

April 9, 2019

Mr. Donald Stockdale
Chief, Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

**RE: DBSD Corporation, Lead Call Sign T070272001; Gamma Acquisition L.L.C.,
Lead Call Sign T060430001; Manifest Wireless L.L.C., Lead Call Sign WQJY944; and
American H Block Wireless L.L.C., Lead Call Sign WQTX200**

Dear Mr. Stockdale,

We support your inquiry into DISH Network Corporation's progress in deploying its wireless network to meet buildout requirements for several spectrum licenses. DISH has already failed to meet construction deadlines, and its plan to build out 5G for narrowband IoT spectrum is insufficient to meet Federal Communications Commission ("FCC") requirements.

This is not the first time DISH has tried to take taxpayers for a ride. **An FCC investigation into two companies, who claimed discounts through the Designated Entity Program to the tune of \$3.3 billion during the AWS-3 auction, found that DISH actually had *de facto* control of SNR Wireless and NorthStar Wireless.** DISH, being a Fortune 250 corporation with annual revenues of \$14 billion and a market capitalization of over \$32 billion, is not eligible for the Designated Entity Program, nor are any companies where it has *de facto* control.

The FCC's investigation revealed that DISH had an 85% economic stake in the two companies. Leading up to the auction the companies had a combined revenue of \$0, and yet were indebted to DISH approximately \$10 billion following the AWS-3 auction. The Commission also discovered that DISH entered into various agreements with the two companies that gave them significant leverage in policy, financial, business, employment, technology, and marketing decisions. Americans for Tax Reform, along with other free-market advocates, submitted comments to the FCC opposing DISH's actions.

The \$3.3 billion auction discount belongs to this nation's taxpayers, and **by hoarding spectrum DISH is yet again doing a disservice to these taxpayers.** In bidding for spectrum intended for 5G wireless networks, DISH made a commitment to build out networks that would bring 5G to Americans faster though more market competition.

When Congress granted the FCC authority to auction off blocks of spectrum in 1993, it had two primary goals. First, Congress sought to bolster the "development and rapid deployment of new technologies, products, and services for the benefit of the public, including those residing in rural areas, without administrative or judicial delays." Second, recognizing that demand for this finite resource was growing exponentially, Congress

authorized the FCC to sell access to spectrum so that it could “recover for the public...a portion of the value of the public spectrum resource.”

We believe that when a company holds an asset the government should no longer be involved, but when DISH purchased this spectrum, it agreed to a contract with American taxpayers. DISH is not living up to its side of the bargain. Its stated intention to build a 5G network not encumbered by legacy technologies is bold and admirable, but the company’s actions tell a different story. **On top of its history with the Designated Entity program, DISH has already missed construction deadlines and plans to use only a small percentage of its spectrum for IoT/machine-to-machine communication. A thorough inquiry into DISH’s behavior is now warranted.**

Regards,

Grover Norquist
President
Americans for Tax Reform

Katie McAuliffe
Executive Director
Digital Liberty