempt to extend the procedural schedule established by the Commission for these proceedings and divert T-Mobile from the important task of preparing its post-hearing brief.

### **Data Request 10-27.**

*On page 23 of his Rebuttal Testimony Mr. Ray claims that New T-Mobile will drive 5G capable device penetration rates up by 10 percent, year over year.*

- a. Please provide the data and evidence Mr. Ray relied on to reach this conclusion.*
- b. Please describe how the 10 percent figure was calculated.*

### **Response to Data Request 10-27.**

T-Mobile objects to this Data Request on the grounds it is vague and ambiguous with respect to the phrases “data” and “evidence.”

T-Mobile also objects to this Data Request on the grounds it is untimely and unduly burdensome as the specific reference to 5G capable device penetration rates was provided in Response to Cal PA DR 6-3 on December 21, 2018, yet Cal PA failed to seek the requested information until after the conclusion of the hearings. T-Mobile also objects to the Data Request to the extent it is duplicative of to Cal PA data requests regarding network modeling (e.g., Cal PA DR 6-3).

T-Mobile also objects to this Data Request on the ground it is procedurally improper and inconsistent with basic principles of due process as, among other things, all testimony has been submitted and admitted into the record, and the scheduled hearings have been concluded. Cal PA had the opportunity to cross examine Mr. Ray on these issues, took advantage of that opportunity to ask questions regarding these 5G device penetration rates (see, e.g., Hearing Tr. at 415:28 – 417:16 and 448:13-19 (Ray Cross)), apparently failed to ask certain questions it wishes it had pursued at the hearing, and now attempts to further cross examine Mr. Ray’s testimony through post-hearing Data Requests. Moreover, Cal PA was clearly aware of this subject prior to the submission of any rebuttal testimony by Mr. Ray as reflected by its direct testimony (see, e.g., Hearing Ex. Pub Adv-005C (Reed 5G Testimony) at 13:1 – 16:25) in which it asserted, among other things, that New T-Mobile’s refarming plan was overly aggressive since it outpaced expected handset adoption; there is no justification for seeking such information at this stage in the proceeding.

T-Mobile further objects to this Data Request on the grounds it appears to be an improper attempt to extend the procedural schedule established by the Commission for these proceedings and divert T-Mobile from the important task of preparing its post-hearing brief.

**Data Request 10-28.**

*When did T-Mobile first create the 4G LTE network model discussed on page 26 of Mr. Ray's testimony?*

**Response to Data Request 10-28.**

T-Mobile objects to this Data Request on the grounds it is vague and ambiguous with respect to the phrase "first create." T-Mobile objects to this Data Request on the grounds it seeks information which is neither relevant to the pending Wireline or Wireless Applications nor reasonably calculated to lead to the discovery of relevant information as, among other things, the date on which T-Mobile created and/or first began to work on the network model for the 4G LTE network has no bearing on whether the transfer of Sprint Wireline is adverse to the public interest or to any appropriate review of the Sprint Wireless Transfer Notification.

T-Mobile also objects on the grounds it is untimely and unduly burdensome as Cal PA propounded numerous data requests regarding T-Mobile's network plans and modeling (e.g., Cal PA DRs 1-6, 1-30 and 6-3), yet Cal PA failed to seek the requested information until after the conclusion of the hearings.

T-Mobile also objects to this Data Request on the grounds it is procedurally improper and inconsistent with basic principles of due process as, among other things, all testimony has been submitted and admitted into the record, and the scheduled hearings have been concluded. Cal PA had the opportunity to cross examine Mr. Ray on this topic (although other parties did - (see, e.g., Hearing Tr. at 525:24 – 527:28)), failed to take advantage of that opportunity, and now attempts to further cross examine Mr. Ray through post-hearing Data Requests; there is no justification for seeking such information at this stage in the proceeding.

T-Mobile further objects to this Data Request on the grounds it appears to be an improper attempt to extend the procedural schedule established by the Commission for these proceedings and divert T-Mobile from the important task of preparing its post-hearing brief.



