

# Congress of the United States

Washington, DC 20515

December 17, 2025

The Honorable Abigail Slater  
Assistant Attorney General  
Antitrust Division  
United States Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, D.C., 20530

The Honorable Brendan Carr  
Chair  
Federal Communications Commission  
45 L Street, NW  
Washington, D.C., 20554

Dear Assistant Attorney General Slater and Chair Carr:

We write with concerns regarding major network carrier AT&T's and aerospace technology company SpaceX's plans to acquire wireless spectrum licenses from telecommunications company EchoStar. The AT&T deal – worth \$23 billion – will effectively strengthen the market power of the three major wireless carriers in the U.S., and “close the books” on the possibility of the emergence of an additional major competitor.<sup>1</sup> The SpaceX deal – worth \$17 billion – would help Musk expand SpaceX's Starlink capacity and provide an opportunity for the company to gain “firepower” in the satellite communications industry that competitors will struggle to compete with.<sup>2</sup> We urge the Department of Justice (DOJ) to closely scrutinize and challenge these acquisitions if it finds the deals significantly limit competition in violation of federal antitrust law. We also urge the Federal Communications Commission (FCC) to block the deals if they do not serve “the public interest, convenience, and necessity,”<sup>3</sup> as is required by federal telecommunications law.

In 2020, T-Mobile merged with Sprint, creating a giant wireless carrier with over 100 million customers.<sup>4</sup> The \$30 billion merger decreased the number of major cell carriers in the U.S. from four to three, greatly reducing competition.<sup>5</sup> The merger, which needed the first Trump

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<sup>1</sup> AP News, “AT&T snatches up wireless spectrum licenses from EchoStar for \$23 billion,” Matt Ott, August 26, 2025, <https://apnews.com/article/att-echo-star-deal-spectrum-licenses-broadband-2fd27973415c17497fee169c7dca31a3>.

<sup>2</sup> EchoStar, “EchoStar Announces Spectrum Sale and Commercial Agreement with SpaceX,” press release, September 8, 2025, <https://ir.echo-star.com/news-releases/news-release-details/echo-star-announces-spectrum-sale-and-commercial-agreement-spacex>; The Wall Street Journal, “SpaceX's \$17 Billion Deal Plunges Musk Deeper Into the Wireless Market,” Drew FitzGerald and Micah Maidenberg, September 8, 2025, [https://www.wsj.com/business/telecom/spacex-agrees-to-buy-wireless-airwaves-in-17-billion-deal-5ab4ba55?gaa\\_at=eafs&gaa\\_n=ASWzDAjUoGiQwxNRmOw3Eee12570En2P6KetWaHEYsXDwtEPMxVUIzTEGux\\_4MW06Fs%3D&gaa\\_ts=68c32b39&gaa\\_sig=s4OgQqvqBzFlyAmuraCW4XBCKoCRtBnx9VCpts108O8E6AOfqL\\_UMscA0rnfq7cvU6pTAeGFZbuwLNrpEEFsHw%3D%3D](https://www.wsj.com/business/telecom/spacex-agrees-to-buy-wireless-airwaves-in-17-billion-deal-5ab4ba55?gaa_at=eafs&gaa_n=ASWzDAjUoGiQwxNRmOw3Eee12570En2P6KetWaHEYsXDwtEPMxVUIzTEGux_4MW06Fs%3D&gaa_ts=68c32b39&gaa_sig=s4OgQqvqBzFlyAmuraCW4XBCKoCRtBnx9VCpts108O8E6AOfqL_UMscA0rnfq7cvU6pTAeGFZbuwLNrpEEFsHw%3D%3D); Bloomberg, “Elon Musk Hasn't Forgotten About Earth Just Yet,” Thomas Black, September 11, 2025, <https://www.bloomberg.com/opinion/articles/2025-09-11/spacex-s-17-billion-spectrum-deal-creates-path-for-direct-to-device-domination>.

<sup>3</sup> 47 U.S.C. 214(a) & 310(d).

<sup>4</sup> The New York Times, “T-Mobile Closes Merger with Sprint, and a Wireless Giant Is Born,” Edmund Lee, April 1, 2020, <https://www.nytimes.com/2020/04/01/business/media/tmobile-closes-sprint-merger.html>.

