



December 18, 2020

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
45 L Street, NE
Washington, DC 20554

Re: *Application for Consent to Transfer Control Of International Section 214 Authorization*, File No. ITC-T/C-20200930-00173

Dear Ms. Dortch:

T-Mobile USA, Inc. (“T-Mobile”) submits this letter in response to the International Bureau’s (“Bureau”) Public Notice regarding the Verizon-TracFone application (“Application”)¹ in the above-captioned matter.² Although T-Mobile takes no position on the merits of the proposed transaction, the Application raises a number of issues that the Commission should evaluate carefully.³

T-Mobile has outlined these issues in its prior filings in this proceeding.⁴ Other parties agree that the proposed transaction raises issues that warrant careful scrutiny. Public Knowledge, the Benton Institute for Broadband & Society, the Open Technology Institute, and the Communications Workers of America have all expressed concerns about Verizon’s commitment to continuing Lifeline service for current TracFone customers and Verizon’s qualifications to do

¹ Application for Consent to Transfer Control of International Section 214 Authorization, File No. ITC-T/C-20200930-00173 (Sept. 30, 2020) (“Application”).

² *Non Streamlined International Applications/Petitions Accepted for Filing*, Public Notice, Report No. TEL-02056NS (IB Nov. 20, 2020).

³ See Letter from Kathleen O’Brien Ham, Senior Vice President, Government Affairs, T-Mobile, to Marlene H. Dortch, Secretary, FCC, File No. ITC-T/C-20200930-00173 (Oct. 13, 2020) (“T-Mobile Opposition to Streamlined Treatment”); Letter from Kathleen O’Brien Ham, Senior Vice President, Government Affairs, T-Mobile, to Marlene H. Dortch, Secretary, FCC, File No. ITC-T/C-20200930-00173, at 2-3 (Oct. 29, 2020) (“T-Mobile Reply”).

⁴ See T-Mobile Opposition to Streamlined Treatment at 2-4; T-Mobile Reply at 2-3.



so.⁵ These parties have also raised substantial concerns about the competitive effects of the proposed transaction.⁶

Under the public interest standard applicable to review of this transaction,⁷ the Commission must consider both the competitive impact of the transaction⁸ and, more broadly, the potential benefits and harms of the transaction. The Commission's review "is informed by, but not limited to traditional antitrust principles."⁹ The public interest review includes potential harms to consumers, including the impact of a transaction on low-income and Lifeline consumers.¹⁰

Now that the Commission has properly recognized that the application is not appropriate for streamlined treatment, it should carefully consider these important issues in light of the comments it receives and any response by Applicants.

Sincerely,

/s/ Michele K. Thomas

Michele K. Thomas
Vice President, Regulatory

⁵ See Opposition to Petition for Streamlining and Motion to Dismiss Application as Incomplete of Public Knowledge, Open Technology Institute, and the Benton Institute for Broadband and Society at 5-9, File No. ITC-T/C-20200930-00173 (Oct. 16, 2020) ("Public Knowledge Opposition"); Opposition to Petition for Streamlining and Motion to Dismiss Application as Incomplete of Communications Workers of America at 5-9, File No. ITC-T/C-20200930-00173 (Nov. 16, 2020) ("CWA Opposition").

⁶ See Public Knowledge Opposition at 9-13; CWA Opposition at 9-22.

⁷ 47 U.S.C. § 214(a); see also *In re Applications of T-Mobile US, Inc., and Sprint Corporation For Consent To Transfer Control of Licenses and Authorizations, Applications of American H Block Wireless L.L.C., DBSD Corporation, Gamma Acquisition L.L.C., and Manifest Wireless L.L.C. for Extension of Time*, Memorandum Opinion and Order, Declaratory Ruling, and Order of Proposed Modification, 34 FCC Rcd 10578, 10595 ¶ 39 (2019) ("T-Mobile/Sprint Merger Order").

