

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In re Applications of)
)
RURAL CELLULAR CORP., Transferor,)
)
and) WT Docket No. 07-208
)
CELLCO PARTNERSHIP d/b/a VERIZON)
WIRELESS, Transferee)
)
for Consent to the Transfer of Control of)
Commission Licenses and Authorizations)
Pursuant to Sections 214 and 310(d) of the)
Communications Act)

**OPPOSITION OF CELLCO PARTNERSHIP d/b/a
VERIZON WIRELESS and RURAL CELLULAR
CORPORATION TO MOTION FOR EXTENSION OF TIME
OF VERMONT PUBLIC INTEREST RESEARCH GROUP**

Cellco Partnership d/b/a Verizon Wireless (“Verizon Wireless”) and Rural Cellular Corporation (“RCC”) strongly oppose the Motion for Extension of Time filed by the Vermont Public Interest Research Group (“VPIRG”).¹ As discussed below, in addition to being untimely and procedurally deficient,² the Extension Request is unnecessary, unwarranted, and at odds with

¹ Motion for Extension of Time filed by the Vermont Public Interest Research Group, WT Docket No. 07-208 (filed Nov. 9, 2007) (“Extension Request”).

² Under Section 1.46 of the Commission’s rules, if a motion for extension of time is filed in an application proceeding less than seven days prior to the filing deadline, “the party filing the motion shall (in addition to serving the motion on other parties) orally notify the other parties . . . that the motion has been (or is being) filed,” 47 C.F.R. §1.46(c). While a third party on behalf of counsel for VPIRG emailed a copy of the Extension Request to counsel for the Applicants on the date of filing, the required oral notice was not provided. Further, the email to counsel was sent after close of business on November 9th, making it impossible for the Applicants (and the Commission) to respond until the next business day, November 13th—the due date for comments and petitions regarding the proposed transaction.

Commission practice. It would also inevitably delay the Commission's review of the transaction, thereby delaying the many benefits to the public that will result from the transition of the RCC properties into the Verizon Wireless network, including deployment of new wireless broadband service that will benefit customers within the RCC footprint.

First, “[i]t is the policy of the Commission that extensions of time shall not be routinely granted.”³ Indeed, even in the context of rulemaking proceedings where no transaction clock is implicated, the Commission's rule states that the Commission—“[i]n emergency situations”—will consider a “late filed motion for a brief extension of time related to the duration of the emergency.”⁴ VPIRG's Extension Request has, effectively, been filed on the due date for comments/petitions on the Verizon Wireless/RCC transaction and is plainly untimely. Further, rather than requesting a brief extension, VPIRG is seeking 90 days—a period that would quadruple the established comment period for FCC transactions. Remarkably, VPIRG has provided no basis or justification for its late filing, and certainly has advanced no emergency grounds for an extension of any duration.

Interested parties have been on notice of this transaction for more than three months, and have had ample time to submit comments to the Commission. On July 31, 2007, Verizon Wireless and RCC publicly announced their agreement to merge, and that press release was reported upon by a number of Vermont newspapers, including in *The Times Argus*, the Montpelier paper local to VPIRG's offices.⁵ Applications seeking approval of the transfer of control were filed on September 5, 2007, and were publicly available through the Universal

³ 47 C.F.R. §1.46(a).

⁴ 47 C.F.R. §1.46(b).

⁵ See, e.g., “Verizon to Buy UniceL,” *The Times Argus* (July 31, 2007); “Verizon Wireless to Buy UniceL for \$2.67B,” *Burlington Free Press* (July 31, 2007); “Verizon to Buy UniceL,” *Rutland Herald* (July 31, 2007).

Licensing System within days. The Commission accepted the applications and placed them on public notice on October 11, 2007. In the Public Notice, the FCC announced that petitions to deny were due no later than November 13, 2007—a time period consistent with the comment periods set for other transfers of control or assignments of wireless authorizations.⁶

The Extension Request fails to provide any reasoned basis for why VPIRG or any interested potential commenter requires additional time to respond to the Public Notice.⁷ Parties will have had more than two months to review the applications and prepare comments. More than three months will have passed since the transaction was announced. There is, in short, no reason why the Commission should depart from settled practice and alter the comment period it set for this proceeding.

