

*This morning, Chairman Ajit Pai put out a statement saying that he will recommend that the merger of T-Mobile and Sprint be approved based on a handful of conditions promised by the companies. The following statement should be attributed to Gigi Sohn:*

The T-Mobile-Sprint merger is still anticompetitive and anti-consumer. The companies have made a handful of promises on 5G, rural buildout and in-home broadband that are speculative, not specific to the merger and completely unenforceable. Does anyone really believe that this FCC, which has asked nothing of the big mobile companies for over 2 years, will require the companies to abide by these commitments? Moreover, they are the type of behavioral conditions that Assistant Attorney General for Antitrust Makan Delrahim has said time and again are unenforceable and over-regulatory.

The promise to spin off one of the companies 3 prepaid subsidiaries still does not resolve the problem that the evidence on the record demonstrates that prices for postpaid subscribers will also go up if this deal is consummated.

The handful of unenforceable promises made by the merging companies does no more than put lipstick on a pig. This classic 4-3 horizontal merger is bad for consumers and competition and the DoJ and the FCC should block it.

*Gigi Sohn is a Distinguished Fellow at the Georgetown Law Institute for Technology Law & Policy and a Benton Foundation Senior Fellow. She was Counselor to former FCC Chairman Tom Wheeler from November 2013-December 2016 and testified against the T-Mobile Sprint merger before the House Judiciary Committee's Subcommittee on Antitrust, Commercial and Administrative Law in March 2019. Gigi can be reached for comment at the above email or at 202-253-0876.*