ITIF | INFORMATION TECHNOLOGY & INNOVATION FOUNDATION

January 8, 2025

Marlene Dortch
Federal Communications Commission
45 L Street NE
Washington, D.C. 20554

Re: Opposition to Petitions to Deny, In the matter of Applications of T-Mobile US, Inc. and United States Cellular Corporation For Consent To Transfer Control of Licenses and Authorizations, GN Docket No. 24-286

Dear Ms. Dortch,

The Commission should reject the petitions to deny the applications of T-Mobile US, Inc. (T-Mobile) and United States Cellular Corporation (UScellular) for consent to transfer control of licenses and authorizations because, contrary to the conclusory statements of those petitions, the deal would be in the public interest.

In reviewing the transfer of spectrum licenses, the Commission should be guided by the fact that the public interest is best served by maximizing the productivity of spectrum.[1] Here, the proposed deal would transfer spectrum from the hands of a struggling company, UScellular, to a major carrier with the economies of scale to provide more consumer benefits at a lower per-unit cost of production.[2]

The real-world impact of these facts will be realized across the mobile and home broadband markets. Most notably, the deal would enable expanded fixed wireless access (FWA) broadband services. FWA is a burgeoning competitor to traditional wireline broadband service, but it requires large amounts of spectrum to work effectively. T-Mobile's scale will enable it to provide higher quality service to more consumers than UScellular which faces proportionally higher overhead. This fact will likely result in an FWA service that is more attractive than it would be without the merger, which would enhance competition in the home broadband market.

In the mobile market, some of UScellular's spectrum assets have been sold to other major wireless carriers, so it only makes sense for the third major competitor to participate as well.[3] For UScellular's current customers,

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[1] Joe Kane, "Five Principles for Spectrum Policy: A Primer for Policymakers," (ITIF, September 2022), https://itif.org/publications/2022/09/06/five-principles-for-spectrum-policy-a-primer-for-policymakers/.
[2] *See,* Eric Fruits, Ben Sperry, & Kristian Stout, "The Competitive Effects of the Proposed T-Mobile/UScellular Transaction," (ICLE, December 2024) https://laweconcenter.org/wp-content/uploads/2024/12/T-Mobile-USCellular.pdf.
[3] UScellular, "UScellular announces sale of select spectrum assets for $1.0 billion," October 18, 2024, https://investors.uscellular.com/news/news-details/2024/UScellular-announces-sale-of-select-spectrum-assets-for-1.0-billion/default.aspx; UScellular, "UScellular announces sale of select spectrum assets to AT&T for $1.018 billion,"

T-Mobile brings a larger base of established infrastructure from which to offer services over its spectrum. Adding UScellular spectrum to its portfolio will result in UScellular customers having more access in more parts of the country than UScellular could have provided with its more limited infrastructure footprint. Current UScellular customers would also benefit from the perks enabled by a nationwide carrier's scale, such as free and more seamless international roaming.[4]

In sum, consumers would benefit directly from more capable spectrum use and commercial offerings, and the home and mobile broadband markets would benefit from a more capable competitor. Failure to consummate the deal would result in a failure to realize these benefits and a less competitive marketplace. The Commission should stay focused on its jurisdictional mandate to ensure productive spectrum use, not indulge in mission creep, for example doing the bidding of organized labor, at the expense of the public. Therefore, the Commission should advance the public interest by approving the applications and denying the petitions to deny.

Sincerely,

Joe Kane
Director of Broadband and Spectrum Policy
Information Technology and Innovation Foundation

November 7, 2024, https://investors.uscellular.com/news/news-details/2024/UScellular-announces-sale-of-select-spectrum-assets-to-ATT-for-1.018-billion/default.aspx.

[4] T-Mobile, "T-Mobile to Acquire UScellular Wireless Operations and Deliver Exceptional Value, a Superior 5G Experience and Unparalleled Benefits to Millions of Customers," May 28, 2024, https://www.t-mobile.com/news/business/uscellular-acquisition-operations-assets.