



PUBLIC NOTICE

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FEDERAL COMMUNICATIONS COMMISSION

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DA 00-2397

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**VOICESTREAM WIRELESS CORPORATION
AND COOK INLET REGION, INC. SEEK FCC CONSENT
FOR TRANSFER OF CONTROL OF LICENSES AND AUTHORIZATIONS**

WT Docket No. 00-207**Comments/Petitions due: November 24, 2000****Replies/Oppositions due: December 1, 2000**

Cook Inlet Region, Inc. ("Cook"), an Alaska Regional Corporation organized under the Alaska Native Claims Settlement Act, 47 U.S.C. §§ 1601 *et seq.*, and VoiceStream Wireless Corporation ("VoiceStream"), a Delaware corporation, have filed applications under sections 214 and 310(d) of the Communications Act of 1934, as amended (the "Act"), 47 U.S.C. §§ 214, 310(d), and the Department of Defense Appropriations Act of 2001, Public Law No. 106-259,¹ seeking Commission consent to a transfer of control of licenses from Cook to VoiceStream.² Section 8149 amends section 1621 of Public Law 92-204 (43 U.S.C. § 1621), the Alaska Native Claims Settlement Act, as amended, by inserting the following new subsection (m):

An Alaska Native regional corporation organized pursuant to the Alaska Native Claims Settlement Act, or an affiliate thereof, that holds a Federal Communications Commission license in the personal communications service as of the date of enactment of this section and has either paid for such license in full or has complied with the payment schedules for such license shall be permitted to transfer or assign without penalty such license to any

¹ See Public Law No. 106-259, 114 Stat 656, section 8149.

² Cook filed applications for the transfer of control of its wireless licenses on September 14, 2000. On September 25, 2000, Commission staff contacted the parties to request additional information needed to complete the applications. On September 28, 2000, at the request of the parties, Commission staff met with the parties to discuss the applications. On October 13, 2000, the parties filed: (1) amendments to the wireless applications; (2) applications associated with the transfer of control of Cook's international 214 authorization; and (3) a petition for declaratory ruling under section 310(b)(4) of the Act. On October 19, 2000, the parties amended their petition for declaratory ruling under section 310(b)(4) of the Act.

transferee or assignee. No economic penalties shall apply to any transfer or assignment authorized under this section. Any amounts owed to the United States for the initial grant of such licenses shall become immediately due and payable upon the consummation of any such transfer or assignment. Any application for such a transfer or assignment shall be deemed granted if not denied by the Commission within 90 days of the date on which it was initially filed. Any provision of law or regulation to the contrary is hereby amended.

These applications are being filed in connection with a transaction pursuant to which Cook will exchange certain membership and partnership interests of its wholly owned subsidiaries Cook Inlet GSM, Inc. ("CIGSM") and Cook Inlet Telecommunications, Inc. ("CITI") in four entities that own, directly or indirectly, twelve Commission licensee entities for VoiceStream common stock or cash.³ Interested parties are invited to comment both on the applications to transfer control and on the application of 43 U.S.C. § 1621 to the transfer of control applications.

SECTION 310(b)(4) DECLARATORY RULING

Pursuant to section 310(b)(4) of the Act, 47 U.S.C. § 310(b)(4), twelve Cook Entities have filed for a declaratory ruling to allow the indirect foreign ownership of the Cook entities in excess of the 25-percent statutory benchmark.⁴ Upon the consummation of the Cook-VoiceStream transaction, all of VoiceStream's current foreign ownership will be fully attributable to the Cook Entities. The foreign ownership interests in VoiceStream are primarily held by four entities.⁵ These entities include: Hutchison Telecommunications PCS (USA) Limited ("HTPCSL"), a British Virgin Islands corporation and a wholly owned subsidiary of Hutchison Whampoa Limited ("Hutchison"), a Hong Kong limited liability holding company (20.56% equity and 13.59% voting); Deutsche Telekom AG ("DT"), a German corporation

³ Applications are on file to transfer control of the licenses and authorizations of VoiceStream to Deutsche Telekom AG ("DT"). See VoiceStream Wireless Corporation, Powertel, Inc., and Deutsche Telekom AG Seek FCC Consent to Transfer Control of Licenses and Authorizations and Request Declaratory Ruling Allowing Indirect Foreign Ownership, Public Notice, IB Docket No. 00-187, DA 00-2251 (rel. Oct. 11, 2000). Therefore, control of the instant licenses proposed to be transferred from Cook to VoiceStream ultimately may be passed to DT. Parties wishing to comment on the ultimate transfer of control of these licenses to DT should comment in IB Docket No. 00-187. Comments are due in that proceeding on November 13, 2000.

