

PUBLIC

A.18-07-011 AND A.18-07-012

THE PUBLIC ADVOCATES OFFICE REPLY TESTIMONY EXHIBIT INDEX ON NETWORK IMPACTS

Exhibit #	Document Name	Public Information	Contains Confidential Information
C-1	California Maps of Joint Applicants Cell Sites		X
C-2	DISH Response to Cal Advocates Data Request 001		X
C-3	DISH Response to Cal Advocates Data Request 003	X	
C-4	Redline Versions of Previously Submitted Testimony of Mr. Cameron Reed		X

Docket: A.18-07-011 and A.18-07-012

Witness: Cameron Reed

Date: November 22, 2019

Public Advocates Office

Exhibit C-1

“California Maps of Joint Applicants Cell Sites”

Contains CONFIDENTIAL Information

Docket: A.18-07-011 and A.18-07-012

Witness: Cameron Reed

Date: November 22, 2019

Public Advocates Office

Exhibit C-2

“DISH Response to Cal Advocates Data Request 001”

Contains CONFIDENTIAL Information

Attachments Available on Request

Docket: A.18-07-011 and A.18-07-012

Witness: Cameron Reed

Date: November 22, 2019

Public Advocates Office

Exhibit C-3

“DISH Response to Cal Advocates Data Request 003”

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

In the Matter of the Joint Application of Sprint Communications Company L.P. (U-5112) 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

**DISH NETWORK CORPORATION'S RESPONSES AND OBJECTIONS TO
THE CALIFORNIA PUBLIC ADVOCATES OFFICE'S
DATA REQUEST NO. 003**

Jeffrey H. Blum, Senior Vice President,
Public Policy & Government Affairs
Hadass Kogan
Director & Senior Counsel, Regulatory
Affairs
DISH NETWORK CORPORATION
1110 Vermont Avenue, NW, Suite 750
Washington, D.C. 20005
Phone: (202) 463-3703
Email: Jeffrey.Blum@dish.com

Anita Taff-Rice
iCommLaw
1547 Palos Verdes, #298
Walnut Creek, CA 94597
Phone: (415) 699-7885
Facsimile: (925) 274-0988
Email: anita@icommlaw.com
Counsel for DISH Network Corporation

Dated: November 8, 2019

Pursuant to Rules 1.1 and 10.1 of the California Public Utilities Commission Rules of Practice and Procedure, DISH Network Corporation (“DISH”) hereby provides responses and objections (the “Response” or “Responses”) to the Public Advocates Office’s (“Cal PA”) Data Request No. 003, dated October 29, 2019 (the “Request” or “Requests”), as follows.

GENERAL OBJECTIONS

These General Objections are hereby designated as a part of, and incorporated by reference into, any response or information, written or oral, provided by DISH to the Requests.

1. In providing its Responses to the Requests, DISH does not waive any applicable objections or privileges. Review of the Requests is ongoing, and DISH reserves the right to assert such further objections and privileges as it may subsequently determine are applicable to the Requests.
2. DISH objects to the Requests to the extent that they seek the disclosure of information protected by attorney-client privilege, the attorney work product doctrine, the common interest or joint defense privilege, or any other applicable privilege or immunity. Nothing in DISH’s Response is intended as, or shall in any way be deemed to be, a waiver of any applicable privilege, protection, or immunity.
3. In responding to the Requests, DISH does not concede the relevancy, materiality, or admissibility of any information or documents sought by the Requests or of any Response thereto made by DISH.
4. DISH objects to the Requests to the extent they seek information and/or any documents that relate to issues that exceed the scope of the Commission’s jurisdiction to review the Wireless Application, the scope of its jurisdiction over wireless services, or the scope of the proceeding as set forth in the Scoping Rulings issued in this proceeding. DISH

hereby reiterates objections that the Requests relate to issues outside the scope of the proceeding that were asserted during meet and confers with Cal PA on October 30 and October 31, 2019.

