



PUBLIC NOTICE

Federal Communications Commission
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T-MOBILE LICENSE LLC SEEKS FCC CONSENT TO THE ASSIGNMENT AND TRANSFER OF CONTROL OF LOWER 700 MHZ A BLOCK LICENSES

WT Docket No. 16-122

PLEADING CYCLE ESTABLISHED

Petitions to Deny Due: May 18, 2016
Oppositions Due: May 25, 2016
Replies Due: June 2, 2016

I. INTRODUCTION

T-Mobile License LLC, a wholly-owned subsidiary of T-Mobile USA, Inc. (together with T-Mobile License LLC, T-Mobile), and three other entities have filed applications pursuant to Section 310(d) of the Communications Act of 1934, as amended,¹ seeking the assignment or transfer of control of a number of Lower 700 MHz A Block licenses to T-Mobile. The applications are related to three separate transactions involving: (1) Cellular South Licenses, LLC d/b/a C Spire Wireless (C Spire); (2) subsidiaries of Cavalier License Group, LLC (Cavalier); and (3) wholly-owned subsidiaries of Continuum 700 LLC (Continuum 700, and together with T-Mobile, C Spire, and Cavalier, the Applicants). C Spire proposes to assign to T-Mobile seven full and three partitioned Lower 700 MHz A Block licenses,² Cavalier proposes to transfer control of 22 Lower 700 MHz A Block licenses,³ and Continuum 700 proposes to transfer control of ten Lower 700 MHz A Block licenses.⁴

The Applicants contend that these spectrum-only assignments and transfers of control would allow T-Mobile to expand its Lower 700 MHz footprint, and thus offer improved services to its customers. The Applicants further claim that through T-Mobile's increased spectrum holdings, T-Mobile would be able to add capacity and improve data throughput speeds within existing coverage areas, and thereby benefit consumers.

According to the applications, which together cover approximately 15 percent of the U.S. population, if the proposed transactions were to be consummated, T-Mobile would acquire 12 megahertz of Lower 700 MHz A Block spectrum from C Spire in all or parts of 34 Cellular Market Areas (CMAs). In addition, T-Mobile would acquire 12 megahertz of Lower 700 MHz A Block spectrum from Cavalier

¹ 47 U.S.C. § 310(d).

² ULS File Nos. 0007141032 (lead) and 0007141034 (filed Feb. 19, 2016).

³ ULS File Nos. 0007143962 (lead), 0007144163, 0007144164 (amended Apr. 1, 2016), 0007144165, 0007144166, 0007144167, 0007144168, 0007144169, 0007144170, 0007144171, 0007144172, 0007144173, 0007144174, 0007144175, 0007144176, 0007144177, 0007144178, 0007144179, 0007144180, 0007144182, 0007144183, and 0007144184 (filed Feb. 22, 2016).

⁴ ULS File Nos. 0007140898 (lead), 0007128948, 0007140914, 0007140923, 0007140972, 0007140976, 0007140983, 0007140990, 0007141000, 0007141011, and 0007141015 (filed Feb. 22, 2016).

in all or parts of 103 CMAs. Finally, T-Mobile would acquire 12 megahertz of Lower 700 MHz A Block spectrum from Continuum 700 in all or parts of 55 CMAs. As a result of the three proposed transactions, T-Mobile would hold a maximum of 112 megahertz of spectrum across these CMAs, including 12 megahertz of below-1-GHz spectrum.