<sup>5</sup> *Id.*

administration's approval, also raised ethics concerns as T-Mobile executives aggressively courted President Trump. They started to regularly patronize his hotel in Washington, D.C. after the announcement of the merger,<sup>6</sup> and Senator Warren's investigation revealed that T-Mobile spent nearly \$200,000 at the President's business prior to the approval of the merger.<sup>7</sup> We opposed the T-Mobile-Sprint merger over competition concerns, warning in a letter to the FCC that the merger would give "the three remaining members of th[e] exclusive club... every incentive to shut the door on new members, happily divide the market, and collect ever-rising monthly rents from wireless subscribers with few real alternatives."<sup>8</sup>

Our concerns were ignored, and the deal was approved. But recognizing the merger's potential threats to competition, DOJ required T-Mobile and Sprint to divest Sprint's prepaid business, including carrier Boost Mobile, certain spectrum assets, cell sites, and access to the T-Mobile network, to DISH, in an effort to shape DISH into an additional nationwide wireless carrier.<sup>9</sup> In other words, DISH was expected to build out its 5G network and, using Sprint's Boost Mobile, serve as the fourth major network competitor alongside the big three carriers, Verizon, AT&T, and T-Mobile, ideally boosting competition to the market. However, this remedy failed to protect competition or consumers. Most recently, with T-Mobile's acquisition of UScellular, DOJ has warned that "we stand at a pivotal moment for the wireless industry" after "a decades-long trend toward consolidation-by-acquisition" with the industry dominated by an "oligopoly."<sup>10</sup>

## **T-Mobile's Merger with Sprint Consolidated the Wireless Market and Harmed Consumers**

The harmful effects of the T-Mobile-Sprint merger have already materialized. Since T-Mobile and Sprint merged, DISH has failed to transition to a nationwide wireless carrier, and the company eventually merged with EchoStar in 2024.<sup>11</sup> Consolidation in the wireless carrier

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<sup>6</sup> The Washington Post, "T-Mobile announced a merger needing Trump administration approval. The next day, 9 executives had reservations at Trump's hotel.," Jonathan O'Connell and David A. Fahrenthold, January 16, 2025, [https://www.washingtonpost.com/politics/a-place-i-feel-very-comfortable-t-mobile-executives-seeking-government-approval-for-merger-stayed-at-trumps-hotel-repeatedly/2019/01/15/6a114d3e-142c-11e9-b6ad-9cfd62dbb0a8\\_story.html](https://www.washingtonpost.com/politics/a-place-i-feel-very-comfortable-t-mobile-executives-seeking-government-approval-for-merger-stayed-at-trumps-hotel-repeatedly/2019/01/15/6a114d3e-142c-11e9-b6ad-9cfd62dbb0a8_story.html).

<sup>7</sup> Senator Elizabeth Warren, "Warren, Jayapal Release T-Mobile Responses to Their Inquiry About Trump International Hotel Patronage," press release, March 5, 2019, <https://www.warren.senate.gov/oversight/letters/warren-jayapal-release-t-mobile-responses-to-their-inquiry-about-trump-international-hotel-patronage>.

<sup>8</sup> Letter from Senator Elizabeth Warren to T-Mobile CEO John Legree on Trump Hotel, February 5, 2019, <https://www.warren.senate.gov/imo/media/doc/2019.02.05%20Letter%20to%20T-Mobile%20execs%20re%20Trump%20Hotel%20patronage.pdf>; Letter from Senators Elizabeth Warren, Richard Blumenthal, Amy Klobuchar, et al. to FCC Chairman Ajit Pai, February 12, 2019, <https://www.blumenthal.senate.gov/imo/media/doc/Tmobile%20Sprint%20Letter%20to%20FCC.pdf>.

<sup>9</sup> U.S. Department of Justice, "Justice Department Settles with T-Mobile and Sprint in Their Proposed Merger by Requiring a Package of Divestitures to Dish," press release, July 26, 2019, <https://www.justice.gov/archives/opa/pr/justice-department-settles-t-mobile-and-sprint-their-proposed-merger-requiring-package#:~:text=Under%20the%20terms%20of%20the,of%20mobile%20wireless%20services%20nationwide>.

<sup>10</sup> United States Department of Justice, "Statement of the Department of Justice Antitrust Division on the Closing of Its Investigation of the Merger of T-Mobile and UScellular," press release, July 10, 2025, <https://www.justice.gov/opa/pr/statement-department-justice-antitrust-division-closing-its-investigation-merger-t-mobile>.

