

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of	)	
	)	
T-Mobile USA, Inc. and Grain Management,	)	WT Docket No. 25-178
LLC: Assignment Applications and Waiver	)	File No. 0011483054 (Lead)
Requests	)	

To: Chief, Wireless Telecommunications Bureau

**COMMENTS  
OF THE  
ENTERPRISE WIRELESS ALLIANCE**

The Enterprise Wireless Alliance (“EWA”), provides the following Comments in support of the assignment applications (“Applications”) and associated waiver requests (“Waivers”) filed by T-Mobile USA, Inc (“T-Mobile”) and Grain Management, LLC (“Grain”) (T-Mobile and Grain, collectively, “Applicants”).<sup>1</sup> EWA supports any and all actions that have the potential to create spectrum options for enterprise entities seeking to deploy private networks, particularly those involving advanced technologies.

The Description of Transaction, Public Interest Statement, and Request for Waiver (“PI Statement”) accompanying the Applications commits Grain to providing an “opportunity to repurpose low-band radio spectrum to address critical utility, rural and regional wireless operator, and other enterprise needs.”<sup>2</sup> The PI Statement explains that the 800 MHz spectrum of which Grain proposes to take assignment has been “decreasingly relied on” for technological and

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<sup>1</sup> *Wireless Telecommunications Bureau Accepts for Filing T-Mobile USA, Inc.’s and Grain Management, LLC’s Assignment Applications and Seeks Comment on Waiver Requests*, WT 25-178, Public Notice, DA 25-429 (rel. May 20, 2025) (“Public Notice”). EWA’s Comments address only the proposed assignment to Grain of T-Mobile’s 800 MHz licenses, not the assignment to T-Mobile of 600 MHz licenses held by a Grain subsidiary.

<sup>2</sup> PI Statement at 1.

commercial reasons.<sup>3</sup> EWA, like the Federal Communications Commission (“FCC”), is committed to seeing all spectrum put to productive use. As the organization representing enterprise wireless users and the manufacturers, resellers, and communications sales and service providers that serve the private wireless industry, EWA welcomes the prospect of additional spectrum being made available for that community, even in the secondary marketplace, since no new allocations have been made available for these users in decades.

The Public Notice explains the Applicants request Waivers of FCC Rules 1.949, 1.953, 90.7, 90.603, and 90.617. This includes a waiver allowing applicants such as private enterprise entities that do not meet the Specialized Mobile Radio Service (“SMR”) definition<sup>4</sup> to hold licenses for spectrum designated for SMR use. EWA fully supports that waiver as consistent with a more flexible view of eligibility rather than the historical siloed approach.<sup>5</sup>

The other Waivers sought are inter-related. FCC rules governing wireless systems have long included provisions specifying both the time within which a licensed station must be placed in operation (build-out)<sup>6</sup> and, thereafter, the amount of time the station may be taken out of operation before discontinuance is deemed permanent and the station license terminated automatically (discontinuance).<sup>7</sup> While EWA also supports grant of those Waivers, there are aspects of the requests that would benefit from clarification.

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<sup>3</sup> *Id.* at 2.

<sup>4</sup> Rule 90.603.

<sup>5</sup> *Petition for Rulemaking of the Enterprise Wireless Alliance, Amendment of Certain Part 90 Subpart S 800 MHz Rules (809-816/854-861 MHz) to Promote More Efficient Use of Spectrum Within That Band*, RM-11978 (filed Oct. 26, 2022, refiled Feb. 27, 2024) (“Petition”). The Petition was placed on Public Notice on Apr. 4, 2024.

<sup>6</sup> Rule 1.946.

<sup>7</sup> Rule 1.953. The PI Statement says the Applicants are seeking relief from “certain build-out and discontinuance rules that were adopted in a different era based on policy considerations that are not applicable to this transaction.” PI Statement at 3. In fact, the rules the Applicants wish waived were updated and became effective less than five years ago on Oct. 28, 2020, after a protracted rulemaking proceeding in which the interests of all wireless licensees were considered, and which have been applied throughout the wireless services since made effective. *See Second Report and Order and Further Notice of Proposed Rulemaking*, WT Docket No. 10-112, 82 FR 41530 (2017). It also is not clear why the PI Statement describes the modified rules as “premised on the spectrum at issue being primarily acquired

## **I. Discontinuance of Operation/License Renewal.**

The Applicants request that T-Mobile be permitted to discontinue operation of its 800 MHz facilities without cancellation of the licenses in anticipation of deployment of new systems by Grain's prospective assignees. They further request that Grain (or an assignee) be permitted to renew the licenses without the required certification that they continue to provide a level of service equal or superior to the service certified at the license's initial build-out showing.