### **Data Request 10-29.**

*When did T-Mobile first create the 5G network model discussed on page 26 of Mr. Ray's Rebuttal Testimony?*

### **Response to Data Request 10-29.**

T-Mobile objects to this Data Request on the grounds it is vague and ambiguous with respect to the phrase "first create." T-Mobile further objects to this Data Request on the grounds it seeks information which is neither relevant to the pending Wireline or Wireless Applications nor reasonably calculated to lead to the discovery of relevant information as, among other things, the date the 5G Model referenced in Mr. Ray's Rebuttal Testimony was created has no bearing on whether the transfer of Sprint Wireline is adverse to the public interest or to any appropriate review of the Sprint Wireless Transfer Notification.

T-Mobile also objects on the grounds it is untimely and unduly burdensome as a specific reference to the 5G network model was provided in Response to Cal PA DR 1-6 on October 10, 2018, yet Cal PA failed to seek the requested information until after the conclusion of the hearings.<sup>2</sup> T-Mobile further objects to this Data Request to the extent it is duplicative of numerous Cal PA Data Requests on network plans and modeling (e.g., Cal PA DR 1-6 and 6-3).

T-Mobile also objects to this Data Request on the grounds it is procedurally improper and inconsistent with basic principles of due process as, among other things, all testimony has been submitted and admitted into the record, and the scheduled hearings have been concluded. Cal PA had the opportunity to cross examine Mr. Ray on these issues, failed to take advantage of that opportunity (although other parties did - ( see, e.g., Hearing Tr. at 525:24 – 527:28)), and now attempts to further cross examine Mr. Ray through post-hearing Data Requests; there is no justification for seeking such information at this stage in the proceeding.

T-Mobile further objects to this Data Request on the grounds it appears to be an improper attempt to extend the procedural schedule established by the Commission for these proceedings and divert T-Mobile from the important task of preparing its post-hearing brief.

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<sup>2</sup> References to network modeling in general were first available to the Cal PA with the filing of the public version of the PIS on June 18, 2018 and then again in the Reply to the Joint Opposition on September 17, 2018.

**Data Request 10-30.**

*Regarding the coverage maps provided in Attachment D to Mr. Ray's Rebuttal Testimony:*

- a. How were these maps generated?*
- b. What were the data inputs that T-Mobile used to generate these coverage maps?*

**Response to Data Request 10-30.**

T-Mobile objects to this Data Request on the grounds it is untimely and unduly burdensome as county-specific coverage maps were provided to Cal PA as early as October 2018 (when the first several were created) with a complete set provided in December, yet Cal PA failed to seek the requested information until after the conclusion of the hearings. See Responses to Cal PA DR 1-30.

T-Mobile also objects to this Data Request on the grounds it is procedurally improper and inconsistent with basic principles of due process as, among other things, all testimony has been submitted and admitted into the record, and the hearings for these proceedings have been concluded. Cal PA had the opportunity to cross examine Mr. Ray on these issues, took advantage of that opportunity to ask questions regarding the creation of these maps (see, e.g., Hearing Tr. at 395:11-24 (Ray Cross)), apparently failed to ask certain questions it wishes it had pursued at the hearing, and now attempts to further cross examine Mr. Ray through post-hearing Data Requests; there is no justification for seeking such information at this stage in the proceeding.

T-Mobile further objects to this Data Request on the grounds it appears to be an improper attempt to extend the procedural schedule established by the Commission for these proceedings and divert T-Mobile from the important task of preparing its post-hearing brief.

### **Data Request 10-31.**

*On page 48 of Mr. Ray's Rebuttal Testimony, he refers to the possibility of New T-Mobile providing discounted or free devices to "those last few customers." How long would a Sprint customer need to wait to receive a discounted or free new device?*

### **Response to Data Request 10-31.**

T-Mobile objects to this Data Request on the grounds it is vague and ambiguous with respect to the phrase "need to wait." T-Mobile further objects to this Data Request on the grounds it seeks information regarding future plans that is dependent on decisions which will not and cannot be finalized until the transaction can be consummated.

T-Mobile also objects to this Data Request on the grounds it is untimely and unduly burdensome as it described the customer migration plan in Response to Cal PA DR 1-6 on October 10, 2018, yet Cal PA failed to seek the requested information until after the conclusion of the hearings.<sup>3</sup> T-Mobile further objects to this Data Request to the extent it is duplicative of Cal PA's numerous data requests on customer migration (e.g., DRs 1-6, 1-123, 2-15, and 6-3).