<sup>11</sup> CNBC, "EchoStar's Dish sale marks disappointing end to Charlie Ergen's 'Seinfeld' Strategy," Alex Sherman, September 30, 2025, <https://www.cnbc.com/2024/09/30/echostars-dish-sale-marks-disappointing-end-to-ergens>

market has continued as the big three carriers – AT&T, Verizon, and T-Mobile – now essentially control the entire market,<sup>12</sup> and the costs of cell phone services have increased.<sup>13</sup>

Further, since the T-Mobile-Sprint deal, the broader telecommunications market has faced additional consolidation. In 2024, T-Mobile acquired wireless carrier UScellular for \$4.4 billion.<sup>14</sup> Just this year, AT&T announced it would acquire Lumen Technologies fiber internet for \$5.75 billion, Charter Communications announced it would acquire Cox Communications for \$34.5 billion, and Verizon acquired Frontier Communications for \$20 billion.<sup>15</sup>

These deals reduce competition and innovation in the wireless market and drive up costs for consumers. U.S. wireless customers already pay some of the highest wireless phone data prices in the world.<sup>16</sup> As the big three carriers face less competition due to increased consolidation, they have little incentive to lower costs or improve their service to attract customers. As a result, consumers end up paying more and have little choice in cell phone plans.

### **AT&T’s Purchase of EchoStar’s Spectrum Would Further Reduce Wireless Competition**

In August 2025, AT&T announced a \$23 billion deal to acquire certain wireless spectrum licenses from EchoStar and provide wireless service for EchoStar’s Boost Mobile.<sup>17</sup> Specifically, AT&T intends to acquire low-band and mid-band spectrum, which would position AT&T to control plans covering over 400 markets — almost every market in the US — expanding its reach to millions of new consumers.<sup>18</sup>

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[strategy-.html](#).

<sup>12</sup> NextTV, “T-Mobile’s \$26 Billion Sprint Purchase 4 Years Ago Resulted in Markedly Higher Consumer Pricing on Wireless, Report Says,” Daniel Frankel, May 14, 2025, <https://www.nexttv.com/news/t-mobiles-dollar26-billion-sprint-purchase-4-years-ago-resulted-in-markedly-higher-consumer-pricing-on-wireless-report-says>.

<sup>13</sup> The Verge, “T-Mobile is raising prices on several of its plans,” Wes Davies, May 22, 2024, <https://www.theverge.com/2024/5/22/24162490/t-mobile-price-increase-magenta-one-simple-choice-plans>; AT&T, “Get info on changes to your AT&T Mobile Share plan,” <https://www.att.com/support/article/wireless/KM1483940/>; CNET, “Verizon Price Increase: Why Your Phone Bill Might Be Higher in March,” Eli Blumenthal, February 21, 2024, <https://www.cnet.com/tech/mobile/verizon-price-increase-why-your-phone-bill-might-be-higher-in-march/>.

<sup>14</sup> T-Mobile, “T-Mobile to Acquire UScellular Wireless Operations and Deliver Exceptional Value, a Superior 5G Experience and Unparalleled Benefits to Millions of Customers,” press release, May 28, 2024, <https://www.t-mobile.com/news/business/uscellular-acquisition-operations-assets>.

<sup>15</sup> AT&T, “AT&T to Acquire Lumen’s Mass Markets Fiber Business,” press release, May 21, 2025 <https://about.att.com/story/2025/lumen-mass-markets-fiber-business.html>; Charter Communications, “Charter Communications and Cox Communications Announce Definitive Agreement to Combine Companies,” press release, May 16, 2025, <https://corporate.charter.com/newsroom/charter-communications-and-cox-communications-announce-definitive-agreement-to-combine-companies>; Federal Communications Commission, “FCC Approves Verizon-Frontier Merger,” May 16, 2025, <https://www.fcc.gov/document/fcc-approves-verizon-frontier-merger>.

<sup>16</sup> Medium, “America’s Wireless Prices Are Out of Control as Compared to the Rest of the World.,” Bruce Kushnick, January 14, 2022, <https://kushnickbruce.medium.com/americas-wireless-prices-are-out-of-control-as-compared-to-the-rest-of-the-world-a491d33fb2fa>.

<sup>17</sup> AT&T, “AT&T to Acquire Spectrum Licenses from EchoStar,” press release, August 26, 2025, <https://about.att.com/story/2025/echostar.html>.