⁴ See *Cook Inlet/VoiceStream PCS, LLC; Cook Inlet/VoiceStream License, LLC; Cook Inlet/VS GSM II PCS, LLC; Omnipoint Atlantic City License, LLC; Omnipoint Dover License, LLC; Omnipoint Philadelphia License, LLC; Cook Inlet/VS GSM III PCS, LLC; CIVS PA I LLC; CIVS PA III, LLC; D&E/Omnipoint Joint Venture, L.P.; Omnipoint Philadelphia-E Lancaster E License, LLC; and Cook Inlet/VoiceStream PV/SS PCS L.P.*, Petition for Determination of the Public Interest Under Section 310(b)(4) of the Communications Act of 1934, As Amended, File No. ISP-PDR-20001029-00033 (filed Oct. 20, 2000).

⁵ VoiceStream also has a small, fluctuating component to its foreign ownership held through publicly traded shares.

(11.49% equity and 1.79% voting)⁶; Telephone and Data Systems (“TDS”), a Delaware corporation, a portion of which is owned by foreign investors, resulting in an indirect foreign ownership interest attributable to VoiceStream (1.57% equity and 1.14% voting); and Sonera Limited (“Sonera”), a Finnish corporation (6.98% equity and 8.69% voting).⁷

The petition for a declaratory ruling under section 310(b)(4) of the Act has been assigned File No. ISP-PDR-20001020-00033.

SECTION 310 APPLICATIONS

Part 24 - Personal Communications Service

The following applications for consent to transfer control from Cook to VoiceStream have been assigned the following file numbers.

<u>File No.</u>	<u>Licensee</u>	<u>Lead Call Sign</u>
0000216961	Cook Inlet/VoiceStream PCS, LLC ⁸	WPOJ732
0000217007	Cook Inlet/VS GSM II PCS, LLC ⁹	KNLF945
0000217008	Cook Inlet/VS GSM III PCS, LLC ¹⁰	WPOJ782
50022CWTC00	Cook Inlet/VoiceStream License Company, LLC	WPOJ737
50021CWTC00	Omnipoint Atlantic City License, LLC	KNLF710
50020CWTC00	Omnipoint Dover License, LLC	KNLF712
50019CWTC00	Omnipoint Philadelphia License, LLC	KNLF715
50016CWTC00	CIVS PA I, LLC	WPOJ294
50018CWTC00	CIVS PA III, LLC	KNLF719
50015CWTC00	D&E/Omnipoint Joint Venture, L.P. ¹¹	KNLF911
50017CWTC00	Omnipoint Philadelphia-E. Lancaster E License, LLC	KNLF983

⁶ As of the filing date of this petition, the German government owns 58.2 percent of the equity in DT.

⁷ As of the filing date of this petition, the Finnish government owns 53.3 percent of the equity of Sonera.

⁸ A *pro forma* application to assign 10 MHz of disaggregated spectrum of WPOJ734 from Cook Inlet/VoiceStream PCS, LLC to Cook Inlet Region of Georgia, Inc. filed July 24, 2000 remains pending. (FCC File No. 0000192932). In addition, a *pro forma* application to assign 10 MHz of disaggregated spectrum of WPOJ742 from Cook Inlet/VoiceStream PCS, LLC to Cook Inlet Region of Georgia, Inc. filed July 24, 2000 remains pending. (FCC File No. 0000192493).

⁹ A *pro forma* application to assign KNLF719 from Cook Inlet/VS GSM II PCS, LLC to CIVS PA III, LLC was filed May 10, 2000. (FCC File No. 0000126722).

¹⁰ A *pro forma* application to assign 20 MHz of disaggregated spectrum of WPOJ799 from Cook Inlet/VS GSM III PCS, LLC to Cook Inlet Region of Georgia, Inc. filed July 24, 2000 remains pending. (FCC File No. 0000192927).

¹¹ Applications transferring control in D&E/Omnipoint Wireless Joint Venture, L.P., and its wholly owned subsidiary, Omnipoint Philadelphia-Lancaster E License, LLC, to CIVS PA II, LLC were granted on September 29, 2000. See Public Notice, WTB Report No. 660 (rel. May 17, 2000)(FCC File No. 0000126703 and 0000126706).

0000217006

Cook Inlet/VoiceStream PV/SS PCS, L.P.¹²

KNLF474

Part 27 - Wireless Communications Service

The following application for consent to transfer control from Cook to VoiceStream has been assigned the following file number.

