



United States of America  
FEDERAL TRADE COMMISSION  
Washington, D.C. 20580

Division of Advertising Practices

February 28, 2018

Laura Brett, Esq., Director  
National Advertising Division  
112 Madison Avenue, 3<sup>rd</sup> Floor  
New York, NY 10016

Re: Advertising for T-Mobile USA, Inc.

Dear Ms. Brett:

Thank you for your letter referring an NAD compliance proceeding involving T-Mobile USA, Inc.'s superiority claims for its wireless services, practices, and plans. Your referral indicates that AT&T Services, Inc. brought this challenge to NAD's attention. AT&T contends that T-Mobile made deceptive superiority claims about its disclosure of and practices relating to services, fees, taxes, limits, and restrictions and the geographic span of its coverage network. Because T-Mobile declined to participate in NAD's self-regulatory process, you referred this matter to the Federal Trade Commission for our review.

T-Mobile's conduct addressed in your referral appears to involve both common carrier activities and non-common carrier activities. That is, the ads contain claims about superior practices relating to general service, limits, restrictions, and coverage network for both wireless telephone line services (i.e., common carrier activities) and DSL Internet services (i.e., non-common carrier activities). As you are aware, the FTC Act exempts common carrier services subject to the Communications Act of 1934.

We understand that you also referred this matter to the U.S. Federal Communications Commission. Because the FCC has jurisdiction over all of T-Mobile's conduct at issue, we believe it would be more efficient for the FCC to address this matter. Accordingly, we have determined not to review your referral on the merits at this time. However, we will forward your referral to our Consumer Response Center to have it entered into Consumer Sentinel, our secure, online database available to more than 2,000 civil and criminal law enforcement agencies in the U.S. and abroad. The Commission is grateful for the NAD's role in offering a voluntary forum to address practices that may violate your guidelines and the principles of the FTC Act. We fully support the NAD's self-regulatory process, and we sincerely appreciate your referral and the opportunity to continue to assist in supporting NAD.

Very truly yours,

Devin W. Domond  
Chief of Staff for Advertising Practices