T-Mobile further objects to this Data Request on the grounds it is procedurally improper and inconsistent with basic principles of due process as, among other things, all testimony has been submitted and admitted into the record and scheduled hearings have been concluded. Cal PA had the opportunity to cross examine Mr. Ray on these issues, failed to take advantage of that opportunity (although other parties did - (see, e.g., Hearing Tr. at 483:15 – 490:8)), and now attempts to further cross examine Mr. Ray through post-hearing Data Requests; there is no justification for seeking such information at this stage in the proceeding.

T-Mobile further objects to this Data Request on the grounds it appears to be an improper attempt to extend the procedural schedule established by the Commission for these proceedings and divert T-Mobile from the important task of preparing its post-hearing brief.

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<sup>3</sup> References to customer migration were first available to the Cal PA with the filing of the public version of the PIS on June 18, 2018 and then again in the Wireless Notification filed with this Commission on July 13, 2018 and again in the Reply to the Joint Opposition on September 17, 2018.

### **Data Request 10-32.**

*On pages 5-6 of Appendix J to the Rebuttal Testimony of Mr. Sievert, the Declaration of Dr. Harold Furchtgott-Roth provides the examples of in-home broadband plan pricing of \$60 per month and \$40 per month.*

- a. Please provide the basis for the estimation that New T-Mobile's in-home broadband plans would cost \$60 per month.*
- b. Please provide the basis for the estimation that New T-Mobile's in-home broadband plans would cost \$40 per month.*
- c. Has T-Mobile created estimates of its pricing for in-home broadband plans? If this has been included in an existing business model or other internal planning document, please provide these documents.*

### **Response to Data Request 10-32.**

T-Mobile objects to this Data Request on the grounds it is vague and ambiguous with respect to the phrases “Appendix J to the Rebuttal Testimony of Mr. Sievert,” “provides the examples,” “estimation that New T-Mobile’s in-home broadband plans would cost \$60 per month,” and “estimation that New T-Mobile’s in-home broadband plans would cost \$40 per month.” T-Mobile further objects to this Data Request on the ground it mischaracterizes Dr. Furchtgott-Roth’s declaration.

T-Mobile also objects on the grounds it is untimely and unduly burdensome as Cal PA has had access to the public version of Dr. Furchtgott-Roth’s Reply Declaration in Support of the Reply to the Joint Opposition (Appendix J to the Reply) since it was filed with the FCC on September 17, 2018 and a confidential version since T-Mobile provided a copy in Response to DR 1-6 on October 10, 2018 yet failed to seek the requested information until after the conclusion of the hearings.<sup>4</sup> T-Mobile further objects to this Data Request to the extent it is duplicative of Cal PA’s numerous data requests on in-home broadband (e.g., DRs 1-6, 1-123, 2-15, and 6-3).

T-Mobile also objects to this Data Request on the grounds it is procedurally improper and inconsistent with basic principles of due process as, among other things, all testimony has been submitted and admitted into the record, and the hearings for these proceedings have been concluded. Cal PA had opportunity to cross Mr. Sievert on the topic of broadband pricing, failed to take advantage of that opportunity (although other parties did - (see, e.g., Hearing Tr. at 302:19 – 303:2, 311:27 – 312:11 and 321:7 – 322:20 (Sievert Cross)), and now attempts to further cross examine Mr. Sievert through post-hearing Data Requests; there is no justification for seeking such information at this stage in the proceeding. See also T-Mobile’s Response to Cal PA DR 10-21 above.

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<sup>4</sup> References to customer migration were first available to the Cal PA with the filing of the public version of the PIS on June 18, 2018 and then again in the Wireless Notification filed with this Commission on July 13, 2018 and again in the Reply to the Joint Opposition on September 17, 2018.

T-Mobile further objects to this Data Request on the grounds it appears to be an improper attempt to extend the procedural schedule established by the Commission for these proceedings and divert T-Mobile from the important task of preparing its post-hearing brief.

