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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

And Related Matter.

Application 18-07-012

**ADMINISTRATIVE LAW JUDGE'S RULING CONFIRMING
EVIDENTIARY HEARINGS AND ESTABLISHING THEIR SCOPE**

1. Background

On October 24, 2019, Commissioner Rechtschaffen amended the scope of this proceeding to consider to what extent new agreements between Sprint, T-Mobile and Dish Networks (DISH), impact the proposed Sprint /T-Mobile transaction that is before the Commission. The amended scoping memo included specific questions to the applicants and required testimony to develop the record on this issue. Two days of hearings were scheduled to address issues of disputed fact, should any arise. Testimony was served on November 7, 2019, followed by reply testimony on November 22, 2019.

The Public Advocates Office's (Cal Advocates') Reply Testimony set out a list of proposed amendments to the Assigned Commissioner's Amended Scoping Memo that included multiple instances of alleged material factual disputes that

require evidentiary hearings (EHs) to resolve. On November 25, 2019, Suzanne Toller, counsel for joint applicants, sent an e-mail (Toller -Email) to the assigned Commissioner and to me, with a copy to the service list, disputing the need for further hearings and arguing that the issues raised by Cal Advocates were either outside the scope of the Amended Scoping Memo or were not disputed material factual issues. Also on November 25, 2019, I determined, after reviewing the Testimony and Reply Testimony that the EHs previously set for December 5 and 6, 2019, should go forward as scheduled and that I would issue a ruling setting forth the matters to be addressed in those hearings.

2. Discussion

Before turning to specific issues, I note that the Commission has broad authority to hold hearings on matters within its jurisdiction, even if those matters do not involve disputed material factual issues. I further note that the Amended Scoping Memo is clear that consideration of the proposed merger's impacts on California consumers is explicitly within the scope of this proceeding:

The scope of this proceeding includes all issues that are relevant to evaluating the proposed merger's impacts on California consumers and determining whether any conditions should be placed upon the merged entity.

In short, the scope of this proceeding includes consideration of the likely effects of the proposed merger on matters of urgent public concern. That said, many of the alleged material factual disputes that Cal Advocates asserts require evidentiary hearings have been sufficiently addressed in the testimony of witnesses for the applicants and do not require further hearings.

What then do we need to hear testimony about? The significant change in the terms of the proposed merger that has occurred over the past months is the addition of DISH as a proposed fourth facilities-based wireless carrier, replacing

