

Before the  
FEDERAL COMMUNICATION COMMISSION  
Washington, DC 20054

In the Matter of	)	
	)	
Amendment of Parts 1, 22, 24, 27, 74, 80, 90, 95, and	)	WT Docket No. 10-112
101 to Establish Uniform License Renewal,	)	
Discontinuance of Operation, and Geographic Partitioning	)	
and Spectrum Disaggregation Rules and Policies for	)	
Certain Wireless Radio Services	)	
	)	
Imposition of a Freeze on the Filing of Competing	)	
Renewal Applications for Certain Wireless Radio Services	)	
and the Processing of Already-Filed Competing Renewal	)	
Applications	)	

To: The Commission

**JOINT *EX PARTE* REQUEST FOR APPROVAL OF AMENDMENT TO  
AGREEMENT FOR RESOLUTION OF COMPETING APPLICATIONS**

Green Flag Wireless, LLC, CWC License Holding, Inc., Corr Investments I, LLC, and James McCotter (collectively, “Green Flag Applicants”) and AT&T Inc. on behalf of its 2.3 GHz Wireless Communications Services (“WCS”) licensee subsidiaries, BellSouth Mobile Data, Inc., New Cingular Wireless PCS, LLC, and SBC Telecom, Inc., (together with AT&T Inc., “AT&T,” and collectively with the Green Flag Applicants, “Parties”) hereby request the Commission to waive Section 1.935 of its rules<sup>1</sup> and approve the attached letter agreement (“Amendment”) amending the Agreement for Resolution of Competing Applications (“Agreement”) among the Parties and Snapline Communications, LLC (“Snapline”).<sup>2</sup> The Wireless Telecommunications Bureau (“Bureau”) previously approved the Agreement pursuant to Section 1.935 and the public

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<sup>1</sup> 47 C.F.R. § 1.935.

<sup>2</sup> Snapline’s interest in the Competing Applications had been resolved, and the company had dissolved, prior to the time the Parties entered into the Amendment.

notice<sup>3</sup> granting a limited waiver of that rule to facilitate the resolution of the competing applications the Green Flag Applicants and Snapline (collectively, “Competing Applicants”) had filed for the renewal of most of the licenses for the WCS service (“Competing Applications”).<sup>4</sup> The Bureau’s earlier reasoning in waiving Section 1.935 remains equally, if not more, compelling now since approval of the Amendment will allow all of the remaining mutually exclusive WCS renewal situations to be resolved. The Amendment merely makes a minor change to the terms of the Agreement. Just as approving the original Agreement served the public interest, the Commission should approve the Amendment for the same reasons.

As the Commission is aware, the Agreement resolved a prolonged dispute between AT&T and the other WCS licensees, on the one hand, and the Competing Applicants, on the other. By its terms, the Agreement extended beyond AT&T’s WCS licenses to cover any WCS licenses AT&T had contracted to acquire by December 31, 2013 for which AT&T and the seller had filed assignment or transfer of control applications by January 31, 2014. Because AT&T and Sprint were still negotiating the terms of AT&T’s acquisition of Sprint’s WCS licenses at the beginning of 2014, the Parties entered into the Amendment to extend these deadlines by four months. This extension gave AT&T and Sprint enough time to complete their negotiations and to file the assignment application,<sup>5</sup> which the Bureau subsequently granted.<sup>6</sup> Approval of the

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<sup>3</sup> *Wireless Telecomms. Bureau Grants Limited Waiver to Facilitate Resolution of Competing Renewal Applications*, Public Notice, 27 FCC Rcd 10,248 (WTB 2012).

<sup>4</sup> *See Wireless Telecomms. Bureau Approves Settlement Agreement and Dismisses Competing Renewal Applications*, Public Notice, 27 FCC Rcd 12,940 (WTB 2012) (“October 15, 2012 Public Notice”).

<sup>5</sup> *See* ULS File No. 0006239595.