II. SECTION 310(d) APPLICATIONS

The following applications for the assignment or transfer of control of licenses have the following file numbers:

<u>File No.</u>	<u>Licensee/Assignor/Transferor</u>	<u>Assignee/Transferee</u>	<u>Lead Call Sign</u>
0007141032 ⁵	Cellular South Licenses, LLC	T-Mobile License LLC	WQIZ423
0007141034	Cellular South Licenses, LLC	T-Mobile License LLC	WQIZ428
0007143962 ⁶	Cavalier Fayetteville, LLC	T-Mobile License LLC	WQIZ360
0007144163	Cavalier Albany NY, LLC	T-Mobile License LLC	WQIZ388
0007144164	Cavalier Syracuse, LLC	T-Mobile License LLC	WQIZ389
0007144165	Cavalier Buffalo, LLC	T-Mobile License LLC	WQIZ390
0007144166	Cavalier State College, LLC	T-Mobile License LLC	WQIZ391
0007144167	Cavalier Harrisburg, LLC	T-Mobile License LLC	WQIZ392
0007144168	Cavalier Staunton, LLC	T-Mobile License LLC	WQIZ393
0007144169	Cavalier Greensboro, LLC	T-Mobile License LLC	WQIZ394
0007144170	Cavalier Charlotte, LLC	T-Mobile License LLC	WQIZ396
0007144171	Cavalier Columbia, LLC	T-Mobile License LLC	WQIZ397
0007144172	Cavalier Augusta, LLC	T-Mobile License LLC	WQIZ398
0007144173	Cavalier Tallahassee, LLC	T-Mobile License LLC	WQIZ399
0007144174	Cavalier Albany GA, LLC	T-Mobile License LLC	WQIZ400
0007144175	Cavalier Greenville, LLC	T-Mobile License LLC	WQIZ401
0007144176	Cavalier Lexington, LLC	T-Mobile License LLC	WQIZ403
0007144177	Cavalier Toledo, LLC	T-Mobile License LLC	WQIZ404
0007144178	Cavalier Louisville, LLC	T-Mobile License LLC	WQIZ405
0007144179	Cavalier Beaumont, LLC	T-Mobile License LLC	WQIZ406
0007144180	Cavalier C Christi, LLC	T-Mobile License LLC	WQIZ407
0007144182	Cavalier McAllen, LLC	T-Mobile License LLC	WQIZ408
0007144183	Cavalier Spokane, LLC	T-Mobile License LLC	WQIZ409
0007144184	Cavalier Honolulu, LLC	T-Mobile License LLC	WQIZ410

⁵ T-Mobile and C Spire have designated this as the lead application for their proposed transaction.

⁶ T-Mobile and Cavalier have designated this as the lead application for their proposed transaction.

<u>File No.</u>	<u>Licensee/Assignor/Transferor</u>	<u>Assignee/Transferee</u>	<u>Lead Call Sign</u>
0007140898 ⁷	C700-Ft. Myers-A LLC	T-Mobile License LLC	WQLA790
0007140914	C700-Boise City-A LLC	T-Mobile License LLC	WQLA791
0007140923	C700-Salt Lake City-A LLC	T-Mobile License LLC	WQLA792
0007140972	C700-Albuquerque-A LLC	T-Mobile License LLC	WQLA793
0007140976	C700-Richmond-A LLC	T-Mobile License LLC	WQLA794
0007140983	C700-Charleston-A LLC	T-Mobile License LLC	WQLA795
0007140990	C700-Savannah-A LLC	T-Mobile License LLC	WQLA796
0007141000	C700-Jacksonville-A LLC	T-Mobile License LLC	WQLA797
0007141011	C700-Sarasota-A LLC	T-Mobile License LLC	WQLA798
0007141015	C700-Columbus-A LLC	T-Mobile License LLC	WQLA799

III. *EX PARTE* STATUS OF THIS PROCEEDING

Pursuant to Section 1.1200(a) of the Commission's rules,⁸ the Commission may adopt modified or more stringent *ex parte* procedures in particular proceedings if the public interest so requires. We announce that this proceeding will be governed by permit-but-disclose *ex parte* procedures that are applicable to non-restricted proceedings under Section 1.1206 of the Commission's rules.⁹

Parties making oral *ex parte* presentations are directed to the Commission's *ex parte* rules. Parties are reminded that memoranda summarizing the presentation must contain the presentation's substance and not merely list the subjects discussed.¹⁰ More than a one- or two-sentence description of the views and arguments presented is generally required.¹¹ Other rules pertaining to oral and written presentations are set forth in Section 1.1206(b) as well.¹²

IV. GENERAL INFORMATION

The assignment and transfer of control applications have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules or policies.

