

03-46

<p>FCC 603</p>	<p>FCC Wireless Telecommunications Bureau Application for Assignments of Authorization and Transfers of Control</p>	<p>Approved by OMB 3060 - 0800 See instructions for public burden estimate</p> <p>Submitted 01/10/2003 at 02:52PM</p> <p>File Number: 0001146848</p>
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1) Application Purpose: Assignment of Authorization	
2a) If this request is for an Amendment or Withdrawal, enter the File Number of the pending application currently on file with the FCC.	File Number:
2b) File numbers of related pending applications currently on file with the FCC:	

Type of Transaction

4) For assignment of authorization only, is this a partition and/or disaggregation? Yes
5a) Does this filing request a waiver of the Commission rules? If 'Yes', attach an exhibit providing the rule numbers and explaining circumstances. No
5b) If a feeable waiver request is attached, multiply the number of stations (call signs) times the number of rule
7a) Does the transaction that is the subject of this application also involve transfer or assignment of other wireless licenses held by the assignor/transferor or affiliates of the assignor/transferor(e.g., parents, subsidiaries, or commonly controlled entities) that are not included on this form and for which Commission approval is required? Yes
7b) Does the transaction that is the subject of this application also involve transfer or assignment of non-wireless licenses that are not included on this form and for which Commission approval is required? No

Transaction Information

8) How will assignment of authorization or transfer of control be accomplished? Spectrum exchange If required by applicable rule, attach as an exhibit a statement on how control is to be assigned or transferred, along with copies of any pertinent contracts, agreements, instruments, certified copies of Court Orders, etc.
9) The assignment of authorization or transfer of control of license is: Voluntary

Licensee/Assignor Information

10) FCC Registration Number (FRN): 0004249599	
And / Or	15) Street Address: 17330 Preston Road, Suite 100A
19) Telephone Number: (972)733-2000	20) FAX Number: (972)733-2865

Race:	American Indian or Alaska Native:	Asian:	Black or African-American:	Native Hawaiian or Other Pacific Islander:	White:
Ethnicity:	Hispanic or Latino:	Not Hispanic or Latino:			
Gender:	Female:	Male:			

24) First Name (if individual):		
25) Entity Name (if not an individual):		
26) P.O. Box:	And / Or	27) Street Address:
28) City:	29) State:	30) Zip Code:
31) Telephone Number:	32) FAX Number:	
33) E-Mail Address:		

41) Telephone Number:		42) FAX Number:
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44) The Assignee is a(n): Limited Liability Corporation			
45) FCC Registration Number (FRN): 0003291192			
46) First Name (if individual):	MI:	Last Name:	Suffix:
47) Entity Name (if other than individual): AT&T Wireless PCS, LLC			
48) Name of Real Party in Interest:		49) TIN:	
50) Attention To: Douglas I. Brandon			
54) State: DC		55) Zip Code: 20036	
56) Telephone Number: (202)223-9222			
58) E-Mail Address:			

61) P.O. Box:	And / Or	62) Street Address: 1150 Connecticut Avenue, N.W., 4th Floor	
63) City: Washington	64) State: DC	65) Zip Code: 20036	
66) Telephone Number: (202)416-6540		67) FAX Number: (202)416-6539	

69) Is the Assignee or Transferee a foreign government or the representative of any foreign government?	No
70) Is the Assignee or Transferee an alien or the representative of an alien?	No
71) Is the Assignee or Transferee a corporation organized under the laws of any foreign government?	No
72) Is the Assignee or Transferee a corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country?	No
73) Is the Assignee or Transferee directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country? If 'Yes', attach exhibit explaining nature and extent of alien or foreign ownership or control.	No