<sup>18</sup> AT&T, “AT&T to Acquire Spectrum Licenses from EchoStar,” press release, August 26, 2025, <https://about.att.com/story/2025/echostar.html>; AT&T, “Leading with 5G and Fiber,” <https://about.att.com/pages/corporate-profile#:~:text=Leading%20with%205G%20and%20Fiber,for%20a%20number%20of%20reasons:>.

While EchoStar will continue to operate the Boost Mobile network brand, the deal “clos[es] the book on EchoStar’s bid to operate as a traditional mobile carrier in the United States.”<sup>19</sup> The AT&T-EchoStar deal will slash competition in the network carriers’ market as the deal will reduce the number of major network carriers in the U.S. from four to three, entrenching the dominance of the big three carriers. Indeed, experts warn that EchoStar’s exit as a competitor will further “tilt the balance of power,” and “consolidation of mobile market share and ownership among the Big 3 mobile carriers will further diminish effective competition.”<sup>20</sup>

In addition to raising prices, further concentration in the wireless industry also will likely worsen services: consumers pay an average two to three times more for their monthly phone bills in markets with only three network operators compared to markets with four network operators,<sup>21</sup> and download speeds are half as fast in markets with three network operators compared to four.<sup>22</sup> AT&T’s acquisition of EchoStar’s spectrum will entrench the three main network providers’ dominance and limit choices for almost every home in the U.S., harming both consumers and competition within the wireless industry.<sup>23</sup>

### **SpaceX’s Purchase of EchoStar Spectrum Raises Competition Concerns in the Satellite Industry**

On September 8, 2025, just weeks after EchoStar announced its plan to sell spectrum licenses to AT&T, EchoStar announced an additional sale of spectrum to Elon Musk’s SpaceX.<sup>24</sup> The \$17 billion deal would allow Musk to further grow his Starlink satellite network and allow EchoStar’s Boost Mobile subscribers to access SpaceX’s Starlink cell service.<sup>25</sup> Per November 6, 2025 reporting, SpaceX intends to acquire additional spectrum licenses from EchoStar designed for terrestrial use, on top of its spectrum designed for satellite services, for about \$2.6 billion in SpaceX stock.<sup>26</sup> According to analysts, the additional acquisition of spectrum would provide Musk with “a relatively contiguous, nationwide swath of mid-band airwaves.”<sup>27</sup>

SpaceX’s acquisition of spectrum raises competition concerns within the satellite industry as it could mean SpaceX will embed itself in the mobile carrier market while not directly challenging

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<sup>19</sup> Space News, “EchoStar’s \$23 billion spectrum sale clears path for direct-to-device constellation.” Jason Rainbow, August 26, 2025, <https://spacenews.com/echostars-23-billion-spectrum-sale-clears-path-for-direct-to-device-constellation/>.

<sup>20</sup> *Id.*

<sup>21</sup> Rewheel, “The state of 5G&4G pricing in 50EU&OECD mobile markets – 1H2025,” <https://rewheel.fi/research>.

<sup>22</sup> Rewheel, “The state of Gigabit fiber & 5G FWA broadband pricing in 50EU&OECD markets – 1H2025,” <https://rewheel.fi/research>.

<sup>23</sup> Fierce Network, “Boost founder has big feelings about the AT&T/EchoStar Deal,” Dan Jones, August 27, 2025, <https://www.fierce-network.com/wireless/boost-founder-and-analysts-future-mynos-after-attecho-star-deal>.

<sup>24</sup> EchoStar, “EchoStar Announces Spectrum Sale and Commercial Agreement with SpaceX,” press release, September 8, 2025, <https://ir.echostar.com/news-releases/news-release-details/echostar-announces-spectrum-sale-and-commercial-agreement-spacex>.

<sup>25</sup> AP News, “Musk’s SpaceX spends \$17 billion to acquire spectrum licenses from EchoStar,” Michelle Chapman, September 8, 2025, <https://apnews.com/article/echostar-spacex-musk-att-fcc-98875d3efa06242b0af80399dd3e0ca8>.

<sup>26</sup> Fierce Network, “SpaceX to buy EchoStar’s AWS-3 spectrum licenses for \$2.6B,” Monica Allevan, November 6, 2025, <https://www.fierce-network.com/wireless/spacex-buy-echostars-aws-3-spectrum-licenses-26b>.

