

**Request for Extension of Special Temporary Authority**

**UPDATED DESCRIPTION OF REQUEST<sup>1/</sup>**

By the attached FCC Form 601 and pursuant to Section 1.931(a) of the rules,<sup>2/</sup> T-Mobile License, LLC seeks an extension until the earlier of the dates noted below or June 30, 2020, of the special temporary authority (“STA”) issued under call sign WRF842 so that its affiliate T-Mobile USA, Inc. (“T-Mobile”)<sup>3/</sup> may continue to provide service to customers using spectrum in the 600 MHz band for which it is not licensed during the period of the Keep Americans Connected Pledge. Grant of this request is permitted under the Commission’s rules and precedent and would serve the public interest because it will allow consumers to continue to better contend with the unique circumstances and challenges created by the COVID-19 pandemic.

***Background and Request for Extension***

On March 13, 2020, T-Mobile submitted the first requests of their kind to increase its network capacity during the current crisis, explaining that grant of its request would help keep Americans connected during the COVID-19 pandemic. Among others, T-Mobile submitted an emergency request for STA, for a period of 60 days from Commission action, to use 600 MHz band spectrum licensed to DISH through its subsidiary ParkerB.com Wireless L.L.C.<sup>4/</sup> The Commission quickly granted T-Mobile’s request, noting that its action was part of Chairman Pai’s initiative, in partnership with the private sector, to keep Americans connected during the coronavirus outbreak.<sup>5/</sup> As the Commission’s News Release stated, Chairman Pai said that he “would like to thank T-Mobile for launching this effort. This temporary authority will help T-

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<sup>1/</sup> This request was originally submitted on May 12, 2020. The description included with this amended request includes updated information regarding, among other things, consent by DISH Network Corporation (“DISH”) and a revised list of markets and spectrum associated with the extension request.

<sup>2/</sup> See 47 C.F.R. § 1.931(a).

<sup>3/</sup> T-Mobile USA, Inc. is a wholly owned subsidiary of T-Mobile US, Inc., a publicly-traded company.

<sup>4/</sup> See Letter from Steve B. Sharkey, Vice President, Government Affairs, Technology and Engineering Policy, T-Mobile, to Donald Stockdale, Chief, Wireless Telecommunications Bureau, FCC (filed Mar. 13, 2020) (“T-Mobile-DISH STA Request”), <https://docs.fcc.gov/public/attachments/DOC-363051A2.pdf>.

<sup>5/</sup> See News Release, *FCC Provides T-Mobile Temporary Access to Additional Spectrum to Help Keep Americans Connected During Coronavirus Pandemic*, FCC (Mar. 15, 2020) (“*T-Mobile STA News Release*”), <https://docs.fcc.gov/public/attachments/DOC-363051A1.pdf>. The Commission granted the STA in its Universal Licensing System on April 8, 2020, but the STA was effective March 15, 2020, with an expiration date of May 14, 2020.

Mobile better serve customers who, like all of us, are making significant adjustments to their daily lives to minimize in-person interactions and slow the spread of COVID-19.”<sup>6/</sup>

In the subsequent days and weeks, the Commission continued to come to the aid of the American public, granting additional STA requests to permit T-Mobile and others to use spectrum for which they are not licensed, in order to better support consumers’ use of telehealth, distance learning, and telework, and to simply remain connected during this unique and unprecedented situation.<sup>7/</sup> But as neither Chairman Pai nor anyone else could have predicted in mid-March, when the Commission first granted T-Mobile’s request, the country was just at the beginning of the response to the pandemic. Indeed, on March 13, 2020, when T-Mobile submitted its first STA request, few states had required its residents to remain indoors. Today, 26 states and the District of Columbia have some form of stay-at-home orders in place, while 19 other states have partial state lockdowns or some form of restrictions in place.<sup>8/</sup> And Chairman Pai recently extended his Keep Americans Connected Pledge, to which T-Mobile has recommitted, until June 30, 2020 to allow providers to continue to address the national emergency.<sup>9/</sup> That is why T-Mobile seeks an extension of its current authority to operate on the 600 MHz spectrum licensed to DISH in the areas specified in Exhibit A.

