January 22, 2026

VIA ELECTRONIC FILING

Marlene H. Dortch
Secretary
Federal Communications Commission
45 L Street NE
Washington, DC 20554

Re: *Assignment Applications Filed By AT&T Mobility II LLC and EchoStar Corp.*, WT Docket No. 25-303; *Applications of Spectrum Business Trust 2025-1, Space Exploration Technologies Corp., and EchoStar Corporation for Consent to Assign Spectrum and Earth Station Licenses*, GN Docket No. 25-302;

Dear Ms. Dortch,

On January 20, 2026, executives from the Wireless Infrastructure Association ("WIA") membership met with Chairman Brendan Carr and Senior Counsel & Chief AI Officer Arpan Sura to discuss the above-referenced license transfer proceedings. We described how approving the spectrum transfers (which we do not oppose) without addressing the very real public interest harms identified in the record by WIA and others will result in substantial damage to the shared infrastructure model Congress has encouraged and that the FCC, under Chairman Carr's leadership, has advanced. Further, we explained how this outcome would run counter to Chairman Carr's Build America agenda, an agenda that WIA strongly supports.

WIA attendees consisted of Rich Rossi, Executive Vice President and President, U.S. Tower Division, American Tower; Chris Hillabrant, President and Chief Executive Officer, and Cathy Piche, Executive Vice President and Chief Operating Officer—Towers, Crown Castle; Ed Farscht, Chief Executive Officer, Diamond Communications; Bill Davison, Chief Operating Officer, Harmoni Towers; Brendan Cavanagh, President and Chief Executive Officer, SBA Communications; Scott Behuniak, President and Chief Operating Officer, Skyway Towers; Todd Boyer, Chief Executive Officer, TowerCo; Ron Bizick, President and Chief Executive Officer, and Alex Gellman, Executive Chair and Co-Founder, Vertical Bridge; Patrick Halley, President and Chief Executive Officer and Mike Saperstein, Senior Vice President of Government Affairs and Chief Strategy Officer, WIA.

WIA supports the rapid and efficient use of spectrum and does not oppose the proposed assignments. At the same time, we emphasized that the Commission's approval process should not be used as a means to shield EchoStar, including its wholly-owned subsidiary DISH Wireless, from fulfilling contractual obligations to the infrastructure partners whose work made these transactions—and their public-interest benefits—possible. Consistent with WIA's filings in these dockets, we urged the Commission to ensure that EchoStar guarantees its subsidiaries are fully funded and able to meet their obligations to infrastructure providers.[1]

We explained that the record demonstrates a real risk of long-term public interest harms if the transactions proceed without appropriate protections:

- **Systemic effects on deployment and capital markets**. Towers and related assets are financed as long-duration, low-risk infrastructure. If the FCC approval process and corporate shell games can be used to nullify long-term lease and deployment obligations and put the substantial proceeds of spectrum transactions off-limits to creditors, the cost of capital will rise, deployment will slow, and consumers and future spectrum auctions will be adversely affected—particularly as the Commission looks ahead to significant spectrum bands expected to come to market that will require new infrastructure deployment.
- **Harmful precedent, unjust enrichment and avoidance of obligations.** EchoStar/DISH have asserted positions that are clearly designed to render DISH Wireless judgment-proof at closing, allowing EchoStar to benefit from sale proceeds while its partners remain unpaid. This strategy of bogus force majeure claims[2] and corporate restructuring to avoid obligations would harm vendors across the entire wireless infrastructure supply chain and ultimately consumers who depend on those vendors to build and support networks that deliver broadband and other advanced communications services.[3]

WIA made clear that these concerns are not about adjudicating private contract disputes at the Commission; rather, they are about avoiding transaction-specific harms to the public interest that the Commission routinely addresses through narrowly tailored conditions. EchoStar's calculated attempt to

[1] Letter from Michael D. Saperstein, Jr., Wireless Infrastructure Association, to Marlene H. Dortch, FCC, GN Docket No. 25-302; WTB Docket No. 25-303, at 1-2 (Dec. 15, 2025) (WIA Dec. 15 Letter); Letter from Michael D. Saperstein, Jr., Wireless Infrastructure Association, to Marlene H. Dortch, FCC, GN Docket No. 25-302; WTB Docket No. 25-303, (Jan. 8, 2026) (WIA Jan. 8 Letter).

[2] If parties under Commission investigation for buildout compliance can sell spectrum and cite Commission oversight as an excuse to walk away from commitments, it will undermine the basic legal and commercial frameworks that support U.S. wireless deployment.

[3] See Letter from Todd Schlekeway, President & CEO, NATE: The Communications Infrastructure Contractors Association, to Marlene H. Dortch, Sec. FCC, GN Docket No. 25-302; WTB Docket No. 25-303 (Jan. 6, 2026); DQE Communications LLC, Petition to Condition Assignment of Certain Spectrum and Earth Station Licenses, GN Docket No. 25-302 (Dec. 15, 2025); Letter from Roger Laperna, President & CEO 1 Source Towers, Daniel C. Agresta III, President & CEO, APC Towers, et al., to Marlene H. Dortch, Sec. FCC, GN Docket No. 25-302; WTB Docket No. 25-303 (Dec. 19, 2025) (representing 25 small and medium-sized wireless infrastructure providers); Letter from Jill Sandford, Chief Legal Officer, FirstLight Fiber, Inc., to Marlene H. Dortch, Sec. FCC, GN Docket No. 25-302; WTB Docket No. 25-303 (Dec. 22, 2025); Letter from Bert Stern, CEO, TowerNorth Development, LLC, to Marlene H. Dortch, Sec. FCC, GN Docket No. 25-302; WTB Docket No. 25-303 (Jan. 20, 2026).

use the FCC license transfer process to avoid contractually obligated payments to the very companies that built out the network involving the spectrum being sold, is a clear, transaction-specific harm. WIA is also not asking the Commission to resolve the merits of the underlying contract disputes. Instead, it is simply requesting that the FCC take steps to ensure that the billions of dollars EchoStar and DISH stand to make from this transaction are available to the extent EchoStar and DISH are found by courts of competent jurisdiction to be in breach of their obligations.

To mitigate these risks while allowing the transactions to proceed, WIA asked the Commission to adopt targeted conditions, consistent with its prior advocacy:[4]

- **Affiliate guarantees.** Require EchoStar to guarantee obligations owed by its subsidiaries (including DISH Wireless) to infrastructure partners.
- **Funded escrow (or equivalent instrument).** Condition approval on an escrow holding sufficient proceeds for a defined period to satisfy infrastructure-related obligations tied to the licenses. This approach does not pick winners or prejudge any dispute; it simply ensures that funds are available if and when amounts owed by DISH/EchoStar are confirmed.

These steps align with Commission precedent recognizing its authority to impose transaction-specific, narrowly tailored conditions to serve the public interest and to prevent unjust enrichment. They also track well-established approaches—such as escrow mechanisms—used in prior Commission contexts to ensure funds remain available to satisfy pending or foreseeable obligations,[5] without entangling the FCC in the merits of specific disputes. And addressing the harms via the conditions proposed will in no way delay the transfer of spectrum to parties that will more effectively deploy the spectrum, allowing the realization of the transaction benefits identified by the parties while preventing lasting harms to the wireless infrastructure ecosystem.

Respectfully submitted,

__/s/ Michael D. Saperstein, Jr.__________
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[4] WIA Dec. 15 Letter at 5-6; WIA Jan. 8 Letter at 4-5.

[5] WIA Jan. 8 Letter at 4.

Cc: Chairman Carr
Arpan Sura