

May 22, 2023

The Honorable Jessica Rosenworcel
Chairwoman
Federal Communications Commission
45 L Street, NW
Washington, DC 20554

RE: File Nos. 0010475575 and 0010206629

Dear Chairwoman Rosenworcel:

The below signed organizations respectfully request that the Commission grant the application submitted by T-Mobile for the 2.5 GHz spectrum T-Mobile won at auction. That auction ended on August 29, 2022 and T-Mobile submitted its application for the licenses it won in September 2022 – eight months ago. We are concerned that as these licenses have still not been deployed and put to use, many of our communities are continuing to be left behind; having to live without the critical network coverage – and access to resources – that this valuable spectrum provides.

At the conclusion of the 2.5 GHz auction, the Commission said that “[w]ith most of the available spectrum in the 2.5 GHz band located in rural areas, this auction provides vital spectrum resources to support wireless services in rural communities.” We agree, and we appreciate the Commission’s recognition of the vital role this spectrum can play in our shared goal of closing the digital divide. However, we are concerned that ninety percent (90%) of the 2.5 GHz licenses that were up for auction have still not been issued. By refusing to issue these licenses, and by not processing the application that will permit T-Mobile to provide wireless services in rural and low-income communities (including rural communities in Puerto Rico and the rural South) the Commission is now standing in the way of ensuring the very coverage resources and support for these communities that it envisions.

We recognize that the Commission’s congressional authority to conduct spectrum auctions has now lapsed. By issuing licenses to T-Mobile, however, the Commission would not be holding any new spectrum auctions. Rather, it would be issuing licenses T-Mobile has already purchased for an auction that ended last summer. We do not see any prohibition in the Communications Act or elsewhere to granting license applications that were submitted – and reviewed by Commission staff – long before the authority to hold new auctions expired. Indeed, the Commission declining to exercise one of its primary duties under the Communications Act – reviewing license applications and determining whether grant would serve the public interest – while Congress sorts out whether and for how long to extend the Commission’s auction authority would profoundly harm the public interest, most notably the underserved consumers who are waiting for T-Mobile’s network to be deployed.

We thank you for your strong leadership and long-standing efforts to close the digital divide. If the Commission decides it cannot issue the 2.5 GHz licenses to T-Mobile at this time, we urge you to allow T-Mobile to use the spectrum under special temporary authority (STA). Given the extraordinary circumstances resulting from the lapse in the Commission’s ability to conduct

auctions, releasing this now-vacant spectrum through an STA will help mitigate the harm to our chronically underserved communities caused by this undue delay.

We appreciate your consideration of this matter and stand ready to assist the Commission in its goal of bringing broadband to every American, especially to those in the rural and low-income communities we represent.

In Partnership,

OJ Semans, SR.
Executive Director of Legislative Affairs
Coalition of Large Tribes

Justin Velez-Hagan
Founder and Senior Policy Advisor
National Puerto Rican Chamber of Commerce

Allen Pratt
Executive Director
National Rural Education Association

Jacqueline L. Burton
President
Conference of National Black Churches

Betsy Huber
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JudeAnne Heath
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Rosa Mendoza
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Clayton Banks
Co-Founder and CEO
Silicon Harlem

Antonio Tijerino
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cc: Hon. Brendan Carr

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