<u>File No.</u>	<u>Licensee</u>	<u>Lead Call Sign</u>
0000217007	Cook Inlet/VS GSM II PCS, LLC	KNLB208

SECTION 214 APPLICATION (INTERNATIONAL)

The following application for consent to transfer control from Cook to VoiceStream has been assigned the following file number:

<u>Authorized Carrier</u>	<u>File No.</u>	<u>Original File No.</u>
D&E/Omnipoint Wireless Joint Venture, L.P.	ITC-T/C-2000101300604	ITC-214-19980807-00546

This international Section 214 authorization is also the subject of a pending, streamlined application to transfer control from VoiceStream Wireless Corporation to CIVS PA II, LLC.¹³ It is also the subject of a pending, non-streamlined application to transfer control from VoiceStream Wireless Corporation to Deutsche Telekom.¹⁴

GENERAL INFORMATION

The transfer of control applications referenced herein 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.

¹² A *pro forma* application to assign KNLG708 from Cook Inlet/VoiceStream PV/SS PCS, L.P. to Cook Inlet Region of Georgia, Inc. filed July 24, 2000 remains pending. (FCC File No. 0000192930).

¹³ See *Cook Inlet Region, Inc., Transferor and VoiceStream Wireless Corporation, Transferee*, Application to Transfer Control of International Section 214 Authorization, File No. ITC-T/C-2001013-00605 (filed Oct. 13, 2000).

¹⁴ See *VoiceStream Wireless Corporation, Powertel, Inc., and Deutsche Telekom AG Seek FCC Consent to Transfer Control of Licenses and Authorizations and Request Declaratory Ruling Allowing Indirect Foreign Ownership*, Public Notice, IB Docket No. 00-187, DA 00-2251 (rel. Oct. 11, 2000) at 9. Therefore, control of this international Section 214 authorization ultimately may be passed to DT. Parties wishing to comment on the ultimate transfer of control of these licenses to DT should comment in IB Docket No. 00-187. Comments are due in that proceeding on November 13, 2000.

Final action on these applications will not be taken earlier than 31 days following the date of this Public Notice. *See* 47 U.S.C. § 309(b). Interested parties may file comments or petitions to deny no later than **November 24, 2000**. Replies or oppositions to such pleadings may be filed no later than **December 1, 2000**. All filings concerning matters referenced in this Public Notice should refer to **WT Docket No. 00-207 and DA 00-2397**, as well as the specific file numbers of the individual applications or other matters to which the filings pertain.

Pursuant to 47 C.F.R. § 1.1200(a), which permits the Commission to 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 47 C.F.R. § 1.1200.

An original and four copies of all pleadings must be filed with the Commission's Secretary, Magalie Roman Salas, 445 12th Street, S.W., TW-A325, Washington, D.C. 20554, in accordance with Section 1.51(c) of the Commission's rules, 47 C.F.R. § 1.51(c). **In addition, one copy of each pleading must be delivered to each of the following locations:** (1) the Commission's duplicating contractor, International Transcription Services, Inc. ("ITS"), 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554; (2) Office of Media Relations, Reference Operations Division, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554; (3) Lauren Kravetz, Commercial Wireless Division, Wireless Telecommunications Bureau, 445 12th Street, S.W., Room 4-A163, Washington, D.C. 20554; (4) John Branscome, Commercial Wireless Division, Wireless Telecommunications Bureau, 445 12th Street, S.W., Room 4-A234, Washington, D.C. 20554; (5) Claudia Fox, Telecommunications Division, International Bureau, 445 12th Street, S.W., Room 6-A848, Washington, D.C. 20554; and (6) Justin Connor, Telecommunications Division, International Bureau, 445 12th Street, S.W., Room 6-A832, Washington, D.C. 20554.

Copies of the applications and any subsequently filed documents in this matter may be obtained from ITS. The applications and documents are also available for public inspection and copying during normal reference room hours at the following Commission office: Office of Media Relations, Reference Operations Division, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. In addition, applications filed under Parts 24 and 27 of the Commission's rules are available electronically through the Wireless Telecommunications Bureau's Universal Licensing System, which may be accessed on the Commission's Internet web site at Internet: <<http://www.fcc.gov>>. Furthermore, all of the applications are available to the public through ECFS under the docket number of this proceeding, WT Docket No. 00-207.

Instead of filing paper comments, parties may file comments using the Commission's Electronic Comment Filing System ("ECFS"). *See* Electronic Filing of Documents in Rulemaking Proceedings, 63 *Fed. Reg.* 24,121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to

ecfs@fcc.gov, and should include the following words in the body of the message, “get form <your e-mail address>.” A sample form and directions will be sent in reply.

For further information, contact Lauren Kravetz or John Branscome, Commercial Wireless Division, Wireless Telecommunications Bureau, at (202) 418-7240 (Parts 24 and 27); or Claudia Fox or Justin Connor, Telecommunications Division, International Bureau, at (202) 418-1460 (international 214, section 310(b)(4)).

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