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

In the Matter of the Joint Application of Sprint ) Application No. 18-07-011  
Communications Company L.P. (U-5112-C) )  
and T-Mobile USA, Inc., a Delaware )  
Corporation for Approval of Transfer of Control )  
of Sprint Communications Company L.P. )  
Pursuant to California Public Utilities Code )  
Section 854(a) )

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In the Matter of the Joint Application of Sprint )  
Spectrum L.P. (U-3062-C), and Virgin Mobile ) Application No. 18-07-012  
USA, L.P. (U-4327-C) and T-Mobile USA, Inc., )  
a Delaware Corporation for Review of Wireless )  
Transfer Notification per Commission Decision )  
95-10-032 )

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**T-MOBILE USA'S RESPONSE TO THE CALIFORNIA PUBLIC ADVOCATES  
OFFICE'S DATA REQUEST 011**

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Attorneys for T-Mobile USA, Inc.

Dated: February 26, 2019

**T-Mobile USA, Inc. Responses to the California Public Advocates Office's  
Data Request 011 dated February 19, 2019**

**General Objections**

These General Objections are hereby designated as a part of, and incorporated by reference into, any response or information, written or oral, provided by T-Mobile USA, Inc. ("T-Mobile") to the Public Advocates Office's ("Cal PA") Data Request 011 dated February 19, 2019.

1. In providing its responses to the Data Requests, T-Mobile does not waive any applicable objections or privileges. Review of the Data Requests is ongoing, and T-Mobile reserves the right to assert such further objections and privileges as it may subsequently determine are applicable to the Data Requests.
2. Certain information transmitted by T-Mobile in response to the Data Requests is submitted pursuant to California Public Utilities Code Section 583, CPUC General Order No. 66-D, and the California Public Records Act, and shall be treated as confidential information.
3. T-Mobile's responses are made on the basis of the information presently known to T-Mobile, without prejudice to T-Mobile's right to amend or supplement its responses as additional information, if any, is located, and as additional information may be imparted to T-Mobile by Cal PA regarding the scope and meaning of the Data Requests.
4. T-Mobile objects to the Data Requests to the extent they seek information and/or any documents protected by the privilege for attorney-client communications, the doctrine protecting attorney work product, or any other applicable privilege, immunity or restriction. In responding to Cal PA's Data Requests, T-Mobile does not waive, and it is not producing information and documents that it believes are protected by, such privileges and doctrines. The inadvertent production of any such information and documents shall not constitute a waiver of T-Mobile's rights and privileges with regard to such information and documents.
5. In responding to the Data Requests, T-Mobile does not concede the relevancy, materiality, or admissibility of any information or documents sought by the Data Requests or of any response thereto made by T-Mobile.
6. T-Mobile objects to the Data Requests to the extent they seek information and/or any documents that relate to issues that exceed the scope of the Commission's jurisdiction to review the Wireless Application or the scope of its jurisdiction over wireless services.

### **Data Request 11-1.**

*Provide the dollar amount of the investment that standalone T-Mobile projects it will make in 5G facilities to achieve the 5G coverage shown on the map for each California county through and including the time frame identified as "2021."*

### **Response to Data Request 11-1.**

T-Mobile objects to this Data Request on the grounds it is vague and ambiguous with respect to the phrases “dollar amount of the investment” and “5G facilities to achieve 5G coverage shown on the map for each California county.” T-Mobile further objects to this Data Request on the grounds it seeks information that is neither germane to the pending Wireline or Wireless Applications nor is reasonably calculated to lead to the discovery of relevant information as projected county-specific capital expenditure – even if such information existed which it does not – has no reasonable bearing on whether the transfer of Sprint Wireline is adverse to the public interest or to any appropriate review of the Sprint Wireless Transfer Notification.

T-Mobile also objects to this Data Request on the grounds it seeks information which does not exist. As T-Mobile explained in its prior responses to Cal PA DRs 1-30 and 1-33, T-Mobile does not project capital expenditure at this level or even on a basis that aligns with state boundaries.