### ***Extension of the STA is Justified***

The FCC’s rules state that STA extensions may be granted under “extraordinary circumstances.”<sup>10/</sup> Unfortunately, these circumstances meet those criteria. The underlying rationale for granting the initial request for STA continues to exist. Customers have increased need for wireless access for purposes of, for example, distance learning, remote working requirements, and telehealth. COVID-19 continues to afflict the Nation, and medical authorities have been unable to estimate when Americans can go back to work and school, see loved ones,

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<sup>6/</sup> T-Mobile STA News Release at 1.

<sup>7/</sup> See, e.g., News Release, *FCC Provides U.S. Cellular Temporary Access to Additional Spectrum to Help Keep Americans Connected During Coronavirus Pandemic*, FCC (Mar. 17, 2020), <https://docs.fcc.gov/public/attachments/DOC-363114A1.pdf>; News Release, *FCC Grants Verizon Temporary Spectrum Access to Keep Americans Connected During COVID-19 Pandemic*, FCC (Mar. 18, 2020), <https://docs.fcc.gov/public/attachments/DOC-363145A1.pdf>; News Release, *FCC Grants AT&T and Verizon Further Temporary Spectrum Access to Keep Americans Connected During Coronavirus Pandemic*, FCC (Mar. 20, 2020), <https://docs.fcc.gov/public/attachments/DOC-363211A1.pdf>.

<sup>8/</sup> See Sarah Mervosh, *et al.*, *See Which States Are Reopening and Which Are Still Shut Down*, THE NEW YORK TIMES (May 5, 2020), <https://www.nytimes.com/interactive/2020/us/states-reopen-map-coronavirus.html>; Holly Secon & Aylin Woodward, *A Map of the US Cities and States Under Lockdown – and Those That Are Reopening*, BUSINESS INSIDER (May 5, 2020), <https://www.businessinsider.com/us-map-stay-at-home-orders-lockdowns-2020-3>.

<sup>9/</sup> See News Release, *Chairman Pai Extends Keep Americans Connected Pledge Through End of June Due to Ongoing COVID-19 Pandemic*, FCC (Apr. 30, 2020), <https://docs.fcc.gov/public/attachments/DOC-364090A1.pdf>.

<sup>10/</sup> 47 C.F.R. § 1.931(a)(3).

and see their doctors face-to-face.<sup>11/</sup> Even when that process begins to occur, it will not be complete overnight. Experts expect that a return to pre-pandemic activities will be gradual.<sup>12/</sup> Further, because many Americans now better understand the capabilities of telework, telehealth, and distance learning, requirements for increased network capacity are unlikely to be reduced when the pandemic is over. As T-Mobile has experienced, wireless network traffic has significantly increased in residential locations where the network is often less dense. For instance, in New York City, T-Mobile has observed an 86% increase in customers staying on a single cell that is serving their home.<sup>13/</sup> Usage of smartphones for hotspot tethering is up 57% on T-Mobile's network, often for laptop and tablets used for schooling at home. T-Mobile has also noted that online educational tool usage has dramatically risen – 148% on a nationwide basis on its network. Even some states that have relaxed “stay at home” orders still have canceled traditional schooling for the remainder of the year,<sup>14/</sup> suggesting that this shift in wireless traffic will continue for the foreseeable future. Extension of the STA is therefore necessary for T-Mobile to continue to meet consumer demands.

No other party, including DISH, will be disadvantaged by extension of the STA. As T-Mobile explained in its initial STA request,<sup>15/</sup> DISH is neither using the licensed spectrum nor planning to use it in the markets that are the subject of this extension request. Moreover, as indicated in Exhibit A, DISH has consented to T-Mobile's request to extend the STA under the following condition:

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<sup>11/</sup> See, e.g., *Schools Should Be Ready for Phased Reopening, Future Closures, Pediatrics Group Says*, CNN (May 5, 2020), <https://www.cnn.com/2020/05/05/health/schools-reopen-coronavirus-pediatrics-wellness/index.html>; Berkeley Lovelace, Jr. & Kevin Breuninger, *Dr. Anthony Fauci Warns US Could 'Be in for a Bad Fall' if Coronavirus Treatments Don't Work*, CNBC (Apr. 28, 2020), <https://www.cnbc.com/2020/04/28/fauci-warns-us-could-be-in-for-a-bad-fall-if-coronavirus-treatments-dont-work.html>.

