



May 19, 2023

BY ELECTRONIC FILING

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

Re: *ULS Application File Nos. 0010206629 and 0010475575*

Dear Ms. Dortch:

The Telecommunications Industry Association (“TIA”) submits this letter to urge the Federal Communications Commission (“Commission”) to confirm its authority to grant license applications stemming from the 2.5 GHz auction (known as Auction 108).

TIA understands that the Commission has paused its issuance of 2.5 GHz licenses, citing the lapse of its auction authority. We write to voice our support of and agreement with T-Mobile¹ and Public Knowledge² that, under Section 309(a) of the Communications Act, the Commission retains authority to issue spectrum licenses that have already been auctioned to a winning bidder, even when its auction authority under Section 309(j) has lapsed.³

The Commission should not cede its general authority to issue spectrum licenses under Section 309(a). The Communications Act should be read holistically. Once the Commission exercises its authority to elect between mutually exclusive applicants, it should issue/grant licenses pursuant to its ample authority under Section 309(a).⁴ The Commission has long relied on its authority under Section 309(a) when reviewing and granting long-form applications in previous spectrum auctions. Auction 108 should be no different.

Moreover, to the extent the Commission believes that there is ambiguity in the Communications Act with respect to what it means to “grant” spectrum licenses, the Commission has authority to resolve these differences. Granting 2.5 GHz spectrum licenses here would resolve any perceived discrepancy in the statute and provide stability and predictability to future auction applicants. It

¹ See, e.g., Letter from Kathleen Ham, Senior Vice President, Government Affairs, T-Mobile, to Marlene H. Dortch, Secretary, FCC, ULS Application File Nos. 0010206629 and 0010475575 (Apr. 28, 2023) (“T-Mobile April 28 Letter”).

² Letter from Harold Feld, Public Knowledge, to Joel Taubenblatt, WTB, ULS Application File Nos. 0010206629 and 0010475575 (May 9, 2023).

³ 47 U.S.C. § 309(a), (j).

⁴ See, e.g., T-Mobile April 28 Letter at 2.



Telecommunications Industry Association

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will also ensure that the 2.5 GHz licenses won in Auction 108 can be swiftly put to use to build out networks that support broadband deployment throughout the United States.

The public interest supports clarification that following an auction, licenses will be timely granted and not be held in limbo between the conclusion of an auction and the grant of the license.

Please do not hesitate to contact me with any questions.

Sincerely,

Melissa Newman

Melissa Newman
Vice President, Government Affairs