<sup>6</sup> *See Wireless Telecomms. Bureau Assignment of License Authorization Applications, Transfer of Control of Licensee Applications, De Facto Transfer Lease Applications and Spectrum Manager Lease Notifications, Designated Entity Reportable Eligibility Event Applications, and Designated Entity Annual Reports Action*, Public Notice, 2014 WL 4241601 (WTB rel. Aug. 27, 2014).

Amendment will resolve all of the remaining mutually exclusive WCS renewal applications.

Approval, thus, will eliminate the need for the parties and the Commission to address the complicated issues related to such applications that Competing Applicants have raised in various proceedings.

Just as the Bureau approved the Agreement, the Commission should now consent to the Amendment. In approving the Agreement, the Bureau stated:

We have reviewed the Settlement Agreement and find that our approval will serve the public interest by reducing the uncertainty cast over the WCS band by the long-pending Competing Applications. Reducing that uncertainty will further the public interest by removing an obstacle to the significant capital investment needed to deploy valuable, next-generation broadband services to the American public in the WCS band.<sup>7</sup>

That conclusion applies equally to the Amendment. Apart from the modified deadlines, the terms of the Agreement remain the same. Once the Competing Applications against the Sprint WCS licenses are dismissed, AT&T stands ready to invest significant capital to use them to

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<sup>7</sup> *October 15, 2012 Public Notice*, 27 FCC Rcd at 12,941.

provide broadband services to the public.<sup>8</sup> Accordingly, the Commission should waive Section 1.935 and approve the Amendment.

Respectfully submitted,

/s/ Donald J. Evans

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Holding, Inc., Corr Investments  
I, LLC, and James McCotter

/s/ Michael P. Goggin

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Counsel for BellSouth Mobile  
Data, Inc., New Cingular  
Wireless PCS, LLC, SBC  
Telecom, Inc., and AT&T Inc.

November 11, 2014

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<sup>8</sup> See ULS File No. 0006239595, Description of Transaction, Public Interest Showing and Related Demonstrations of Sprint and AT&T at 4 (filed May 5, 2014).



Michael Goggin  
General Attorney

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1120 20<sup>th</sup> St. NW, Suite 1000  
Washington, D.C. 20036  
Phone 202 457-2055  
Fax 202 457-3074

**EXECUTION VERSION**

February 6, 2014

Mr. Glenn Ishihara  
Green Flag Wireless, LLC  
PMB #813  
703 Pier Avenue, #B  
Hermosa Beach, CA 90254

Mr. James McCotter  
4503 W. Fairway Dr.  
New Bern  
North Carolina 28562

Mr. Bryan Corr  
President  
CWC License Holding, Inc./CG Corr Investments I, LLC  
~~2415 Canterbury Road~~ *Box 611310*  
~~Mountain Brook, AL 35223~~ *Rosemary Beach, FL 32461*

Re: Extending Certain Deadlines in the Agreement for Resolution of Competing Applications

Dear Sirs:

Reference is made to that certain Agreement for Resolution of Competing Applications, effective as of August 31, 2012, by and among Green Flag Wireless, LLC, CWC License Holding, Inc., Corr Investments I, LLC, James McCotter, and Snapline Communications, LLC and BellSouth Mobile Data, Inc., New Cingular Wireless PCS, LLC, and SBC Telecom, Inc. (the "Agreement"). (Capitalized terms not defined herein shall take their meaning from the Agreement.) Green Flag Applicants and AT&T hereby agree that, as between each other, the Agreement shall be amended as follows:

1. In Paragraph 7.a, "December 31, 2013" shall be replaced with "April 30, 2014";
2. In Paragraph 7.b, "2013" shall be replaced with "April 2014" and "January 31, 2014" shall be replaced with "May 31, 2014"; and
3. In Paragraph 9.d, "December 31, 2013" shall be replaced with "April 30, 2014".

**EXECUTION VERSION**

Green Flag Applicants and AT&T further agree to waive any rights any of them may have to object to the foregoing amendments on the ground that Snapline Communications, LLC has not signed this letter agreement.