5. DISH objects to the Requests to the extent that they are overbroad, unduly burdensome, vague, or ambiguous, and fail to describe the documents and information sought with reasonable particularity.
6. DISH objects to the Requests to the extent they seek information that is not in DISH's custody or control, or information that would require DISH to perform a special study, create documents or compile information in a manner different than it is kept in the ordinary course of business.

DISH's General Objections set forth above, and Responses and Specific Objections set forth below, are based upon information presently known to it. DISH reserves the right to rely on any facts, documents, or other evidence which may develop or subsequently come to its attention, to assert additional objections or supplemental responses should DISH discover that there is information or grounds for objections, and to supplement or amend these responses at any time. DISH also reserves the right to object to the disclosure of any further documents and/or information in response to the Requests. DISH incorporates by reference its General Objections into each of its Responses to each Request below.

DATA REQUEST 3.1:

- 3.1 Please specify which of the following voice and data transmission protocols (GSM, CDMA, LTE, UMTS, HSPA, others) DISH intends to support with respect to services to be provided:
 - a. To prepaid customers for each Prepaid Asset: Boost Mobile, Sprint-branded prepaid, and Virgin Mobile;
 - b. To customers of the facilities-based nationwide 5G network that DISH has committed to construct under the terms of the Proposed Final Judgment filed on July 26, 2019.

OBJECTIONS:

DISH objects to this Request to the extent that the description requested is overbroad and unduly burdensome, seeks information that is outside the scope of this proceeding, and therefore is not relevant. DISH further objects to this Request on the grounds that it seeks information that DISH lacks.

RESPONSE TO REQUEST 3.1:

Without waiver of the foregoing Objections, DISH incorporates by reference the answer to Q6 of the testimony of Jeff Blum of DISH, submitted on November 7, 2019. DISH also incorporates by reference its Responses to Requests 1.1, 1.3, 1.4, 1.6, 1.7, 1.8, 1.9, 1.16, and 1.17 of DR-001 and Requests 2.10, 2.11, 2.12, 2.15, 2.17, and 2.18 of DR-002. As DISH has explained, it continues to analyze and finalize its business and deployment plans. In addition, technical and operational issues will be informed by, among other things, responses DISH receives to its recently issued Request for Information/Proposals (RFI/P), which DISH produced in response to DR-001.

In addition, DISH notes that pursuant to the Department of Justice's [Proposed] Final Judgement and related contractual agreements with Sprint and T-Mobile, New T-Mobile will provide DISH with certain services to operate the divested assets, which may include the topics covered by this request, for a period of time upon closing. These provisions are summarized below.

Transition Services Agreement. TMUS and DISH will enter into a TSA upon the closing of the Prepaid Business Sale, pursuant to which TMUS will provide certain transition services to DISH for the Prepaid Business for a period of two years from the closing of the Prepaid Business Sale. Additionally, under the PFJ, DISH may apply to the DOJ for one or more extensions of the

term of the TSA, which the DOJ can approve or deny in its sole discretion, and the TSA contemplates the option to renew the TSA for a third or additional years. The transition services will be provided at cost, which shall not exceed a specific amount in the first year, plus certain pass-through costs and out-of-pocket expenses, during the first two years. If any transition services are renewed for a third year, the transition services will be provided at cost plus a certain mark-up, plus certain additional costs.

Master Network Services Agreement. TMUS and DISH will enter into an MNSA upon the closing of the Prepaid Business Sale, pursuant to which we will also receive network services from NTM for a period of seven years. As set forth in the MNSA, NTM will provide to us, among other things, (i) legacy network services for certain Boost Mobile, Virgin Mobile and Sprint prepaid end users on the Sprint network, (ii) NTM network services for certain end users that have been migrated to the NTM network or provisioned on the NTM network by or on behalf of us, and (iii) infrastructure mobile network operator services to assist in the access and integration of our network.

DATA REQUEST 3.2:

Does DISH intend to discontinue support for any voice or data transmission protocol currently being offered by Sprint to prepaid customers for each of these Prepaid Assets: Boost Mobile, Sprint-branded prepaid, and Virgin Mobile? If the response is anything other than an unqualified negative, please specify the date(s) at which such discontinuation/transition to alternate protocols is expected to occur and provide details as to DISH's plans for accommodating customers with handsets that would become incompatible with such voice and/or data transmission protocols as DISH may then be utilizing.

