



June 23, 2023

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

Re: File Numbers 0010475575 and 0010206629

Dear Chairwoman Rosenworcel:

The Schools, Health & Libraries Coalition (SHLB) writes to urge the Commission to issue the 2.5 GHz band licenses that T-Mobile and others won in Auction 108, which concluded last year. It unquestionably serves the public interest to allow the auction winners to use this spectrum as soon as feasible to provide or enhance much-needed connectivity for consumers and anchor institutions like schools and libraries and the communities they serve. The impact of Commission action will be particularly strong in rural areas where mobile broadband connectivity, if it exists at all, has historically been limited.

Four former general counsels of the Commission have written to demonstrate that the Commission has authority to grant T-Mobile its licenses, despite the recent lapse in the Commission's authority to conduct auctions.¹ They have been joined by Public Knowledge, which provided additional legal justification for the Commission to act.²

Even if the Commission is unwilling to endorse those analyses, however, there seems to be little disagreement that the Commission may act to authorize T-Mobile to use 2.5 GHz spectrum on a temporary basis (through special temporary authority, or "STA") while Congress works to restore its authority to conduct new auctions.

Issuing these licenses (directly or through an STA) would make a difference. T-Mobile is deploying fixed wireless access – a critical way that Americans can access the internet, particularly through anchor institutions like community centers, schools, and libraries. These anchor institutions, and the internet access they can offer, are especially important in low-income and rural communities. T-Mobile has made substantial public interest commitments to expand its coverage and add capacity where it already has coverage, which can help close the homework

¹ See Letter from Samuel L. Feder, Partner, Jenner & Block LLP, et al., to P. Michele Ellison, General Counsel, FCC, at 1-4 (filed Mar. 23, 2023).

² See Letter from Harold Feld, Senior Vice President, Public Knowledge, to Joel Taubenblatt, Chief, Wireless Telecommunications Bureau, FCC, WT Docket No. 18-120, App. at 4-10 (filed May 8, 2023).

gap and address the digital divide, but only if it is authorized to use the spectrum. Indeed, a premise of the Commission's refusal to allow AT&T to acquire T-Mobile, and its decision to allow T-Mobile to acquire Sprint, was that competition policy favored having a strong competitor in the mobile marketplace. Hampering T-Mobile's ability to use its 2.5 GHz spectrum runs contrary to that objective.

SHLB previously advocated for alternative approaches to assigning remaining "white space" licenses in the 2.5 GHz band. But whatever debates there may have been about the use of this spectrum in the past, it has now been auctioned and should be utilized. Auction winners have paid over \$300 million for the licenses to use this spectrum, yet much of the spectrum sits idle. We see no public interest in that outcome; the public interest will only be served by allowing the auction winners to put the spectrum to productive use.

We appreciate all the actions this Commission has undertaken to help ensure that consumers, anchor institutions and the communities they serve have access to connectivity. Allowing the now-vacant spectrum to be used for that purpose would be consistent with the successes you have already achieved.

If you have any questions, please do not hesitate to contact me at jwindhausen@shlb.org.

Respectfully,

A handwritten signature in cursive script that reads "John Windhausen, Jr.".

John Windhausen, Jr.
Schools, Health & Libraries Broadband (SHLB) Coalition
1250 Connecticut Ave. NW Suite 700
Washington, DC 20036
jwindhausen@shlb.org
(202)-256-9616

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing letter filed on ULS (File Nos. 0010475575 and 0010206629) was served upon the following persons via email on June 23, 2023.

Steve Sharkey
Vice President, Government Affairs
Technology and Engineering Policy
T-Mobile USA, Inc.
Steve.Sharkey@T-Mobile.com

Bob Koppel
Koppel Telecom Law PLLC
Regulatory Counsel to Bloosurf, LLC
KoppelB@KoppelTelecomLaw.com

Jeffrey Blum
Executive Vice President, External & Legislative Affairs
DISH
Jeffrey.Blum@dish.com

Jessica B. Lyons
Assistant Vice President – Senior Legal Counsel
AT&T Services, Inc.
jessica.lyons@att.com

Harold Feld
Senior Vice President
Public Knowledge
hfeld@publicknowledge.org

Melissa Newman
Vice President of Government Affairs
Telecommunications Industry Association
mnewman@tiaonline.org

OJ Semans, Sr.
Executive Director of Legislative Affairs
Coalition of Large Tribes (COLT)
executivela@largetribes.org

Gerard James Hayes, Ph.D.
President & CEO
Wireless Research Center of North Carolina
gerard.hayes@wrc-nc.org

Tim Donovan
President and CEO
Competitive Carriers Association
tdonovan@ccamobile.org

/s/ John Windhausen, Jr.

John Windhausen, Jr.
Schools, Health & Libraries Broadband
(SHLB) Coalition