

**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 )

To: Chief, Wireless Telecommunications Bureau

**PETITION FOR RECONSIDERATION**

Cellco Partnership d/b/a Verizon Wireless (“Verizon Wireless”) and Rural Cellular Corporation (“RCC”), pursuant to Section 1.106 of the Commission’s Rules, request the Bureau to reconsider and set aside its grant of the Motion for Extension of Time filed by the Vermont Public Interest Research Group (“VPIRG”).<sup>1</sup>

As discussed below, Verizon Wireless has committed to the Department of Justice (“DOJ”) to divest all of RCC's overlapping cellular operations in Vermont. Because the extension was based on the claim by VPIRG that it needed more time to submit an opposition to Verizon Wireless’s acquisition of those same properties, the extension is no longer warranted (if it ever was). Moreover, the Bureau’s 90-day extension of time is unsupported by the facts and

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<sup>1</sup> Applications of Cellco Partnership d/b/a Verizon Wireless and Rural Cellular Corporation, Order, DA 07-4604, WT Docket 07-208 (rel. Nov. 13, 2007).

inconsistent with Commission precedent. The applicants thus ask that the Bureau reinstate the original comment period or, in the alternative, grant a shorter extension of three days for filing petitions to deny to address the possibility that any party relied on the Commission's last-day order and held off submitting a filing on that day.

First, as an organization whose mission is "to promote and protect the health of Vermont's people, environment and locally-based economy,"<sup>2</sup> VPIRG bases its extension request on concerns about the potential effects on competition of a combination of Verizon Wireless and RCC in the state of Vermont. However, since mid-September Verizon Wireless has been and continues to be in active confidential negotiations with several companies to divest all of RCC's overlapping cellular operations in Vermont, and on October 30 Verizon Wireless committed to DOJ that it will divest those overlapping cellular operations.<sup>3</sup> The basis for VPIRG's opposition thus no longer exists. Extension of the comment period is not necessary to enable VPIRG, or any other party to explore the effects of a potential acquisition by Verizon Wireless of RCC's Vermont wireless properties.<sup>4</sup> Failure to set aside the extension would only postpone, without reason, the Commission's review of the transaction, thereby delaying the

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<sup>2</sup> See <http://www.vpirg.org> (last visited Nov. 16, 2007).

<sup>3</sup> The Vermont Attorney General's Office was notified of this commitment, but was subject to confidentiality restrictions.

<sup>4</sup> Moreover, the filing of a Petition to Deny by the Vermont Department of Public Service, which contains an extensive analysis of the Vermont markets, factually undercuts VPIRG's assertion that additional time is required to analyze the filings. See Petition to Condition Approval or Deny of the Vermont Department of Public Service, WT Docket 07-208 (filed Nov. 13, 2007).

many benefits to the public that will result from the merger, including deployment of new wireless broadband service that will benefit customers within the RCC footprint.<sup>5</sup>

Second, the length of the extension is unprecedented. In the seventy some transfers and assignments listed in the Office of General Counsel's major transactions archive, which includes massive transactions with records filings in the thousands and thousands of pages, the applicants have not found a single case where the Commission extended the petition to deny deadline by 90 days. There are only four transactions in which the Commission extended the petition to deny deadline at all, and in three of those cases the extension was unopposed.<sup>6</sup> In none of these cases was the extension granted for more than 30 days. If the Bureau does not reconsider its 90-day extension—creating a public notice period spanning over 120 days—the public notice period will consume two-thirds of the Commission's 180-day time clock for reviewing transactions.

Third, the Bureau's Order is unsupported by the facts. Its analysis is confined to one sentence: "The Bureau finds that the justification offered by the Vermont PIRT for a 90-day extension of the filing periods warrants a grant of the requested relief and that the opposition filed by Verizon Wireless and RCC does not provide sufficient basis for rejecting the offered justification." (Order at 2.) The Bureau fails to explain in any way, let alone provide the

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<sup>5</sup> The Applicants have contacted VPIRG and U.S. Senator Bernard Sanders to apprise them of this commitment and to ask them to support this petition for reconsideration. The Applicants have not yet received a formal response.

<sup>6</sup> In re: Adelphia/TW/Comcast, Order on Extension of Due Dates for Filing Comments and Petitions, FCC Docket No. 05-192 (rel. June 24, 2005) (granting unopposed extension of 16 days); In re: FairPoint/Verizon, Order Granting Extension of Time and Modifying Pleading Cycle, WC Docket No. 07-22 (rel. Apr. 12, 2007) (granted partially opposed 14 day extension); In re: VoiceStream Wireless Corporation, Powertel, Inc. and Deutsche Telekom AG, Order addressing the Motion for Extension of Time filed by the Honorable Ernest F. Hollings, IB Docket No. 00-187 (rel. Nov. 8, 2000) (granting unopposed 30 day extension); In re: XO Communications, Order Extending Comment Period, IB Docket No. 02-50 (rel. Apr. 9, 2002) (granting unopposed extension of 12 days by proponents).



