

November 11, 2014

VIA ECFS

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: *Amendment of Parts 1, 22, 24, 27, 74, 80, 90, 95, and 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, WT Docket No. 10-112*

REQUEST TO WITHDRAW PLEADINGS, PETITIONS & FILINGS

Dear Ms. Dortch:

Subject to, and conditioned upon, the Commission's approval in all material respects of the Amendment (as defined below) pursuant to the Joint *Ex Parte* Request for Approval of Amendment to Agreement for Resolution of Competing Applications (which is cited in footnote 5 below), Green Flag Wireless, LLC, CWC License Holding, Inc., Corr Investments I, LLC, and James McCotter (collectively, "Green Flag Applicants") hereby withdraw the following applications, pleadings, petitions, and filings listed in the exhibit attached hereto (collectively, "Green Flag Filings") filed by the Green Flag Applicants with respect to the WCS authorizations held by Unrestricted Subsidiary Funding Company ("Sprint" and "Sprint WCS Licenses") effective upon the closing of the assignment of the Sprint WCS Licenses to New Cingular Wireless PCS, LLC ("Assignment").¹

Green Flag Applicants and another competing applicant, Snapline Communications, LLC ("Snapline") (collectively, "Competing Applicants"), filed mutually exclusive applications against, and have otherwise opposed, the WCS

¹ See ULS File No. 0006239595. In the event that the Assignment does not close within the initial 180-day consummation period permitted pursuant to Section 1.948(d) of the Commission's rules, 47 C.F.R. § 1.948(d), Green Flag Applicants' withdrawal of the Green Flag Filings shall be null and void, and its request for withdrawal shall be deemed withdrawn.

authorization renewal applications filed by AT&T Inc. (“AT&T”) subsidiaries and other WCS licensees.² As a result, the WCS licensees and the Competing Applicants have been involved in an ongoing dispute over the WCS authorizations. The Competing Applicants and AT&T have entered into an agreement to settle the dispute (“Agreement”), which was approved by the Wireless Telecommunications Bureau.³ Pursuant to the Agreement, the Competing Applicants have withdrawn their Competing Applications and various filings related to the substantial majority of WCS authorizations held by AT&T at the time the Agreement was executed or subsequently acquired by AT&T.⁴

AT&T and the Green Flag Applicants are filing in this docket and simultaneously herewith a joint request for approval by the Commission of an amendment to the Agreement (“Amendment”).⁵ As explained in the Joint Request, the Amendment was required to extend the Agreement to cover the Sprint WCS Licenses.⁶⁷ As part of the Agreement (as amended by the Amendment), the Green Flag Applicants are to withdraw their Competing Applications and various filings related to the Sprint WCS Licenses.

Accordingly, upon FCC approval of the Amendment and associated waiver of Section 1.935 of its rules⁷ and the closing of the Assignment, the Green Flag Applicants do withdraw, with prejudice, the Green Flag Filings identified in the exhibit attached hereto. With respect to the Competing Applications identified in the exhibit, upon FCC approval of the Agreement, the Green Flag Applicants also request that the Commission dismiss those Competing Applications, with prejudice, effective upon the closing of the Assignment.

The Green Flag Filings identified in the exhibit include the following categories of documents:

- a. all Green Flag Competing Applications for any Sprint WCS License;

² Competing Applications of Green Flag Wireless, LLC, CWC License Holdings, Inc., James McCotter, & Snapline Communications, LLC, ULS File Nos. 0003113283 et al. (collectively, “Competing Applications”).

³ See *Wireless Telecomms. Bureau Approves Settlement Agreement and Dismisses Competing Renewal Applications*, Public Notice, 27 FCC Rcd 12,940 (WTB 2012).

⁴ See *id.*; see also *Wireless Telecomms. Bureau Dismisses Competing Application*, Public Notice, 29 FCC Rcd 3760 (WTB 2014); *Wireless Telecomms. Bureau Dismisses Competing Applications*, Public Notice, 28 FCC Rcd 4332 (WTB 2013).

⁵ Joint *Ex Parte* Request for Approval of Amendment to Agreement for Resolution of Competing Applications filed by Green Flag Wireless, LLC, CWC License Holding, Inc., Corr Investments I, LLC, James McCotter, and AT&T Inc. (filed Nov. 11, 2014) (“Joint Request”).

⁶ *Id.* at 2; see also ULS File No. 0006239595.

⁷ C.F.R. § 1.935.