T-Mobile further objects to this Data Request on the grounds it is unduly burdensome. As noted in prior responses to Cal PA DR1-33, and specifically for the purpose of responding to that Data Request, T-Mobile developed a directional estimate of network capital expenditures for the period 2019-2024 that T-Mobile could invest in California. See T-Mobile Third Supplemental Response to Cal PA DR 1-33 (December 3, 2018). No such directional estimate exists on a county-specific basis and no such information is otherwise available.

T-Mobile also objects on the grounds it is untimely as Cal PA was provided nine (9) county-specific maps illustrating the projected 5G coverage in 2021 and 2024 for the standalone companies and for New T-Mobile. Those were provided to Cal PA on October 29, 2018 in the context of a supplemental response to data requests.<sup>1</sup> Joint Applicants continued to work on creating such maps and were able to provide *a complete set for all 58 counties* in a further supplemental response to Cal PA on December 21, 2018.<sup>2</sup> Nonetheless, Cal PA failed to seek the requested information until after the conclusion of the hearings. T-Mobile objects to this Data Request to the extent it is duplicative of Cal PA DRs 1-30, 1-32, 1-33, 1-122, 2-3, and 2-6.

T-Mobile also objects to this Data Request on the grounds it is procedurally improper and inconsistent with basic principles of due process as, among other things, all testimony has been

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<sup>1</sup> See Second Supplemental Response to Cal PA DR 1-30.

<sup>2</sup> See Fourth Supplemental Response to Cal PA DR 1-30.



submitted and admitted into the record, and the hearings for these proceedings have been concluded; there is no justification for seeking such information at this stage in the proceeding.

T-Mobile further objects to this Data Request on the grounds it appears to be an improper attempt to extend the procedural schedule established by the Commission for these proceedings and divert T-Mobile from the important task of preparing its post-hearing brief.

**Data Request 11-2.**

*Provide the dollar amount of the investment that standalone T-Mobile projects it will make in 5G facilities to achieve the 5G coverage shown on the map for each California county through and including the time frame identified as "2024."*

**Response to Data Request 11-2.**

See T-Mobile's Response to Cal PA DR 11-1 above.

**Data Request 11-3.**

*Provide the dollar amount of the investment that standalone Sprint projects it will make in 5G facilities to achieve the 5G coverage shown on the map for each California county through and including the time frame identified as "2021."*

**Response to Data Request 11-3.**

T-Mobile objects to this Data Request on the grounds it is more appropriately directed to Sprint as this information is not in the direct custody, care or control of T-Mobile. T-Mobile further objects to this Data Request to the extent it is duplicative of, among others, Cal PA's DR 1-27, 1-29, 1-30, 1-32 and 1-33 propounded on Sprint in Cal PA 001.

**Data Request 11-4.**

*Provide the dollar amount of the investment that standalone Sprint projects it will make in 5G facilities to achieve the 5G coverage shown on the map for each California county through and including the time frame identified as "2024."*

**Response to Data Request 11-4.**

See T-Mobile's Responses to Cal PA DR 11-3 above.

### **Data Request 11-5.**

*Provide the dollar amount of the investment that post-merger New T-Mobile projects it will make in 5G facilities to achieve the 5G coverage shown on the map for each California county through and including the time frame identified as "2021."*

### **Response to Data Request 11-5.**

T-Mobile objects to this Data Request on the grounds it is vague and ambiguous with respect to the phrases “dollar amount of the investment” and “5G facilities to achieve 5G coverage shown on the map for each California county.” T-Mobile further objects to this Data Request on the grounds it seeks information that is neither germane to the pending Wireline or Wireless Applications nor is reasonably calculated to lead to the discovery of relevant information as projected county-specific capital expenditure – even if such information existed which it does not – has no reasonable bearing on whether the transfer of Sprint Wireline is adverse to the public interest or to any appropriate review of the Sprint Wireless Transfer Notification.

T-Mobile also objects to this Data Request on the grounds it seeks information which does not exist. As T-Mobile explained in its prior responses to Cal PA DRs 1-30 and 1-33, T-Mobile does not project capital expenditure at this level or even on a basis that aligns with state boundaries.