EWA agrees there is no public benefit in requiring T-Mobile to maintain facilities indefinitely on spectrum it was required to sell to Echostar Network Corporation as a condition of T-Mobile's merger with Sprint Corporation or to sell at auction if Echostar elected not to purchase it.<sup>8</sup> This spectrum had been fully deployed for decades. There is no question about speculation or failure to use the spectrum to serve a public interest. Under these circumstances, it was reasonable for T-Mobile to take its 800 MHz holdings out of its deployment plans. Since Echostar chose not to acquire the spectrum, T-Mobile has now agreed to assign it to Grain.

Assuming the FCC consents to that assignment, Grain should be permitted to discontinue whatever operations T-Mobile had maintained while Grain attempts to market its 800 MHz spectrum to other entities. Band transitions, such as proposed by the Applicants, typically involve the replacement of existing operations that cannot co-exist with facilities to be deployed by new entrants. At some point, the old must give way to the new. For the same reason, Grain or its assignee should be permitted to renew the licenses without satisfying the renewal condition as to continued operation at or superior to the original build-out level.

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by large commercial mobile operators...The rules do not contemplate a private, state public utility commission-regulated spectrum repurposing that results in utilities and small wireless operators gaining access to greenfield spectrum." *Id.* at 20.

<sup>8</sup> *Applications of T-Mobile US, Inc. and Sprint Corporation for Consent to Transfer Control of License and Authorizations, Memorandum Opinion and Order, Declaratory Ruling, and Order of Proposed Modification*, 34 FCC Rcd 10578 (2019).

What does require clarification is the length of time the discontinuance/renewal waiver would apply. The PI Statement describes both it and the build-out waiver discussed below as “limited.”<sup>9</sup> Presumably that means limited in time, but the only time limitation discussed is the recommended build-out period for Grain assignees, also discussed below, which is a minimum of ten years from consummation of the transaction after FCC consent.<sup>10</sup> EWA assumes Grain intends to market the spectrum aggressively to the markets it has identified - business enterprise, utilities, and rural/regional carriers - but the degree of its success necessarily is unknown. EWA questions whether it is good spectrum management to continue allowing operations to be discontinued and renewal of non-operational licenses for ten years after consummation if Grain has not sought consent to assign the spectrum to a qualified entity at some point prior to that deadline. Given the build-out period the Applicants have requested, EWA suggests this waiver relief should terminate well in advance of the ten-year build-out deadline if no assignment application has been filed. The FCC also needs to clarify the disposition of unassigned licenses as well as assigned licenses that fail to meet their build-out requirements, a matter EWA discusses below.

## **II. Build-out Requirement.**

The Applicants propose build-out terms of six and twelve years for Grain assignees starting on the date of consummation of assignment of the licenses to Grain, not the date on which the licenses are assigned from Grain to the third party.<sup>11</sup> They note these terms as well as the associated coverage criteria are applicable to a number of broadband services.<sup>12</sup>

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<sup>9</sup> PI Statement at 4.

<sup>10</sup> The proposed build-out deadlines are at six and twelve years, but failure to meet the six-year requirement would accelerate the final build date from twelve to ten years.

<sup>11</sup> PI Statement at 19. Parties are required to consummate assignments within 180 days of public notice of consent to the assignment although extensions of that period are permitted. Rule 1.948(d). EWA would not want to see deployment obligations extended even further by approved extensions of the consummation period for these licenses.

<sup>12</sup> PI Statement at 19.

The PI Statement appears to assume the 800 MHz spectrum will be assigned for broadband operation exclusively. That may be Grain's intention and its right upon grant of the Applications, but the FCC rules do not require that this spectrum be deployed with broadband technology. It is designated for use in 800 MHz Cellular Systems, which are defined as follows:

*800 MHz Cellular System.* In the 806-824 MHz/851-869 MHz band, a system that uses multiple, interconnected, multi-channel transmit/receive cells capable of frequency reuse and automatic handoff between cell sites to serve a larger number of subscribers than is possible using non-cellular technology.<sup>13</sup>

EWA represents business enterprise entities and private carrier operators that would be interested in 800 MHz spectrum for other than broadband use, so it would be helpful to know if this spectrum offers an opportunity. For the FCC's purposes, the proposed build-out deadlines would not be reasonable for other than broadband systems, and EWA questions whether they are needed for all broadband operations.