Interested parties must file petitions to deny no later than **May 18, 2016**. Persons and entities that file petitions to deny become parties to the proceeding. They may participate fully in the proceeding, including seeking access to any confidential information that may be filed under a protective order, seeking reconsideration of decisions, and filing appeals of a final decision to the courts. Oppositions to such pleadings must be filed no later than **May 25, 2016**. Replies to such pleadings must be filed no later than **June 2, 2016**. All filings concerning matters referenced in this Public Notice should refer to WT Docket No. 16-122.

⁷ T-Mobile and Continuum 700 have designated this as the lead application for their proposed transaction.

⁸ 47 C.F.R. § 1.1200(a).

⁹ 47 C.F.R. § 1.1206.

¹⁰ 47 C.F.R. § 1.1206(b)(1).

¹¹ *Id.*

¹² 47 C.F.R. § 1.1206(b).

To allow the Commission to consider fully all substantive issues regarding the applications in as timely and efficient a manner as possible, petitioners and commenters should raise all issues in their initial filings. New issues may not be raised in responses or replies.¹³ A party or interested person seeking to raise a new issue after the pleading cycle has closed must show good cause why it was not possible for it to have raised the issue previously. Submissions after the pleading cycle has closed that seek to raise new issues based on new facts or newly discovered facts should be filed within 15 days after such facts are discovered. Absent such a showing of good cause, any issues not timely raised may be disregarded by the Commission.

Under the Commission's current procedures for the submission of filings and other documents,¹⁴ submissions in this matter may be filed electronically through the Commission's Electronic Comment Filing System (ECFS) or by hand delivery to the Commission.

- **To file electronically,**¹⁵ access ECFS via the Internet at <http://apps.fcc.gov/ecfs>. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket number.
- **To file by paper,** the original and one copy of each filing must be filed by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, SW, Washington, DC 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

One copy of each pleading must be delivered electronically, by email or facsimile, or if delivered as paper copy, by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (according to the procedures set forth above for paper filings), to: (1) Scott Patrick, Mobility Division, Wireless Telecommunications Bureau, at scott.patrick@fcc.gov or (202) 418-2643 (facsimile); (2) Kate Matraves, Competition and Infrastructure Policy Division, Wireless Telecommunications Bureau, at catherine.matraves@fcc.gov or (202) 418-2643 (facsimile); and (3) Jim Bird, Office of General Counsel, at TransactionTeam@fcc.gov or (202) 418-1234 (facsimile).

The applications and any associated documents are available for public inspection and copying during normal reference room hours at the following Commission office: FCC Reference Information Center, 445 12th Street, SW, Room CY-A257, Washington, DC 20554. The applications also are available electronically through ULS, which may be accessed on the Commission's Internet website. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice) or (202) 418-0432 (TTY). Contact the FCC to request reasonable accommodations for filing comments (accessible format documents, sign language interpreters, CART, etc.) by email: FCC504@fcc.gov; phone: (202) 418-0530; or TTY: (202) 418-0432.

¹³ 47 C.F.R. § 1.45(c).

¹⁴ *FCC Announces Change in Filing Location for Paper Documents*, Public Notice, 24 FCC Rcd 14312 (2009).

¹⁵ *Electronic Filing of Documents in Rulemaking Proceedings*, Report and Order, 13 FCC Rcd 11322 (1998).

For further information, contact Scott Patrick, Mobility Division, Wireless Telecommunications Bureau, at (202) 418-2853, or Kate Mataves, Competition and Infrastructure Policy Division, Wireless Telecommunications Bureau, at (202) 391-6272.

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