Basic Qualification Questions

74) Has the Assignee or Transferee or any party to this application had any FCC station authorization, license or construction permit revoked or had any application for an initial, modification or renewal of FCC station authorization, license, construction permit denied by the Commission? If 'Yes', attach exhibit explaining circumstances.	No
75) Has the Assignee or Transferee or any Party to this application, or any party directly or indirectly controlling the Assignee or Transferee, or any party to this application ever been convicted of a felony by any state or federal court? If 'Yes', attach exhibit explaining circumstances.	No
76) Has any court finally adjudged the Assignee or Transferee, or any party directly or indirectly controlling the Assignee or Transferee guilty of unlawfully monopolizing or attempting unlawfully to monopolize radio communication, directly or indirectly, through control of manufacture or sale of radio apparatus, exclusive traffic arrangement, or any other means or unfair methods of competition? If 'Yes', attach exhibit explaining circumstances.	No
77) Is the Assignee or Transferee, or any party directly or indirectly controlling the Assignee or Transferee currently a party in	

Race:	American Indian or Alaska Native:		White:
Ethnicity:	Hispanic or Latino		

1) The Assignor or Transferor certifies either (1) that the authorization will not be assigned or that control of the license will not be transferred until the consent of the Federal Communications Commission has been given, or (2) that prior Commission consent is not required because the transaction is subject to streamlined notification procedures for pro forma assignments and transfers by telecommunications carriers. See Memorandum Opinion and Order, 13 FCC Rcd. 6293(1998).
2) The Assignor or Transferor certifies that all statements made in this application and in the exhibits, attachments, or in documents incorporated by reference are material, are part of this application, and are true, complete, correct, and made in good faith.
79) Typed or Printed Name of Party Authorized to Sign

- 1) The Assignee or Transferee certifies either (1) that the authorization will not be assigned or that control of the license will not be transferred until the consent of the Federal Communications Commission has been given, or (2) that prior Commission consent is not required because the transaction is subject to streamlined notification procedures for pro forma assignments and transfers by telecommunications carriers See Memorandum Opinion and Order, 13 FCC Rcd. 6293 (1998).
- 2) The Assignee or Transferee waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application.
- 3) The Assignee or Transferee certifies that grant of this application would not cause the Assignee or Transferee to be in violation of any pertinent cross-ownership, attribution, or spectrum cap rule.
*If the applicant has sought a waiver of any such rule in connection with this application, it may make this certification subject to the outcome of the waiver request.
- 4) The Assignee or Transferee agrees to assume all obligations and abide by all conditions imposed on the Assignor or Transferor under the subject authorization(s), unless the Federal Communications Commission pursuant to a request made herein otherwise allows, except for liability for any act done by, or any right accrued by, or any suit or proceeding had or commenced against the Assignor or Transferor prior to this assignment.
- 5) The Assignee or Transferee certifies that all Statements made in this application and in the exhibits, attachments, or in documents incorporated by reference are material, are part of this application, and are true, complete, correct, and made in good faith.
- 6) The Assignee or Transferee certifies that neither it nor any other party to the application is subject to a denial of Federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1998, 21 U.S.C § 862, because of a conviction for possession or distribution of a controlled substance. See Section 1.2002(b) of the rules, 47 CFR § 1.2002(b), for the definition of "party to the application" as used in this certification.
- 7) The applicant certifies that it either (1) has an updated Form 602 on file with the Commission, (2) is filing an updated Form 602 simultaneously with this application, or (3) is not required to file Form 602 under the Commission's rules

82) Typed or Printed Name of Party Authorized to Sign

First Name: Douglas	MI: I	Last Name: Brandon	Suffix:
83) Title: Vice President of Manager			
Signature: Douglas I Brandon		Date: 01/10/03	
WILLFUL FALSE STATEMENTS MADE ON THIS FORM OR ANY ATTACHMENTS ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. Code, Title 18, Section 1001) AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. Code, Title 47, Section 312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, Section 503).			

Authorizations To Be Assigned or Transferred

85) Call Sign	86) Radio Service	87) Location Number	88) Path Number (Microwave only)	89) Frequency Number	90) Lower or Center Frequency (MHz)	91) Upper Frequency (MHz)	92) Constructed Yes / No
KNLF295	AL						

Schedule A	Schedule for Assignments of Authorization and Transfers of Control in Auctioned Services	Approved by OMB 3060 - 0800 See instructions for public burden estimate
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Assignments of Authorization

Eligibility for Installment Payments (for assignments of authorization only)

As the Assignee, the Assignee certifies that:

If 'Yes', is the Assignee applying for installment payments?