The PI Statement's rationale for these deadlines is that Grain's assignees will need to engage in "greenfield" builds, so extended construction periods are required. EWA would note that enterprise entities routinely take assignment of licenses that necessitate deploying an entirely new system or new facilities expanding an existing system and are required to meet the construction and renewal deadlines associated with the assigned license. Should the FCC grant these Waivers on the basis that the assignees will have "greenfield" builds, it should anticipate receiving requests for waiver relief from similarly situated applicants.

Moreover, not all broadband deployments involve comparable scope and complexity. A lengthy construction period may be appropriate for a multi-state utility network. It would not be needed to install a broadband system in a casino or large manufacturing facility.

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<sup>13</sup> Rule 90.7. As noted above, the Applicants have requested waiver of the eligibility rules related to this spectrum.

The PI statement itself is confusing on this issue. It states:

The Applicants believe that a 12-year timeframe is appropriate given the unique greenfield build-out challenges mentioned above and the significant steps utilities and other critical infrastructure entities will need to take to deploy the spectrum. Utilities must update their equipment ecosystem to incorporate Band 26.<sup>14</sup>

Yet it also states:

The 800 MHz Licenses can be easily deployed and integrated into operators' existing spectrum portfolios and networks, as it is a 3GPP-compliant band with a robust equipment ecosystem in place. This will improve speed to market and cost efficiency compared to a band never previously deployed.<sup>15</sup>

The FCC has long recognized that some applicants have more challenging internal processes to navigate before securing approval and funding for a proposed wireless network and that some systems take longer to deploy. The rules governing Extended Implementation Periods for 800 MHz site-based applicants are a useful template for assessing appropriate construction deadlines in such instances.<sup>16</sup> For the reasons cited in the PI Statement, utilities and business enterprises are among the entities that have qualified for extended implementation authority, primarily for very large trunked systems. The five-year construction period permitted under those rules, rather than the normal one-year period, has generally been sufficient even with the utility-related issues identified in the PI Statement.

EWA believes all licensees should have an appropriate window to build their systems, particularly as systems become more technically advanced and complex. It also recognizes that the FCC rules cannot establish build-out requirements on a case-by-case basis and the current rules do not do that. However, because the Applicants are requesting Waivers, EWA suggests that the FCC assure itself that the maximum construction periods permitted for broadband wireless systems is appropriate in all instances, irrespective of the type of assignee, the scope of the project, and whether the system will deploy broadband technology.

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<sup>14</sup> PI Statement at 23.

<sup>15</sup> *Id.* at 11.

<sup>16</sup> *See* Rule 90.629.

### **III. Disposition of Unassigned or Subsequently Reclaimed Spectrum.**

Grain may be successful in selling all 800 MHz spectrum it proposes to acquire from T-Mobile and all its assignees may satisfy their build-out requirements, whatever they may be. More likely, however, it will not find a purchaser for some licenses, and it is possible some assignees will fail to meet their construction deadlines. In resolving the Waivers question, the FCC also should clarify what will happen to that spectrum in those circumstances.

If no purchaser is found so the license remains in Grain's name, will it be granted further relief for time to place the spectrum back in operation? If so, how much time and what build-out requirements will apply? If Grain chooses not to build, or if the assignee does not meet a build-out requirement, the licenses presumably will revert to the FCC. In that case, EWA urges the FCC not to hold them in inventory for a future auction but instead make the spectrum available through the auction-alternative process EWA has proposed.<sup>17</sup> By that time, this spectrum will already have been unused for years, perhaps a decade or more. Waiting for an auction will involve further delay, which is contrary to the FCC's spectrum utilization goals.

### **IV. Conclusion.**

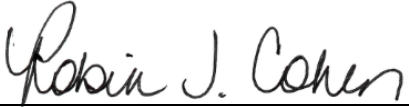
EWA supports the Applicants' request for Waivers of the discontinuance, renewal, and build-out requirements, but seeks clarification of the issues above to ensure that the relief granted is reasonable, necessary, and consistent with prudent spectrum management objectives.

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<sup>17</sup> See *Auction Alternatives for Accessing Unassigned Auction Inventory Spectrum*, WT Docket No. 24-72, EWA Comments (filed Apr. 8, 2024).

Respectfully submitted,

**ENTERPRISE WIRELESS ALLIANCE**

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June 20, 2025