<sup>27</sup> *Id.*

the dominant mobile carriers,<sup>28</sup> and help give “SpaceX the firepower to offer a direct-to-device satellite service that competitors will struggle to match.”<sup>29</sup> The deal would add to “an additional problem for satellite competitors as “markets for space services are limited.”<sup>30</sup> One analyst noted that it will be much more difficult for Starlink competitors such as Globalstar to “move forward when they can’t possibly compete with SpaceX’s speed in bringing new satellites to market.”<sup>31</sup> For instance, following concerns by Apple employees that their direct-to-cell project with Globalstar could go to SpaceX instead, Apple reportedly was “forced to support Starlink on the iPhone13” to secure a launch slot.<sup>32</sup> Another analyst underscored that SpaceX’s recent attempt to acquire EchoStar’s terrestrial spectrum will allow them to dominate competitors because it “simplifies [SpaceX’s] harmonization of terrestrial and non-terrestrial D2C services.”<sup>33</sup>

### **SpaceX’s Grabs for EchoStar’s Spectrum Raise Corruption Concerns**

The SpaceX-EchoStar deal also raises potential corruption concerns related to the influence of SpaceX CEO Elon Musk in the Trump Administration.

Mr. Musk made massive campaign donations to the Trump campaign,<sup>34</sup> and served as a senior adviser to the President and head of the Department of Government Efficiency (DOGE) from January through May 2025.<sup>35</sup>

In the year leading up to the 2024 presidential election, Musk had “been building a public alliance around his company’s policy goals with [Mr. Carr]” and the two often appeared to work in coordinated fashion.<sup>36</sup> For instance, in 2024, Carr attacked Democratic FCC commissioners for their determination that Musk’s Starlink did not qualify to receive funds from a rural broadband subsidy program.<sup>37</sup> Musk “boosted” each of Carr’s tweets defending Musk online – in one case, he tweeted “Much appreciated” in response to Carr writing a letter to Brazil

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<sup>28</sup> Juniper Research, “SpaceX Isn’t Coming to Compete With Your Mobile Carrier – For Now, At Least,” Ardit Ballhysa, September 2025, <https://www.juniperresearch.com/resources/blog/spacex-isnt-coming-to-compete-with-your-mobile-carrier-for-now-at-least/>.

<sup>29</sup> Bloomberg, “Elon Musk Hasn’t Forgotten About Earth Just Yet,” Thomas Black, September 11, 2025, <https://www.bloomberg.com/opinion/articles/2025-09-11/spacex-s-17-billion-spectrum-deal-creates-path-for-direct-to-device-domination>.

<sup>30</sup> *Id.*

<sup>31</sup> TMF Associates, “SpaceX disrupts everyone’s plans again...,” Tim Farrar, September 8, 2025, <https://tmfassociates.com/blog/2025/09/08/spacex-disrupts-everyones-plans-again/>.

<sup>32</sup> *Id.*

<sup>33</sup> Fierce Network, “SpaceX to buy EchoStar’s AWS-3 spectrum licenses for \$2.6B,” Monica Allevan, November 6, 2025, <https://www.fierce-network.com/wireless/spacex-buy-echostars-aws-3-spectrum-licenses-26b>.

<sup>34</sup> CBS News, “Elon Musk spends \$277 million to back Trump and Republican candidates,” Julia Ingram and Steve Reilly, December 6, 2024, <https://www.cbsnews.com/news/elon-musk-277-million-trump-republican-candidates-donations/>.

<sup>35</sup> The New York Times, “How Musk Built DOGE: Timeline and Key Takeaways,” February 28, 2025, <https://www.nytimes.com/2025/02/28/us/politics/musk-doge-timeline-takeaways.html>; BBC, “Elon Musk leaves White House but says DOGE will continue,” Christal Hayes and Brandon Drenon, May 28, 2025, <https://www.bbc.com/news/articles/cz9y4exj822o>.

<sup>36</sup> Politico, “The DC bureaucrat who could deliver billions to Elon Musk,” John Hendel, October 18, 2024, <https://www.politico.com/news/2024/10/18/elon-musk-brendan-carr-fcc-starlink-00184260>.

