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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Joint Application of Sprint Communications Company L.P. (U5112) and T-Mobile USA, Inc., a Delaware Corporation, For Approval of Transfer of Control of Sprint Communications Company L.P. Pursuant to California Public Utilities Code Section 854(a).

Application 18-07-011

In the Matter of the Joint Application of Sprint Spectrum L.P. (U3062C), and Virgin Mobile USA L.P. (U4327C) and T-Mobile USA, Inc., a Delaware Corporation, for Review of Wireless Transfer Notification per Commission Decision 95-10-032.

Application 18-07-012

**ADMINISTRATIVE LAW JUDGE'S ORDER
GRANTING MOTION TO COMPEL RESPONSES TO DATA REQUESTS**

On November 5, 2019, the Public Advocates Office filed a motion to compel responses to data requests against DISH Network Corporation (DISH). Parties have met and conferred and have been unable to resolve their differences.

Public Utilities Code Section 309.5(e) provides broad authority for the Public Advocates Office to obtain "any information it deems necessary to perform its duties." DISH states that the scope of this proceeding is restricted to the original application, which proposes a merger between Sprint Corporation (Sprint) and T-Mobile. DISH further states that the newly proposed transaction, which was entered into the record in this proceeding on August 27, 2019, has no

bearing on the original transaction and therefore any questions regarding the newly proposed transactions are outside the scope of this proceeding. However, on October 24, 2019, the assigned Commissioner issued an Amended Scoping Ruling that requested that the parties address changes to their previously submitted testimony necessitated by the newly proposed transaction between Sprint, T-Mobile, and DISH, submitted to the United States Department of Justice (DOJ) and the Federal Communications Commission (FCC) (and now part of the record of this proceeding). The Public Advocates Office states that its data requests DR-001 and DR-002 seek information relating to the effect of the new transaction on customer privacy in California, as well as information relating to divestiture of assets to DISH and the resulting effect on the original transaction.

I have reviewed the Public Advocates Office's data requests and find that they are within the scope of the Amended Scoping Ruling, because they seek information regarding the effect of the new DOJ and FCC commitments on the original application, which falls squarely within the amended scope of this proceeding. In addition, DISH's other objections regarding vagueness and overbreadth are not well founded. The data requests are within the scope of this proceeding and are not so vague and ambiguous that they cannot be answered. Therefore, those objections are denied.

IT IS RULED that DISH Network Corporation (DISH) must immediately provide substantive responses to the Public Advocates Office's DR-001 and DR-002. The objections or limitations on DISH's answers stated in its response to

the data requests are hereby overruled. DISH is hereby ordered to respond immediately.

Dated February 4, 2020, at San Francisco, California.

/s/ KARL J. BEMESDERFER

Karl J. Bemesderfer
Administrative Law Judge