OBJECTIONS:

DISH objects to this Request to the extent that the description requested is overbroad and unduly burdensome, seeks information that is outside the scope of the proceeding, and

therefore not relevant. DISH further objects to this Request on the grounds that it seeks information that DISH lacks.

RESPONSE TO REQUEST 3.2:

Without waiver of the foregoing Objections, DISH incorporates by reference the answer to Q5 of the testimony of Jeff Blum of DISH, submitted on November 7, 2019. DISH also incorporates by reference its Responses to Requests 1.1, 1.3, 1.4, 1.6, 1.7, 1.8, 1.9, 1.16, and 1.17 of DR-001 and Requests 2.10, 2.11, 2.12, 2.15, 2.17, and 2.18 of DR-002. As DISH has explained, it continues to analyze and finalize its business and deployment plans. In addition, technical and operational issues will be informed by, among other things, responses DISH receives to its recently issued Request for Information/Proposals (RFI/P), which DISH produced in response to DR-001.

In addition, DISH notes that pursuant to the Department of Justice's [Proposed] Final Judgement and related contractual agreements with Sprint and T-Mobile, New T-Mobile will provide DISH with certain services to operate the divested assets, which may include the topics covered by this request, for a period of time upon closing. These provisions are summarized in Response to Request 3.1.

DATA REQUEST 3.3:

- 3.2 Pp. 6-7: Regarding the Prepaid Assets that T-Mobile will be divesting to DISH, please explain DISH's plan for accommodating new or existing customers that do not hold a compatible handset on the T-Mobile network:
- a. What handsets will DISH offer to new or existing customers of the Prepaid Assets?
 - b. How will DISH transition new or existing customers who do not want to change handsets or are otherwise unable to change handsets to have a handset compatible with the T-Mobile network?

- c. What is DISH's plan to exchange Prepaid Asset customers incompatible handsets for compatible handsets?
- d. Please fill out Attachment 3.1 regarding handsets DISH plans to offer to new and existing customers following divestiture of the Prepaid Assets where:
 - i. Handset Make is the manufacturer that make the handset (Apple, Samsung, etc.),
 - ii. Handset Model is the device name given to the handset by the manufacturer (iPhone 10, Samsung Galaxy 10, etc.),
 - iii. Can Support [X] means which network(s) the handset device is compatible with as indicated by a yes or a no.

OBJECTIONS:

DISH objects to this Request to the extent that the description requested is overbroad, unduly burdensome, seeks information that is not relevant to the scope of this proceeding, and seeks information that DISH lacks.

RESPONSE TO REQUEST 3.3:

Without waiver of the foregoing Objections, DISH incorporates by reference its answer to Q5 of the testimony of Jeff Blum, submitted on November 7, 2019. DISH also incorporates by reference its Responses to Requests 1.1, 1.3, 1.4, 1.6, 1.7, 1.8, 1.9, 1.16, and 1.17 of DR-001 and Requests 2.10, 2.11, 2.12, 2.15, 2.17, and 2.18 of DR-002. As DISH has explained, it continues to analyze and finalize its business and deployment plans. In addition, technical and operational issues will be informed by, among other things, responses DISH receives to its recently issued Request for Information/Proposals (RFI/P), which DISH produced in response to DR-001.

In addition, DISH notes that pursuant to the Department of Justice's [Proposed] Final Judgement and related contractual agreements with Sprint and T-Mobile, New T-Mobile will provide DISH with certain services to operate the divested assets, which may include the topics

covered by this request, for a period of time upon closing. These provisions are summarized in Response to Request 3.1.

Docket: A.18-07-011 and A.18-07-012

Witness: Cameron Reed

Date: November 22, 2019

Public Advocates Office

Exhibit C-4

**“Redline Versions of Previously Submitted Testimony of
Mr. Cameron Reed”**

Contains CONFIDENTIAL Information