- b. all Green Flag Filings opposing, challenging, or otherwise objecting to the existing buildout of any Sprint WCS License;
- c. all Green Flag Filings opposing, challenging, or otherwise objecting to the Joint Proposal of AT&T and Sirius XM Radio Inc. filed with the FCC on June 15, 2012;⁸
- d. the Green Flag Applicants' August 6, 2010 Petition for Reconsideration filed with the FCC in WT Docket No. 10-112, their September 2, 2010 Consolidated Reply to Oppositions to Petition for Reconsideration filed with the FCC in WT Docket No. 10-112, and their October 22, 2010 Petition for Reconsideration of the conditional grant of each of the Sprint WCS Licenses, and each reply they filed to the oppositions filed to such October 22, 2010 Petition for Reconsideration; and
- e. any other Green Flag Filing contending that Sprint should not be granted renewals of the Sprint WCS Licenses.⁹

To the extent an application, pleading, petition, or filing by the Green Flag Applicants that fits within one of these four categories inadvertently was omitted from the exhibit hereto, the Green Flag Applicants also hereby withdraw that application, pleading, petition, or filing with prejudice and seek dismissal of any such application, also with prejudice, upon FCC approval of the Agreement and the closing of the Assignment.¹⁰

Finally, the Parties request a waiver of the Commission's electronic filing requirement contained in Section 1.913(a)-(b) of the Commission's rules, which requires electronic filing in the Commission's Universal Licensing System ("ULS") using the forms specified for various application-related actions.¹¹ The purpose of this rule is to promote administrative efficiency.^{12,13} In this case, for reasons of administrative efficiency,

⁸ See *Amendment of Part 27 of the Commission's Rules to Govern the Operation of Wireless Communications Services in the 2.3 GHz Band*, WT Dkt. No. 07-293, Written *Ex Parte* Presentation of AT&T Inc. and Sirius XM Radio Inc. - Joint Submission with Proposals That Resolve Open Issues on Reconsideration (filed June 15, 2012).

⁹ Certain of these filings previously have been withdrawn and dismissed in part with respect to other WCS licenses. The Green Flag Applicants now are withdrawing, and seeking dismissal, with prejudice, of these filings in full.

¹⁰ See 47 C.F.R. § 1.934(a)(1)(i) ("If the applicant requests dismissal of its application with prejudice, the Commission will dismiss that application with prejudice.").

¹¹ *Id.* § 1.913(a)-(b).

¹² See, e.g., *Biennial Regulatory Review – Amendment of Parts 0, 1, 13, 22, 24, 26, 27, 13, 87, 90, 95, 97, and 101 of the Commission's Rules to Facilitate the Development and Use of the Universal Licensing System in the Wireless Telecommunications Services, Report and Order, 13 FCC Rcd. 21027, 21030-31 ¶¶ 2, 4 (1998) (explaining that requiring*

the Parties are filing this Request to Withdraw in letter format and via the Commission's Electronic Comment Filing System ("ECFS"), and not in ULS using the form specified by Section 1.913. As adhering to the rule's prescriptions would defeat its underlying purpose, the Parties have shown good cause for waiver of this rule, and grant of this waiver request is in the public interest.¹⁴

Respectfully submitted,

/s/ Donald J. Evans

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and James McCotter

cc: Richard Arsenault

Exhibit

- Applications of CWC License Holding, Inc. in ULS File Nos. 0003060927, 0003060926, 0003060925.
- Applications of Green Flag Wireless, LLC in ULS File Nos. 0003066452, 0003065130, 0003066450, 0003065069, 0003065068, 0003065127, 0003065129, 0003065132, 0003065070, 0003065126, 0003065128, 0003065131, 0003066449, 0003066451.
- Applications of James McCotter in ULS File Nos. 0003060782, 0003060781.
- Letter from Donald J. Evans, Attorney for Green Flag Wireless, LLC, CWC License Holding, Inc., and James McCotter, to Marlene H. Dortch, Secretary, FCC, requesting that the FCC convene a meeting to discuss the comparative renewal proceeding (filed Oct. 5, 2007).

the use of ULS will increase the efficiency of the licensing application process, thereby reducing the burdens on the staff and applicants alike; speeding the deployment of service; and increasing the reliability, accuracy, and accessibility of licensing information to the public).

¹⁴ See 47 C.F.R. §§ 1.3, 1.925(b)(3).