<sup>12/</sup> See, e.g., *Guidelines for Opening Up America Again*, THE WHITE HOUSE, <https://www.whitehouse.gov/openingamerica/> (last visited May 6, 2020) (discussing the White House's three-phased approach to assist state and local officials when reopening economies); Felicia Sonmez, *et al.*, *Social Distancing Could Last Months, White House Coronavirus Coordinator Says*, THE WASHINGTON POST (Apr. 26, 2020), [https://www.washingtonpost.com/politics/social-distancing-could-last-months-white-house-coronavirus-coordinator-says/2020/04/26/ad8d2f84-87de-11ea-8ac1-bfb250876b7a\\_story.html](https://www.washingtonpost.com/politics/social-distancing-could-last-months-white-house-coronavirus-coordinator-says/2020/04/26/ad8d2f84-87de-11ea-8ac1-bfb250876b7a_story.html) (“Some form of social distancing will probably remain in place through the summer, Deborah Birx, the White House's coronavirus task force coordinator, said . . . .”); Ed Yong, *Our Pandemic Summer*, THE ATLANTIC (Apr. 14, 2020), <https://www.theatlantic.com/health/archive/2020/04/pandemic-summer-coronavirus-reopening-back-normal/609940/>.

<sup>13/</sup> See Neville Ray, *Keeping Customers Connected 24/7*, T-MOBILE (Mar. 24, 2020), <https://www.t-mobile.com/news/keeping-customers-connected-24-7>; *T-Mobile Update on COVID-19 Response*, T-MOBILE (Apr. 17, 2020), <https://www.t-mobile.com/news/t-mobile-update-on-covid-19-response>.

<sup>14/</sup> Forty-two states have statewide school closures through the end of the academic year. See David Nagel, *Updated List of Statewide School Closures with Closure Dates*, THE JOURNAL (Apr. 27, 2020), <https://thejournal.com/articles/2020/03/17/list-of-states-shutting-down-all-their-schools-grows-to-36.aspx>.

<sup>15/</sup> See T-Mobile-DISH STA Request at 2.

- T-Mobile must cease operations on the spectrum covered by the renewed STA on the earlier of: (i) 72 hours from the time that DISH notifies T-Mobile, including through e-mail notice to Steve Sharkey and Kathleen Ham, that it must vacate the spectrum; (ii) 72 hours from the time that the Department of Justice (“DoJ”) issues a decision on the terms, conditions, and amount of 600 MHz licenses to be leased by DISH to T-Mobile; or (iii) June 30, 2020.<sup>16/</sup>

T-Mobile appreciates the consent DISH expresses in Exhibit B. However, T-Mobile also uses this opportunity to address certain assertions in DISH’s e-mail of May 13, 2020 to FCC staff (attached as part of the e-mail exchange in which DISH provides consent to this request).

*First*, grant of this extension will have no effect on the DoJ’s evaluation of the terms of a commercial lease between T-Mobile and DISH for some or all of DISH’s 600 MHz licenses. Under the terms of the settlement agreement into which T-Mobile and Sprint entered with DoJ as a part of the T-Mobile/Sprint merger transaction, T-Mobile is required to negotiate in good faith with DISH to *lease* “some or all” of DISH’s 600 MHz spectrum licenses.<sup>17/</sup> Commission grant of this request to extend the STA will have no effect on those DoJ-required negotiations and the pendency of those lease negotiations need not, and should not, prevent grant of T-Mobile’s request. And, as noted above, T-Mobile agrees to terminate its use of the spectrum within 72 hours of a DoJ decision.

