## BINGHAM

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April 20, 2012

## VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary Federal Communications Commission The Portals 445 12th Street, S.W. Washington, DC 20554

Re: <u>Ex Parte Communication – WT Docket 12-4</u>

Dear Ms. Dortch:

On behalf of T-Mobile USA, Inc. ("T-Mobile"), and pursuant to Section 1.1206 of the Commission's Rules, 47 C.F.R. § 1.1206, this is to provide notice of an *ex parte* meeting held at T-Mobile's offices in Bellevue, Washington, on April 19, 2012. The meeting was attended by Philipp Humm, CEO and President, Dave Miller, Chief Legal Officer and General Counsel, Neville Ray, Chief Technology Officer, and Thomas J. Sugrue, Senior Vice President of Government Affairs, of T-Mobile (together, the "T-Mobile Representatives"). The T-Mobile Representatives met with Rick Kaplan, Chief of the Commission's Wireless Telecommunications Bureau.

During the meeting, the T-Mobile Representatives discussed the matters raised in T-Mobile's Petition to Deny filed on February 21, 2012, and Reply to Opposition filed on March 26, 2012 in WT Docket No. 12-4. In particular, the T-Mobile Representatives discussed the fact that, unlike T-Mobile and other wireless carriers, Verizon Wireless has not used its existing AWS spectrum in any way in the six years it has held the licenses, and that the instant transactions would add even more AWS spectrum to Verizon Wireless' unused spectrum inventory. They noted that given this dismal track record on utilization of its current AWS spectrum, it would make no sense, and would be inconsistent with the Commission's charge to ensure that spectrum transfers serve the public interest, to allow Verizon to acquire additional AWS licenses, especially at this time of an industry-wide spectrum crunch. The T-Mobile Representatives further described the potential anti-competitive effects of permitting the largest carrier in the industry to accumulate a large preponderance of the only immediately available spectrum suitable for deployment of LTE, thereby foreclosing any opportunity for competitors to immediately put it to use in deploying LTE. They also noted that T-Mobile's Petition and Reply demonstrate that the Commission must evaluate the spectrum transactions in a way that appropriately recognizes and accounts for the competitive and technical realities of today's wireless marketplace and assure

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that scarce spectrum will be utilized efficiently and effectively. In addition, the T-Mobile Representatives explained how, unlike Verizon, T-Mobile and other carriers would put the spectrum to immediate use.

Finally, the T-Mobile representatives discussed briefly Verizon's announced plan to sell lower 700 MHz spectrum contingent on approval of its spectrum transaction with the cable companies. They noted some of the problems with that spectrum in the near term, including a lack of a national footprint in what Verizon is offering, interference from adjacent high-powered broadcasters, and lack of equipment and interoperability with the rest of the 700 MHz band. They emphasized that this proposed sale does not mitigate the substantial public interest harms created by Verizon's pending transaction with the cable companies.

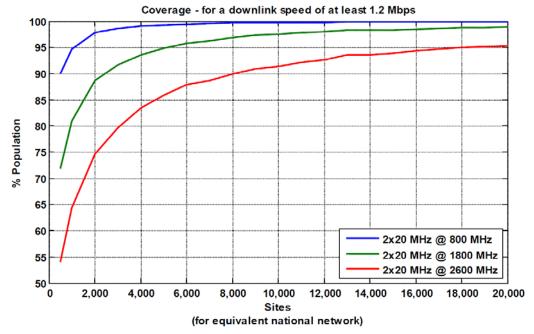
Should any additional information be required with respect to this *ex parte* notice, please do not hesitate to contact me.

Very truly yours,

/s/ Jean L. Kiddoo

Jean L. Kiddoo Counsel to T-Mobile USA, Inc.

cc (by email): Rick Kaplan (WTB)



Coverage as a function of the number of sites for three different bands.

Source: Ofcom's second consultation on assessment of future mobile competition and proposals for the award of 800 MHz and 2.6 GHz spectrum and related issues (2012).