T-Mobile further objects to this Data Request on the grounds it is unduly burdensome. As noted in prior responses to Cal PA DR 1-30, and specifically for the purpose of responding to that Data Request, T-Mobile developed a directional estimate of network capital expenditures for the period 2019-2024 that New T-Mobile could invest in California. See T-Mobile’s Supplemental Response to DR 1-30 (December 3, 2018). No such directional estimate exists on a county-specific basis and no such information is otherwise available.

T-Mobile also objects on the grounds it is untimely as Cal PA was provided nine (9) county-specific maps illustrating the projected 5G coverage in 2021 and 2024 for the standalone companies and for New T-Mobile. Those were provided to Cal PA on October 29, 2018 in the context of a supplemental response to data requests.<sup>3</sup> Joint Applicants continued to work on creating such maps and were able to provide *a complete set for all 58 counties* in a further supplemental response to Cal PA on December 21, 2018.<sup>4</sup> Nonetheless, Cal PA failed to seek the requested information until after the conclusion of the hearings. T-Mobile objects to this Data Request to the extent it is duplicative of Cal PA DRs 1-30, 1-32, 1-33, 1-122, 2-3, and 2-6.

T-Mobile also objects to this Data Request on the grounds it is procedurally improper and inconsistent with basic principles of due process as, among other things, all testimony has been

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<sup>3</sup> See Second Supplemental Response to Cal PA DR 1-30.

<sup>4</sup> See Fourth Supplemental Response to Cal PA DR 1-30.

submitted and admitted into the record, and the hearings for these proceedings have been concluded; there is no justification for seeking such information at this stage in the proceeding.

T-Mobile further objects to this Data Request on the grounds it appears to be an improper attempt to extend the procedural schedule established by the Commission for these proceedings and divert T-Mobile from the important task of preparing its post-hearing brief.

**Data Request 11-6.**

*Provide the dollar amount of the investment that post-merger New T-Mobile projects it will make in 5G facilities to achieve the 5G coverage shown on the map for each California county through and including the time frame identified as "2024."*

**Response to Data Request 11-6.**

See T-Mobile's Responses to Cal PA DRs 11-5 above.

### **Data Request 11-7.**

*Provide copies of all capital budgeting "business case" type analyses or studies that have been undertaken in connection with the 5G coverage projections presented in Attachment D to Mr. Ray's January 7, 2019 Rebuttal Testimony. Indicate, for each, the time frame(s) for investment recovery that has been utilized in these capital budgeting "business case" type analyses, the anticipated revenue flows over such time frame(s), the projected rate of return on investment from each such undertaking, the minimum rate of return or "hurdle rate" that the responding company requires for approval of such capital investments, and all other relevant factors that enter into the capital investment approval process.*

### **Response to Data Request 11-7.**

T-Mobile objects to this Data Request on the grounds it is vague and ambiguous with respect to temporal scope and the phrases "all capital budgeting 'business case' type analyses or studies," "undertaken in connection with the 5G coverage projections," "time frame(s) for investment recovery," "anticipated revenue flows over such time frame(s)," "projected rate of return on investment from each such undertaking," "minimum rate of return or "hurdle rate" that the responding company requires for approval," "all other relevant factors" and "the capital investment approval process."

T-Mobile further objects to this Data Request on the grounds it is untimely and unduly burdensome as Cal PA propounded numerous data requests regarding T-Mobile's network and business plans (e.g., Cal PA DRs 1-6, 1-30 and 6-3), yet Cal PA failed to seek the requested information until after the conclusion of the hearings. T-Mobile objects to this Data Request to the extent it is duplicative of, among others, Cal PA DRs 1-6, 1-30, 1-32, 1-33, 1-122, 2-3, and 2-6.

T-Mobile also objects to this Data Request on the grounds it is procedurally improper and inconsistent with basic principles of due process as, among other things, all testimony has been submitted and admitted into the record, and the scheduled hearings have been concluded; there is no justification for seeking such information at this stage in the proceeding.

T-Mobile further objects to this Data Request on the grounds it appears to be an improper attempt to extend the procedural schedule established by the Commission for these proceedings and divert T-Mobile from the important task of preparing its post-hearing brief.

See also T-Mobile's Responses to Cal PA DRs 11-1 and 11-5 above.