*Second*, DISH’s e-mail asserts that T-Mobile’s initial extension request was a violation of the Letter Agreement between DISH and T-Mobile prohibiting T-Mobile’s continued use of the spectrum without DISH’s consent and subject to payment by T-Mobile to DISH. Even if DISH’s objection had merit, it is now moot because DISH has consented to T-Mobile’s use of the spectrum under the conditions noted in its e-mail. Nevertheless, T-Mobile’s initial extension request outlined the Commission’s authority to grant the extension request without DISH’s consent and independent of any prior agreement and the fact that ongoing emergency circumstances dictate grant of the request.

*Third*, T-Mobile’s request was not, and is not, procedurally improper. Section 1.931(a) merely states that STA renewals “should” be submitted 10 days prior to the expiration of the current STA. The rule does not bar the Commission from granting an STA request submitted later than the 10 day period (in fact, it simply states that such requests will be “considered in turn”). Moreover, as the rules contemplate, T-Mobile had compelling reason not to submit the request earlier – it was negotiating with DISH for the continued use of the spectrum covered by the STA with DISH’s consent. Only when those discussions were not fruitful was T-Mobile required to submit the extension request without consent in order to preserve the Commission’s ability to grant the extension request.

*Finally*, DISH makes an unsubstantiated claim that T-Mobile used the additional spectrum capacity “in an apparent attempt to acquire new subscribers.” T-Mobile’s use of the additional spectrum capacity licensed to DISH and the several other entities that have permitted it to use their spectrum has been, and will continue to be, in support of increased customer demand during

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<sup>16/</sup> DISH also requested, and T-Mobile agreed, not to include the spectrum in Denver, CO, covered by the call sign WQZM540 in this extension request. That license is not included in Exhibit A.

this time of heightened connectivity requirements. T-Mobile's communications to customers and others provided the assurances that consumers want that T-Mobile's network will be able to continue to deliver T-Mobile's industry-leading service during this pandemic.

In any case, T-Mobile recognizes that its use of DISH's spectrum remains on a secondary, non-interfering basis. Accordingly, the Commission should grant T-Mobile's request to extend its STA to operate on DISH's licensed 600 MHz spectrum until the earlier of the times specified above, or June 30, 2020, so that T-Mobile can continue to use the spectrum on a temporary basis to help meet America's connectivity demands during the period of the Keep Americans Connected Pledge.

If there are any questions regarding this request, the Commission is asked to contact T-Mobile's Steve Sharkey at [Steve.Sharkey@T-Mobile.com](mailto:Steve.Sharkey@T-Mobile.com).

**EXHIBIT A**

<b>Market</b>	<b>Market Name</b>	<b>Block</b>	<b>Call Sign</b>
PEA001	New York, NY	D	WQZM398
PEA001	New York, NY	E	WQZM399
PEA001	New York, NY	F	WQZM400
PEA006	Philadelphia, PA	F	WQZM427
PEA008	Dallas, TX	F	WQZM317
PEA009	Miami, FL	E	WQZM244
PEA009	Miami, FL	F	WQZM245
PEA011	Atlanta, GA	F	WQZM305
PEA014	Cleveland, OH	F	WQZM618
PEA015	Phoenix, AZ	F	WQZM521
PEA017	Minneapolis-St. Paul, MN	F	WQZM423
PEA019	Portland, OR	F	WQZM466
PEA023	Pittsburgh, PA	F	WQZM464
PEA024	Saint Louis, MO	F	WQZM695
PEA025	Cincinnati, OH	F	WQZM614
PEA028	San Antonio, TX	F	WQZM626
PEA029	Jacksonville, FL	F	WQZM255
PEA031	Indianapolis, IN	D	WQZM391
PEA031	Indianapolis, IN	E	WQZM392
PEA032	Nashville, TN	B	WQZM412
PEA035	Austin, TX	F	WQZM617
PEA037	Columbus, OH	F	WQZM502
PEA039	Oklahoma City, OK	F	WQZM612
PEA040	Birmingham, AL	F	WQZM437
PEA046	Little Rock, AR	F	WQZM269
PEA051	Louisville, KY	F	WQZM442
PEA062	Dayton, OH	F	WQZM592
PEA066	Lansing, MI	F	WQZM493
PEA070	Eugene, OR	A	WQZM297
PEA071	Knoxville, TN	A	WQZM478
PEA074	Chattanooga, TN	F	WQZM243
PEA077	Portland, ME	A	WQZM486
PEA079	Hattiesburg, MS	A	WQZM605
PEA080	Omaha, NE	A	WQZM646
PEA081	Saginaw, MI	G	WQZM482
PEA081	Saginaw, MI	F	WQZM483

