

TMUS/S/DISH: New Steps in Litigation Prep; C-Band: With the Order Likely Less than Two Weeks Away, Three Paths Emerge

By [Blair Levin](#) | November 10, 2019

In this weekend update, we explain, among other things, why the FCC order on TMUS/S may mean more for future deals than the one it approved, how the new New T-Mobile commitments may fit into their trial strategy, what to expect in terms of unexpected facts emerging at trial, and how the DOJ's late inning Hail Mary^[fnote]*Forgive the mixed metaphor, but the effort does remind us of trying to win a baseball game by throwing a pass. See details below.*^[/fnote]*to disqualify the states' legal team is unlikely to succeed (but if it does it would have a big, though not entirely predictable, impact.) On the C-Band side, we review the different approaches of CBA, Eutelsat, AT&T, NAB and Senator Kennedy and how each highlights the different legal and political risks that alternative FCC policies would create. With just a week and a half to go before the likely publication of the proposed FCC order, there is still significant disagreement between the stakeholders as to how detailed the order should be as to the sales process and the transition, with AT&T continuing to support the CBA effort in terms of vision while criticizing the lack of details and laying a foundation for why the lack of details spells litigation trouble. Further, CBA still is staying silent on what it means by a significant voluntary contribution, while Eutelsat provides more details on its 50% ceiling (that members of Congress would see as a floor).*

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