<sup>37</sup> *Id.*

government officials who had tried to regulate Starlink.<sup>38</sup> In August of that year, Carr tweeted a photo of himself and Musk at one Musk’s facilities and said Musk’s company is “a great blueprint for reforming the Administrative State.”<sup>39</sup>

The origin of the EchoStar-SpaceX deal also appears to be closely connected to SpaceX. The deal was reportedly developed in part to resolve the FCC’s recent investigation into EchoStar’s 5G network rollout, which FCC Chairman Carr opened in May 2025.<sup>40</sup> Some have characterized the investigation as “us[ing] the FCC’s regulatory authority to force Echostar to sell its spectrum on the grounds that Echostar was not using its spectrum to capacity (a measure the FCC has *never before* used to take spectrum away from a functioning network actively trying to build a customer base).”<sup>41</sup>

In a filing to the investigation’s docket, EchoStar told the FCC that SpaceX “has repeatedly tried to undermine EchoStar’s use of [spectrum] so that it can take the spectrum for itself.”<sup>42</sup> EchoStar noted that “SpaceX’s persistent, misleading, and anti-competitive campaign appears to have influenced the Public Notices” that kicked off the FCC’s investigation into EchoStar.<sup>43</sup>

The circumstances around the FCC investigation of EchoStar and the close relationship of Mr. Musk to the Trump Administration and to key Trump Administration officials make it particularly important that the FCC and DOJ engage in a robust, independent, and impartial review prior to approving any sale of EchoStar spectrum to SpaceX in order to avoid the appearance of favoritism or impropriety.<sup>44</sup>

### **DOJ and FCC Have a Responsibility to Protect Competition and the Public Interest**

The potential anticompetitive effects of these deals and the resulting consumer harm weigh in favor of close scrutiny by telecommunications and antitrust regulators.

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<sup>38</sup> *Id.*

<sup>39</sup> Post on X by Brendan Carr, August 26, 2024, <https://x.com/BrendanCarrFCC/status/1828136919467008216>.

<sup>40</sup> Federal Communications Commission, Public Notice, “Space Bureau Opens New Docket to Explore EchoStar Corporation’s Use of 2 GHz MSS Spectrum,” May 12, 2025, <https://docs.fcc.gov/public/attachments/DA-25-405A1.pdf>.

<sup>41</sup> Reuters, “FCC to end EchoStar probe into 5G, spectrum obligations after AT&T, SpaceX deals,” David Shapardson, September 10, 2025, <https://www.reuters.com/business/media-telecom/fcc-end-echostar-probe-into-5g-spectrum-obligations-after-att-spacex-deals-2025-09-09/>; Public Knowledge, “That Escalated Quickly. Chairman Carr Completely Restructures the Wireless Market into an Oligopoly.,” Harold Feld, October 8, 2025, <https://publicknowledge.org/chairman-carr-completely-restructures-the-wireless-market/>.

<sup>42</sup> Politico, “EchoStar says SpaceX is ‘trying to commandeer’ its spectrum,” John Hendel, May 28, 2025, <https://subscriber.politicopro.com/article/2025/05/echostar-says-spacex-is-trying-to-commandeer-its-spectrum-00372651>; Comments of EchoStar Corporation, WT Docket No. 22-212, May 27, 2025, <https://www.fcc.gov/ecfs/document/105280597605377/1>, p. 44.

<sup>43</sup> Politico, “EchoStar says SpaceX is ‘trying to commandeer’ its spectrum,” John Hendel, May 28, 2025, <https://subscriber.politicopro.com/article/2025/05/echostar-says-spacex-is-trying-to-commandeer-its-spectrum-00372651>.

<sup>44</sup> *Id.*

The DOJ has a responsibility to enforce federal antitrust laws, including the *Sherman Act* and the *Clayton Act*, and as such should challenge these deals if it finds that they may substantially lessen competition in violation of the law.<sup>45</sup>

Perhaps the clearest indication that AT&T's acquisition of EchoStar's spectrum may substantially lessen competition emerges from the first Trump Administration's analysis of the T-Mobile-Sprint deal. The Trump DOJ was concerned that "the proposed acquisition would eliminate competition between two of only four facilities-based suppliers of nationwide mobile wireless services."<sup>46</sup> The combination of AT&T and EchoStar's spectrum would appear to reverse the remedy DOJ designed in response to that concern and resurface the competitive concerns DOJ sought to avoid in 2019.