<b>Market</b>	<b>Market Name</b>	<b>Block</b>	<b>Call Sign</b>
PEA088	Frederick, MD	A	WQZM624
PEA088	Frederick, MD	B	WQZM625
PEA095	Bluefield, WV	A	WQZM692
PEA096	Richmond, KY	G	WQZM564
PEA099	Tupelo, MS	A	WQZM606
PEA100	Greenville, NC	A	WQZM687
PEA102	Grand Junction, CO	F	WQZM510
PEA107	Bangor, ME	B	WQZM274
PEA124	Olympia, WA	A	WQZM684
PEA146	Wilmington, NC	A	WQZM292
PEA150	Rolla, MO	A	WQZM602
PEA172	Duluth, MN	F	WQZM662
PEA172	Duluth, MN	G	WQZM663
PEA175	Southaven, MS	A	WQZM537
PEA185	Marquette, MI	F	WQZM241
PEA190	Bozeman, MT	A	WQZM660
PEA238	Florence, SC	A	WQZM588
PEA280	Garden City, KS	A	WQZM431
PEA412	Puerto Rico	A	WQZM251
PEA412	Puerto Rico	B	WQZM252

**EXHIBIT B**  
**DISH CONSENT**

Kung, Angela

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**Subject:** FW: T-Mobile STA Extension Request  
**Attachments:** Exhibit -- T-Mobile Request for Renewal -- 600 MHz DISH Spectrum.DOCX

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**From:** Blum, Jeffrey <[Jeffrey.Blum@dish.com](mailto:Jeffrey.Blum@dish.com)>  
**Sent:** Wednesday, May 13, 2020 2:31 PM  
**To:** Sharkey, Steve <[Steve.Sharkey@T-Mobile.com](mailto:Steve.Sharkey@T-Mobile.com)>  
**Cc:** Ham, Kathleen <[Kathleen.Ham@t-mobile.com](mailto:Kathleen.Ham@t-mobile.com)>  
**Subject:** Re: T-Mobile STA Extension Request

[External]

Thanks. I am ok with day to day STA extension combined with the 72 hour paragraph below.

Sent from my iPad

On May 13, 2020, at 2:20 PM, Sharkey, Steve <[Steve.Sharkey@t-mobile.com](mailto:Steve.Sharkey@t-mobile.com)> wrote:

This message originated outside of DISH and was sent by: [Steve.Sharkey@t-mobile.com](mailto:Steve.Sharkey@t-mobile.com)

Jeff,

Thank you for discussing this today. To confirm, T-Mobile is OK with the proposed approach provided that we can have 72 hours to turn the spectrum off after the STA is terminated. Can you please confirm your agreement to that and, based on your last paragraph we will amend the STA to reflect that:

- T-Mobile must cease operations on the spectrum covered by the renewed STA on the earlier of: (i) 72 hours from the time that DISH notifies T-Mobile, including through email notice to Steve Sharkey and Kathleen Ham, that it must vacate the spectrum; (ii) 72 hours from the time that the Department of Justice ("DoJ") issues a decision on the terms, conditions, and amount of 600 MHz licenses to be leased by DISH to T-Mobile; or (iii) June 30, 2020.

As requested, we'll also remove Denver, covered by license call sign WQZM540 from the list of requested markets.

If you can indicate your agreement to the above we'll make the necessary changes. I do note that we do not agree with the legal challenges included in your email and will respond to those separately.