Please indicate your agreement to the foregoing provisions by signing below in the spaces provided.

Sincerely,

BellSouth Mobile Data, Inc.

By:

Printed:

Michael P. Goggin

Title:

Assistant Secretary

New Cingular Wireless PCS, LLC

By:

Printed:

Michael P. Goggin

Title:

Assistant Secretary of Manager

SBC Telecom, Inc.

By:

Printed:

Michael P. Goggin

Title:

Assistant Secretary

Accepted and agreed:

Green Flag Wireless, LLC

By:

Printed:

Title:

CWC License Holding, Inc.

By:

Printed:

Title:

Corr Investments I, LLC

By:

Printed:

James McCotter

**EXECUTION VERSION**

Green Flag Applicants and AT&T further agree to waive any rights any of them may have to object to the foregoing amendments on the ground that Snapline Communications, LLC has not signed this letter agreement.

Please indicate your agreement to the foregoing provisions by signing below in the spaces provided.

Sincerely,

BellSouth Mobile Data, Inc.	New Cingular Wireless PCS, LLC	SBC Telecom, Inc.
By: _____	By: _____	By: _____
Printed: <u>Michael P. Goggin</u>	Printed: <u>Michael P. Goggin</u>	Printed: <u>Michael P. Goggin</u>
Title: <u>Assistant Secretary</u>	Title: <u>Assistant Secretary of Manager</u>	Title: <u>Assistant Secretary</u>

Accepted and agreed:

Green Flag Wireless, LLC		CWC License Holding, Inc.
By:  _____		By: _____
Printed: <u>GLENN W. ISHIHARA</u>	James McCotter	Printed: _____
Title: <u>MEMBER</u>		Title: _____

Corr Investments I, LLC

By: \_\_\_\_\_

Printed: \_\_\_\_\_

**EXECUTION VERSION**

Green Flag Applicants and AT&T further agree to waive any rights any of them may have to object to the foregoing amendments on the ground that Snapline Communications, LLC has not signed this letter agreement.

Please indicate your agreement to the foregoing provisions by signing below in the spaces provided.

Sincerely,

BellSouth Mobile Data, Inc.	New Cingular Wireless PCS, LLC	SBC Telecom, Inc.
By: _____	By: _____	By: _____
Printed: <u>Michael P. Goggin</u>	Printed: <u>Michael P. Goggin</u>	Printed: <u>Michael P. Goggin</u>
Title: <u>Assistant Secretary</u>	Title: <u>Assistant Secretary of Manager</u>	Title: <u>Assistant Secretary</u>

Accepted and agreed:

Green Flag Wireless, LLC		CWC License Holding, Inc.
By: _____		By: _____
Printed: _____	James McCotter	Printed: _____
Title: _____		Title: _____

Corr Investments I, LLC

By: \_\_\_\_\_

Printed: \_\_\_\_\_

**EXECUTION VERSION**

Green Flag Applicants and AT&T further agree to waive any rights any of them may have to object to the foregoing amendments on the ground that Snapline Communications, LLC has not signed this letter agreement.

Please indicate your agreement to the foregoing provisions by signing below in the spaces provided.

Sincerely,

BellSouth Mobile Data, Inc.	New Cingular Wireless PCS, LLC	SBC Telecom, Inc.
By: _____	By: _____	By: _____
Printed: <u>Michael P. Goggin</u>	Printed: <u>Michael P. Goggin</u>	Printed: <u>Michael P. Goggin</u>
Title: <u>Assistant Secretary</u>	Title: <u>Assistant Secretary of Manager</u>	Title: <u>Assistant Secretary</u>

Accepted and agreed:

Green Flag Wireless, LLC

By: \_\_\_\_\_

Printed: \_\_\_\_\_

Title: \_\_\_\_\_

James McCotter

CWC License Holding, Inc.

By: Bryan A Corr Sr

Printed: Bryan A Corr Sr

Title: President

Corr Investments I, LLC

By: Bryan A Corr Sr

Printed: Bryan A Corr, Sr