- Letter from Donald J. Evans, Attorney for Green Flag Wireless, LLC, CWC Wireless Holding, Inc., and James McCotter, to Fred Campbell, Chief, Wireless Telecommunications Bureau, regarding pending WCS renewal applications (filed Oct. 24, 2007).
- Letter from Donald J. Evans, Attorney for Green Flag Wireless, LLC, CWC License Holding, Inc., and James McCotter, to James Schlichting, Acting Chief, Wireless Telecommunications Bureau, regarding Pending Wireless Communications Service Applications (filed Oct. 15, 2008).
- Reply Comments of Green Flag Wireless, LLC, CWC Wireless Holding, Inc., and James McCotter in WT Docket 08-182. (filed Oct. 27, 2008).
- Comments of Green Flag Wireless, LLC, CWC Wireless Holding, Inc., and James McCotter in CB Docket 08-21 (filed Mar. 2, 2009).
- Informal Objection of Green Flag Wireless, LLC, CWC Wireless Holding, Inc., and James McCotter to Further Request for Extension of Time (filed July 29, 2009).
- Request of Green Flag Wireless, LLC, CWC Wireless Holding, Inc., and James McCotter for Meeting with Ruth Milkman (filed Sept. 23, 2009).
- Green Flag Wireless, LLC Comment in GN Dockets 09-157 and 09-51 (filed Sept. 30, 2009).
- *Revisions of Performance Requirements for 2.3 GHz Wireless Communications Service*, WT Dkt No. 07-293, Joint Comments of Green Flag Wireless, LLC, CWC Wireless Holding, Inc., and James McCotter (filed Apr. 21, 2010).
- *Revisions of Performance Requirements for 2.3 GHz Wireless Communications Service*, WT Dkt No. 07-293, Reply to Comment of WCS Coalition of Green Flag Wireless, LLC, CWC Wireless Holding, Inc., and James McCotter (filed May 3, 2010).
- *Amendment of Parts 1, 22, 24, 27, 74, 80, 90, 95, and 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*, WT Dkt No. 10-112, Comments of Green Flag Wireless, LLC, CWC License Holding, Inc., James McCotter, NTCH-CA, Inc. on Proposed Rules (filed Aug. 6, 2010).
- *Amendment of Parts 1, 22, 24, 27, 74, 80, 90, 95, and 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, WT Dkt No. 10-112, Petition of Green Flag Wireless, LLC, CWC License Holding, Inc., James McCotter, NTCH-CA, Inc. for Reconsideration (filed Aug. 6, 2010).

- *Amendment of Parts 1, 22, 24, 27, 74, 80, 90, 95, and 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*, WT Dkt No. 10-112, *Ex Parte* Letter of Green Flag Wireless, LLC, CWC License Holding, Inc., James McCotter, NTCH-CA, Inc. (filed Aug. 11, 2010).
- *Amendment of Parts 1, 22, 24, 27, 74, 80, 90, 95, and 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*, WT Dkt No. 10-112, Corrected *Ex Parte* Letter of Green Flag Wireless, LLC, CWC License Holding, Inc., James McCotter, NTCH-CA, Inc. (filed Aug. 11, 2010).
- *Amendment of Parts 1, 22, 24, 27, 74, 80, 90, 95, and 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*, WT Dkt No. 10-112, Reply Comments of Green Flag Wireless, LLC, CWC License Holding, Inc., James McCotter, NTCH-CA, Inc. on Proposed Rules (filed Aug. 23, 2010).
- *Amendment of Part 27 of the Commission's Rules to Govern the Operation of Wireless Communications Services in the 2.3 GHz Band, Establishment of Rules and Policies for the Digital Audio Radio Satellite Service in the 2310-2360 MHz Frequency Band*, WT Dkt No. 07-293, IB Dkt No. 95-91, GEN Dkt No. 90-357, RM-8610, Petition of Green Flag Wireless, LLC, CWC Wireless Holding, Inc., and James McCotter for Reconsideration (filed Sept. 1, 2010).
- *Amendment of Parts 1, 22, 24, 27, 74, 80, 90, 95, and 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, WT Dkt No. 10-112, Consolidated Reply to Oppositions to Petition of Green Flag Wireless, LLC, CWC License Holding, Inc., James McCotter, NTCH-CA, Inc. for Reconsideration (filed Sept. 2, 2010).

- *Amendment of Parts 1, 22, 24, 27, 74, 80, 90, 95, and 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*, WT Dkt No. 10-112, *Ex Parte* Letter of Green Flag Wireless, LLC, CWC Wireless Holdings, Inc., James McCotter, (filed Sept. 10, 2010).
- *Conditional Grant of Renewal Applications in the Wireless Radio Service and Personal Communication Service*, ULS File Nos. 0003063569 et al., Petition of Green Flag Wireless, LLC, CWC License Holding, Inc., James McCotter, NTCHCA, Inc. for Reconsideration (filed Oct. 22, 2010).
- *Amendment of Parts 1, 22, 24, 27, 74, 80, 90, 95, and 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*, WT Dkt No. 10-112, *Ex Parte* Letter of Green Flag Wireless, LLC, CWC License Holding, Inc., James McCotter, NTCH-CA, Inc. (filed Aug. 1, 2011).
- *Amendment of Parts 1, 22, 24, 27, 74, 80, 90, 95, and 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*, WT Dkt No. 10-112, *Ex Parte* Letter of Green Flag Wireless, LLC, CWC License Holding, Inc., James McCotter, NTCH-CA, Inc. (filed Aug. 31, 2011).
- *Amendment of Parts 1, 22, 24, 27, 74, 80, 90, 95, and 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*, WT Dkt No. 10-112, *Ex Parte* Letters of Green Flag Wireless, LLC, NTCH, Inc. (filed Nov. 29, 2011).
- *Amendment of Parts 1, 22, 24, 27, 74, 80, 90, 95, and 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, Amendment of Part 27 of the Commission's Rules to Govern the Operation of Wireless Communications Services in the 2.3 GHz Band, WT Dkt Nos. 10-112 and 07-293, Ex Parte Letter of Green Flag Wireless, LLC, CWC Wireless Holding, Inc./Corr Investments I, LLC, James McCotter (filed Aug. 3, 2012).