Thank You,  
Steve

Steve Sharkey  
Vice President, Government Affairs  
Engineering and Technology Policy  
T-Mobile

Cell – (410) 353-5244

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**From:** Blum, Jeffrey <[Jeffrey.Blum@dish.com](mailto:Jeffrey.Blum@dish.com)>  
**Sent:** Wednesday, May 13, 2020 6:51 AM  
**To:** Charles Mathias <[Charles.Mathias@fcc.gov](mailto:Charles.Mathias@fcc.gov)>  
**Cc:** Kogan, Hadass <[Hadass.Kogan@dish.com](mailto:Hadass.Kogan@dish.com)>; Blum, Jeffrey <[Jeffrey.Blum@dish.com](mailto:Jeffrey.Blum@dish.com)>; Minea, Alison <[Alison.Minea@dish.com](mailto:Alison.Minea@dish.com)>; Ham, Kathleen <[Kathleen.Ham@t-mobile.com](mailto:Kathleen.Ham@t-mobile.com)>; Sharkey, Steve <[Steve.Sharkey@T-Mobile.com](mailto:Steve.Sharkey@T-Mobile.com)>  
**Subject:** T-Mobile STA Extension Request

[External]

[COVID19 content Warning - Be aware of new phishing campaigns]

Charles,

DISH is unwilling to grant T-Mobile consent to operate on certain 600 MHz FCC Licenses owned by DISH subsidiary ParkerB.com Wireless L.L.C. pursuant to T-Mobile's request for a blanket extension (until June 30, 2020) of the Special Temporary Authorization ("STA") issued under call sign WRF842.

As a threshold matter, grant of such extension could potentially prejudice the Department of Justice's ("DOJ") evaluation of the terms of a commercial lease between the parties for some or all of DISH's 600 MHz licensees pursuant to Section V.A of the Final Judgment entered by Judge Timothy Kelly in U.S. v. Deutsche Telekom AG, et al. - Case 1:19-cv-02232-TJK. When DISH and T-Mobile entered into the March 13, 2020 Letter Agreement granting T-Mobile the authority to operate on DISH's 600 MHz licenses without charge, the parties agreed to a 60-day term given their ongoing negotiations regarding this spectrum. However, those negotiations ended without a commercial lease agreement and, as of two weeks ago, the parties are awaiting a decision from the DOJ on the terms, conditions, and amount of 600 MHz licenses to be leased, if any.

DISH further objects to the blanket extension for the following reasons, among others:

-- T-Mobile's request for an extension over DISH's objection is in violation of the Letter Agreement signed by the parties on March 13, 2020, which expressly provides that "[g]rantee [T-Mobile] shall not make any further use of the 600 MHz FCC Licenses after the expiration of the 60-day period, except upon the written consent of Grantor and subject to payment by

Grantee (the amount of such payment to be determined through mutual agreement of the Parties)." (Letter Agreement at (d))

-- T-Mobile's request is procedurally improper. Section 1.931(a)(1) of the Commission's rules requires parties seeking an STA extension to file with the Commission "10 days prior to the expiration date of the existing STA" and notes that "requests received less than 10 days prior to the desired date of operation may be given expedited consideration only if compelling reasons are given for the delay in submitting the request. Otherwise, such late-filed requests are considered in turn, but action might not be taken prior to the desired date of operation." The FCC granted T-Mobile's 60-day STA on March 15, 2020, providing authority until May 14, 2020. The 10 day deadline to request an extension came due on May 4, 2020 and T-Mobile has provided no reason why it was unable to timely file for the extension it now seeks.

-- The purpose of DISH's initial grant was to help T-Mobile increase capacity during the crisis to serve customers, not to use DISH's spectrum as part of a commercial marketing effort. Since T-Mobile gained temporary access to DISH's 600 MHz spectrum on March 15, the company has publicized the capacity benefits of this spectrum in press statements, tweets and advertisements in an apparent effort to acquire new subscribers. This includes television commercials highlighting the doubling of their 600 MHz capacity.

Nevertheless, in light of the continued COVID-19 crisis and as the parties await a decision from the DOJ, DISH consents to a day-to-day extension of the STA requested for the 600 MHz licenses. (Note that this consent excludes license call sign WQZM540 because we plan to begin our own testing in the Denver market on May 15, 2020.) Such consent will expire the earlier of 24 hours after a DOJ decision on the commercial terms of a lease between the parties, or June 30, 2020.

Thank you and please let me know if you have any questions.

Jeff

Jeff Blum  
SVP, Public Policy and Government Affairs  
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