Year 1 Gross Revenues (current)	Year 2 Gross Revenues	Year 3 Gross Revenues	Total Assets:
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3) Certification Statements

For Assignees Claiming Eligibility as an Entrepreneur Under the General Rule

Assignee certifies that they are eligible to obtain the licenses for which they apply.

For Assignees Claiming Eligibility as a Publicly Traded Corporation

Assignee certifies that they are eligible to obtain the licenses for which they apply and that they comply with the definition of a Publicly Traded Corporation, as set out in the applicable FCC rules.

For Assignees Claiming Eligibility Using a Control Group Structure

Assignee certifies that they are eligible to obtain the licenses for which they apply.

Assignee certifies that the applicant's sole control group member is a pre-existing entity, if applicable.

For Assignees Claiming Eligibility as a Very Small Business, Very Small Business Consortium, Small Business, or as a Small Business Consortium

Assignee certifies that they are eligible to obtain the licenses for which they apply.

Assignee certifies that the applicant's sole control group member is a pre-existing entity, if applicable.

For Assignees Claiming Eligibility as a Rural Telephone Company

Assignee certifies that they meet the definition of a Rural Telephone Company as set out in the applicable FCC rules, and must disclose all parties to agreement(s) to partition licenses won in this auction. See applicable FCC rules.

As a result of transfer of control, must the licensee now claim a larger or higher category of eligibility than was originally declared?

If 'Yes', the new category of eligibility of the licensee is:

Certification Statement for Transferees

Transferee certifies that the answers provided in Item 4 are true and correct.

FCC Form 603 Schedule B	Partition and Disaggregation Schedule	Approved by OMB 3060 - 0800 See instructions for public burden estimate
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1) Partitioner/Disaggregator Call Sign **KNLF295**

Geographic Area Partitioned

2) Defined Area to be Partitioned	3) Undefined Area to be Partitioned (Complete undefined geographic area attachment)	4) Population of Partitioned Area
Schedule C # Attached:		

6) Coverage Requirements- Partitioning

(Yes) Option 1	Partitioner and Partitionee each certify that they will be subject to the same coverage requirements for their respective partitioned areas.
(No) Option 2	Partitioner certifies that the 5 year coverage requirements have been or will be met and that the 10 year coverage requirements must be met for the entire license area. Partitionee certifies that only the substantial Service requirement for renewal expectancy for the partitioned area must be met by the end of the 10 year license term.

7) Coverage Requirements- Disaggregation

(No) Option 1	Disaggregator and Disaggratee each certify that the Disaggregator will maintain responsibility for meeting the applicable coverage requirements for the entire license area.
(No) Option 2	Disaggregator and Disaggratee each certify that the Disaggratee will maintain responsibility for meeting the applicable coverage requirements for the entire license area.
(Yes) Option 3	Disaggregator and Disaggratee each certify that they will share responsibility for meeting the applicable coverage requirements for the entire license area.

FCC Form 603 Schedule B	Partition and Disaggregation Schedule	Approved by OMB 3060 - 0800 See instructions for public burden estimate
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1) Partitioner/Disaggregator Call Sign: **KNLF295**

2) Defined Area to be Partitioned	3) Undefined Area to be Partitioned (Complete undefined geographic area attachment)	4) Population of Partitioned Area
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5) Spectrum Disaggregated (in MHz)

Spectrum Disaggregated	
Lower Frequency	Upper Frequency
01850.00000	01855.00000
01930.00000	01935.00000

6) Coverage Requirements- Partitioning

(Yes) Option 1	Partitioner and Partitionee each certify that they will be subject to the same coverage requirements for their respective partitioned areas.
(No) Option 2	Partitioner certifies that the 5 year coverage requirements have been or will be met and that the 10 year coverage requirements must be met for the entire license area. Partitionee certifies that only the substantial service requirement for renewal expectancy for the partitioned area must be met by the end of the 10 year license term.

