November 9, 2015

BY ECFS AND ELECTRONIC MAIL

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, DC 20554

Re: Ex Parte Presentation


Dear Ms. Dortch:


The T-Mobile Letter asks the Commission to prohibit Northstar Wireless, as well as SNR Wireless LicenseCo, LLC (“SNR”) and DISH Network Corporation (“DISH”), from bidding in future auctions involving the AWS-3 licenses on which Northstar Wireless and SNR are deemed to have defaulted,2 to treat Northstar Wireless, SNR, and DISH as “former defaulters” for


2 Id. at 2-3.
purposes of the upcoming Incentive Auction and the re-auction of the AWS-3 licenses, and to require that any reauctioned AWS-3 spectrum be built out in the same timeframe as required for winners of Auction 97.

The T-Mobile Letter is an untimely request for reconsideration of the August 18, 2015 order in which the Commission determined that Northstar Wireless and its investors, including DISH and its subsidiaries, did not violate Commission Rules and found no grounds to render an adverse decision as to the basic qualifications of Northstar Wireless to hold Commission licenses, or to grant any of the relief requested by other parties to the referenced proceeding other than as set forth in the Northstar Wireless MO&O. It also is an untimely request for reconsideration of the construction requirements applicable to AWS-3 spectrum.

Even if the T-Mobile Letter had been timely filed, T-Mobile lacks standing to challenge the Northstar Wireless MO&O, or any subsequent decision by the Wireless Telecommunications Bureau (“WTB”) related to that order, because it did not participate in the Northstar Wireless or SNR application proceedings. Moreover, the T-Mobile Letter was not filed in the Northstar Wireless application proceeding (or, for that matter, in the SNR application proceeding), it includes no proof of service, and it may not have been properly served on Northstar Wireless.

Substantively, the WTB correctly applied the Commission’s rules and precedent regarding selective payment of winning bids in auctions, and neither the Incentive Auction nor

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3 Id. at 3-4.
4 Id. at 4.
7 Cf. 47 C.F.R. §§ 1.47(g); 1.106(f).
8 Cf. id., § 1.106(f).
9 See Letter from Roger C. Sherman, Chief, Wireless Telecommunications Bureau, FCC, to Mark F. Dever, Counsel to Northstar Wireless, LLC, DA 15-1108, at 2 n.11 (Oct. 1, 2015) (citing LMDS Communications, Inc., Request for Waiver of Sections 1.2109(a) and (c), 1.2104(g) and 101.1105(b) of the Commission’s Rules Regarding BTA117, BTA122, BTA203, BTA215, BTA218, BTA287, BTA317, BTA328, BTA330, BTA335, BTA375 and BTA416, Order, 15 FCC Rcd 8618, 8622 n.30 (2000); Application of Baker Creek Communications, L.P. for
the AWS-3 auction proceedings are appropriate forums for seeking substantive changes to those rules and precedent.

Northstar Wireless reserves its right to submit further filings regarding the T-Mobile requests should such filings be warranted.

Respectfully submitted,

Northstar Wireless, LLC

By: Northstar Spectrum, LLC
   Its Sole Member

By: Northstar Manager, LLC
   Its Manager

By: Doyon, Limited
   Its Manager

By: /s/ Allen M. Todd
   Allen M. Todd
   Assistant Secretary and General Counsel

cc: Roger Sherman (via e-mail)
    Jean Kiddoo (via e-mail)
    Brian Regan (via e-mail)
    Bill Richardson (via e-mail)

Authority to Construct and Operate Local Multipoint Distribution Services in Multiple Basic Trading Areas, Order, 14 FCC Red 11529 (1999)).
CERTIFICATE OF SERVICE

I, Allen M. Todd, certify that a true and correct copy of the foregoing letter was sent by United States Mail, first class postage prepaid, on November 9, 2015 to:

Kathleen O’Brien Ham
Senior Vice President, Government Affairs
T-Mobile US
601 Pennsylvania Ave., N.W.
Suite 800
Washington, DC 20004

/s/ Allen M. Todd
Allen M. Todd