⁸ Even where, as here, the Department of Justice ("DOJ") has decided not to proceed further with its antitrust investigation, the Commission has proceeded to conduct a public interest analysis of proposed transactions, including an evaluation of competitive concerns. See *In re Applications for Consent to the Transfer of Control of Licenses from Comcast Corporation and AT&T Corp., Transferors, to AT&T Comcast Corporation, Transferee*, Memorandum Opinion and Order, 17 FCC Rcd 23246, 23254 ¶ 25 (2002); *In re Constellation, LLC, Carlyle Panamsat I, LLC, Carlyle Panamsat II, LLC, Pep Pas, LLC, & Peop Pas, LLC, Transferors & Intelsat Holdings, Ltd., Transferee, Consolidated Application for Authority to Transfer Control of Panamsat Licensee Corp. & Panamsat H-2 Licensee Corp.*, Memorandum Opinion and Order, 21 FCC Rcd 7368, 7379 ¶ 19 & n.65 (2006).

⁹ See *T-Mobile/Sprint Merger Order*, 34 FCC Rcd at 10595 ¶ 40.

¹⁰ *Id.* at 10595-96, 10728, 10729-31 ¶¶ 39-42, 338-339, 341-344.

CERTIFICATE OF SERVICE

I hereby certify that on December 18, 2020, I caused a copy of the foregoing pleading to be served via First Class mail upon:

Alejandro Cantú Jiménez
General Counsel
América Móvil, S.A.B. de C.V.
Lago Zurich 245
Plaza Carso/Edificio Telcel, Piso 16
Colonia Ampliación Granada, Miguel
Hidalgo
México, D.F. 11529
+ 52.55.2581.3700 (tel.)
acantu@americamovil.com

Richard B. Salzman
Executive Vice President
and General Counsel
TracFone Wireless, Inc.
9700 NW 112th Ave.
Miami, FL 33178-1353
305-715-6500 (tel.)
RSalzman@tracfone.com

Daniel K. Alvarez
Mia Guizzetti Hayes
Brenna A. Sparks
Willkie Farr & Gallagher LLP
1875 K Street, NW
Washington, DC 20006
202-303-1000 (tel.)
202-303-2000 (fax)
dalvarez@willkie.com
mhayes@willkie.com
bsparks@willkie.com

*Attorneys for América Móvil, S.A.B. de
C.V. (Transferor) and TracFone
Wireless, Inc. (Licensee)*

William H. Johnson
Verizon Communications Inc.
1300 I Street, NW
Suite 500 E
Washington, DC 20005
202-515-2492 (tel.)
will.h.johnson@verizon.com

Bryan N. Tramont
Adam D. Krinsky
Craig E. Gilmore
Jennifer L. Kostyu
Wilkinson Barker Knauer, LLP
1800 M Street, NW
Suite 800N
Washington, DC 20036
202-783-4141 (tel.)
202-783-5851 (fax)
akrinsky@wbklaw.com
cgilmore@wbklaw.com
jkostyu@wbklaw.com

*Attorneys for Verizon Communications Inc.
(Transferee)*

Harold Feld,
Senior Vice President
Public Knowledge
1818 N Street, NW
Suite 410
Washington, DC 20036
hfeld@publicknowledge.org
(202) 861-0020 (tel.)

Andrew Jay Schwartzman
Senior Counselor
Benton Institute for Broadband & Society
1341 G Street, NW
Fifth Floor
Washington, DC 20005
(202) 241-2408 (tel.)

Michael Calabrese
Director, Wireless Future Project
Open Technology Institute at New America
740 15th Street, NW
Suite 900
Washington, DC 20005
(202) 986-2700 (tel.)

Maurice E. Stucke
Konkurrenz
5335 Wisconsin Ave., NW
Suite 400
Washington, DC 20015
(202) 644-9760
MauriceStucke@konkurrenzgroup.com

*Counsel for Communications Workers of
America*

/s/ Jonathan A. Langlinais
Jonathan A. Langlinais