7) Coverage Requirements - Disaggregation

(No) Option 1	Disaggregator and Disaggragatee each certify that the Disaggregator will maintain responsibility for meeting the applicable coverage requirements for the entire license area.
(No) Option 2	Disaggregator and Disaggragatee each certify that the Disaggragatee will maintain responsibility for meeting the applicable coverage requirements for the entire license area.
(Yes) Option 3	Disaggregator and Disaggragatee each certify that they will share responsibility for meeting the applicable coverage requirements for the entire license area.

The copy resulting from Print Preview is intended to be used as a reference copy only and MAY NOT be submitted to the FCC as an application for manual filing.

Attachment List

Attachment Type	Date	Description	Contents
Other	01/09/03	Exhibit B - Litigation Disclosure	0178132721028579811499895.pdf
Other	01/09/03	Exhibit A - Lead Application Informator	0178133011028.579811499895.pdf

On or about September 30, 2002, a case captioned *Beeler, et al. v. AT&T Cellular Services, Inc., et al.* was filed in the United States District Court for the Northern District of Illinois, Eastern Division (Case No. 02C 6975). The Company is named as a defendant, along with several other wireless carriers providing service in the Chicago metropolitan area. Plaintiffs allege that the defendant carriers market handsets and wireless service through tying arrangements, and that each has monopolized the market for sales of handsets to its own subscribers.

On or about September 20, 2002, a case captioned *Truong, et al. v. AT&T Wireless PCS, LLC, et al.* was filed in the United States District Court for the Northern District of California (Case No. C 02 4580). The Company is named as a defendant, along with several other wireless carriers providing service in the San Francisco metropolitan area. This complaint is substantively identical to that filed in the *Beeler* case, described above.

On or about August 23, 2002, a case captioned *Millen, et al. v. AT&T Wireless PCS, LLC, et al.* was filed in the United States District Court for the District of Massachusetts (Case No. 02-1 1689). The Company is named as a defendant, along with several other wireless carriers providing service in the Boston metropolitan area. This complaint is substantively identical to that filed in the *Beeler* and *Truong* cases, described above.

On or about April 5, 2002, a case captioned *Wireless Consumers Alliance, Inc., et al. v. AT&T Cellular Services, Inc., et al.* was filed in the United States District Court for the Southern District of New York (Case No. 02 CV 2637). The Company is named as a defendant, along with several other wireless carriers providing service in the New York metropolitan area. Plaintiffs seek to certify a class consisting of persons who have purchased wireless service within the New York metropolitan area during the four years immediately preceding the filing of the complaint, and seek injunctive relief and damages under Section 1 of the Sherman Act.

On or about September 5, 2001, the second amended complaint in a case captioned *DiBraccio v. AT&T Wireless Services, Inc., et al.* was filed in Florida State Court (Eleventh Judicial Circuit, in and for Miami-Dade County) (Case No. 99-20450 CA-20). The Company is named as a defendant, along with *ABC Cellular Corp.*, a reseller of wireless services and handsets in South Florida. Plaintiff seeks damages for alleged monopolization of wireless phone services in South Florida under Section 542.19 of the Florida Statutes and conspiracy to monopolize under the same statute.

On or about September 27, 2002, a case captioned Morales, et. al. v. AT&T Wireless PCS, LLC. et. al. was filed in the United States District Court for the Southern District of Texas (Case No. L-02-CV120). The company is named as a defendant, along with several other wireless carriers providing service in Texas. The complaint is substantively identical to that filed in the Beeler, Millen and Truong cases mentioned above.

AT&T Wireless believes that none of the listed cases has merit.

EXHIBIT A
DESCRIPTION OF TRANSACTION AND
PUBLIC INTEREST STATEMENT

Lead Application Information

This application is one of fourteen applications being filed in connection with **the** full and partial assignment of licenses between subsidiaries of AT&T Wireless Services, Inc., subsidiaries of Cingular Wireless LLC, Meriwether Communications LLC, **and** Skagit Wireless, LLC. Applicants have designated the application being filed concurrently for the assignment of licenses from Ameritech Mobile Communications, LLC to AT&T Wireless Services of Hawaii, Inc. as **the** lead application for the transaction (ULS File No. 0001 **146802**). Accordingly, Applicants hereby incorporate by reference Exhibit **A** of the lead application.