SpaceX's proposed acquisition of EchoStar spectrum may also violate antitrust law by entrenching SpaceX's dominant position.<sup>47</sup> Some analysts have characterized the acquisition as a "watershed moment for SpaceX" to transform into a "kingmaker"<sup>48</sup> and an opportunity for SpaceX to "pave the way for a dominant position in the direct-to-device market,"<sup>49</sup> including shutting out potential competitors.<sup>50</sup> As DOJ has advised, a transaction may violate federal antitrust law if it "eliminate[s] the possibility that entry or expansion by one or both firms would have resulted in new or increased competition in the market in the future."<sup>51</sup>

Separate from the DOJ's antitrust enforcement authority, the FCC is statutorily required to review telecommunications transactions and approve only transactions that serve "the public interest, convenience, and necessity."<sup>52</sup> In examining the proposed deals involving EchoStar, AT&T, and SpaceX, we urge the FCC to weigh the transactions' likely harms to the public – including potential higher prices for consumers and lower levels of service quality – against any benefits. The agency must ultimately reject the proposed deals if AT&T and SpaceX are unable to prove that their respective deals would affirmatively benefit the public.

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<sup>45</sup> 15 U.S.C. 18.

<sup>46</sup> U.S. Department of Justice, "Justice Department Settles with T-Mobile and Sprint in Their Proposed Merger by Requiring a Package of Divestitures to Dish," press release, July 26, 2019, <https://www.justice.gov/archives/opa/pr/justice-department-settles-t-mobile-and-sprint-their-proposed-merger-requiring-package>.

<sup>47</sup> Department of Justice, "Merger Guidelines," p. 18, <https://www.justice.gov/atr/media/1329301/dl?inline>.

<sup>48</sup> Light Reading, "How the EchoStar-SpaceX deal reshapes the US wireless and satellite landscape," Roger Entner, September 8, 2025, <https://www.lightreading.com/satellite/how-the-echo-star-spacex-deal-reshapes-the-u-s-wireless-and-satellite-landscape>.

<sup>49</sup> Bloomberg, "Elon Musk Hasn't Forgotten About Earth Just Yet," Thomas Black, September 11, 2025, <https://www.bloomberg.com/opinion/articles/2025-09-11/spacex-s-17-billion-spectrum-deal-creates-path-for-direct-to-device-domination>.

<sup>50</sup> Light Reading, "How the EchoStar-SpaceX deal reshapes the US wireless and satellite landscape," Roger Entner, September 8, 2025, <https://www.lightreading.com/satellite/how-the-echo-star-spacex-deal-reshapes-the-u-s-wireless-and-satellite-landscape>.

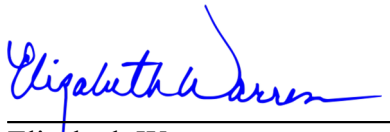
<sup>51</sup> Department of Justice, "Merger Guidelines," p. 10, <https://www.justice.gov/atr/media/1329301/dl?inline>.

<sup>52</sup> 7 U.S.C. 214(a) & 310(d).

## Conclusion

T-Mobile’s merger with Sprint resulted in less competition in the wireless industry and higher costs for consumers. AT&T’s proposed acquisition of spectrum from EchoStar threatens to further consolidate the wireless industry and exacerbate harms to consumers. SpaceX’s proposed acquisition of spectrum from EchoStar may entrench SpaceX’s already dominant position in the satellite market. What is more, if the administration approves EchoStar’s proposed deals with AT&T and SpaceX, it could spur additional consolidation in the industry — Verizon and T-Mobile have additionally expressed interest in EchoStar spectrum,<sup>53</sup> and Musk has stated that it would “not [be] out of the question” for SpaceX to buy Verizon.<sup>54</sup> We therefore urge DOJ and FCC to carefully scrutinize these deals and block them if they would violate antitrust law or fail to serve the public interest.

Sincerely,



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Elizabeth Warren  
United States Senator



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Greg Casar  
Member of Congress

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<sup>53</sup> Fierce Network, “Verizon reportedly in talks to buy EchoStar’s AWS-3 spectrum,” Monica Allevan, September 30, 2025, <https://www.fierce-network.com/wireless/verizon-reportedly-talks-buy-echostars-aws-3-spectrum>; Semafor, “Musk’s Starlink, T-Mobile eye EchoStar’s spectrum after AT&T deal,” Rohan Goswami and Liz Hoffman, August 26, 2025, <https://www.semafor.com/article/08/26/2025/echo-star-musk-starlink-t-mobile-spectrum>.

<sup>54</sup> CNET, “Could Starlink Be Your Next Wireless Carrier? Elon Musk Thinks So,” Joe Supan, September 10, 2025, <https://www.cnet.com/home/internet/could-starlink-be-your-next-wireless-carrier-elon-musk-thinks-so/>.