Second, extending the petition to deny deadline will only serve to delay the remaining deadlines of the comment cycle and the Commission’s review, thereby delaying the public

⁶ See, e.g., INTELSAT Holdings, Ltd., Transferor, and Serafina Holdings Limited, Transferee, Seek FCC Consent To Transfer Control of Licenses and Authorizations, *FCC Public Notice*, DA 07-3972 (Sept. 19, 2007) (specifying 30 day comment/petition period for 736 page application); AT&T Inc. And Dobson Communications Corporation Seek FCC Consent To Transfer Control of Licenses and Authorization, *FCC Public Notice*, DA 07-3404 (July 26, 2007) (specifying 30 business day comment/petition period for 780 page application); ALLTEL Corporation and Atlantis Holdings LLC Seek FCC Consent To Transfer Control of Licenses and Authorizations, *FCC Public Notice*, DA 07-2794 (June 25, 2007) (specifying 30 day comment/petition period for 1359 page application); News Corporation, The DIRECTV Group, Inc. and Liberty Media Corporation Seek Approval To Transfer Control of FCC Authorizations And Licenses, *FCC Public Notice*, DA 07-637 (Feb. 21, 2007) (specifying 30 day comment/petition period for 308 page application); Western Wireless Coporation and ALLTEL Corporation Seek FCC Consent To Transfer Control of Licenses and Authorizations, *FCC Public Notice*, DA 05-332 (Feb. 7, 2005) (specifying 30 day comment/petition period for 140 page application).

⁷ VPIRG argues only that “[t]he application is 452 pages in length and was posted on the Commission’s ECFS system in eighteen non-sequential files.” However, VPIRG omits the fact that the overwhelming majority of those pages are repetitive forms and duplicative materials. Indeed, the relevant information regarding the transaction is almost wholly contained in the public interest statement and attachments, which constitute merely 82 pages. Further, VPIRG neglects to mention that the FCC website provides a dedicated page to the transaction, which provides in one place links to all of the relevant applications. See <http://www.fcc.gov/transaction/verizon-rcc.html> (last visited Nov. 12, 2007).

interest benefits of the transaction. The applications document substantial benefits for RCC customers, Verizon Wireless customers, and other consumers in the RCC markets and nationally. The benefits for RCC's existing customers in Vermont include Verizon Wireless's award winning network quality and customer care and access to high speed broadband technology (EVDO) being deployed by Verizon Wireless, as well as access to a broader range of content, applications, devices, and service plans. Verizon Wireless has technical expertise, financial resources, and economies of scope and scale that can be leveraged for the benefit of RCC's customers. The Extension Request provides no basis for delaying these potential benefits to consumers.

Rather than provide a reasoned basis for an extension, the Extension Request is almost entirely devoted to concerns about the impact of the transaction on Vermont customers.⁸ While RCC and Verizon Wireless respectfully disagree with each of those concerns, the very purpose

⁸ The classes of issues raised by VPIRG are not unique to the Verizon Wireless/RCC transaction, and commenters have been able to address concentration and roaming concerns in other transactions within the 30 day comment/petition period. *See, e.g.*, Petition to Deny of Lamar County Cellular, Inc., WT Docket No. 05-50 (filed Mar. 9, 2005) (raising concentration concerns in the context of the ALLTEL/Western Wireless merger); Comments of T-Mobile USA, Inc., WT Docket No. 07-128 (July 25, 2007) (raising roaming concerns in the context of the ALLTEL/Atlantis acquisition); Petition to Deny of Mid-Tex Cellular, Inc., WT Docket No. 07-153 (Aug. 27, 2007) (raising concentration and roaming concerns in the context of the AT&T/Dobson transaction). Notably, consumers groups, such as the Consumer Federation of America and the Consumers Union, have timely filed raising such issues in the context of much larger transactions. *See, e.g.*, Petition To Deny of Consumer Federation Of America and Consumers Union, WT Docket No. 05-63 (Mar. 30, 2005) (raising concentration issues in the context of the Sprint/Nextel merger, a transaction with 1772 pages of filed materials in 71 non-sequential files).

CERTIFICATE OF SERVICE

On this 13th day of November, 2007, I, Kimberly Riddick, hereby certify that I caused the foregoing "Opposition" to be mailed, via First Class mail, postage pre-paid, to:

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