



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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WASHINGTON, D.C. 20554

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DA 07-4710

Released: November 21, 2007

AT&T MOBILITY II LLC AND ALOHA SPECTRUM HOLDINGS COMPANY LLC SEEK FCC CONSENT FOR ASSIGNMENT OF LICENSES

WT Docket No. 07-265

PLEADING CYCLE ESTABLISHED

Petitions to Deny Due: December 21, 2007
Oppositions Due: December 31, 2007
Replies Due: January 8, 2008

I. INTRODUCTION

AT&T Mobility II LLC (“AT&T Mobility”), a wholly-owned subsidiary of AT&T Inc. (“AT&T”), and Aloha Spectrum Holdings Company LLC (“Aloha Spectrum”), a wholly-owned subsidiary of Aloha Partners, L.P. (“Aloha,” and together with AT&T Mobility, AT&T, and Aloha Spectrum, the “Applicants”) have filed an application pursuant to Section 310(d) of the Communications Act of 1934, as amended (“Application”).¹ In this Application, the Applicants seek Commission approval of the assignment of licenses from Aloha Spectrum to AT&T Mobility. The assignment application pertains to 245 C-block licenses in the Lower 700 MHz band, as well as 36 Lower 700 MHz band licenses that Aloha is in the process of acquiring from third parties.² This Application covers the 245 licenses that Aloha Spectrum currently holds. If Aloha acquires any or all of the 36 third-party licenses before the Commission completes its review of the Application, the Applicants may file appropriate amendments to add those licenses to this Application.³

¹ 47 U.S.C. § 310(d).

² Aloha has applications on file with the Commission, which are currently in “pending” or “consented to” status, seeking consent to acquire 31 licenses from LIN Television Corporation (“LIN”) and five licenses from United Wireless Communications, Inc. (“United”), along with certain other related assets. Application for Assignments of Authorization from LIN Television Corp. to Aloha Partners, L.P., File No. 0003171435 (Sept. 18, 2007); Application for Assignments of Authorization from United Wireless Communications, Inc. to Aloha Partners, L.P., File No. 0003193166 (Oct. 8, 2007).

³ However, if Aloha consummates any of its pending acquisitions after the Commission grants this Application, the Applicants may file additional applications or notifications as necessary to assign the licenses to AT&T.

II. SECTION 310(d) APPLICATIONS

The following application for consent to the assignment of Aloha Spectrum's spectrum licenses to AT&T Mobility has been assigned the file number listed below.

<u>File No.</u>	<u>Licensee</u>	<u>Lead Call Sign</u>
0003205282	Aloha Spectrum Holdings Company LLC	WPWU948

III. EX PARTE STATUS OF THIS PROCEEDING

Pursuant to Section 1.1200(a) of the Commission's rules,⁴ 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.⁵

Parties making oral *ex parte* presentations are directed to the Commission's statement reemphasizing the public's responsibility in permit-but-disclose proceedings and are reminded that memoranda summarizing the presentation must contain the presentation's substance and not merely list the subjects discussed.⁶ More than a one- or two-sentence description of the views and arguments presented is generally required.⁷ Other rules pertaining to oral and written presentations are set forth in Section 1.1206(b) as well.⁸ We urge parties to use the Electronic Comment Filing System ("ECFS") to file *ex parte* submissions.⁹

IV. GENERAL INFORMATION

The assignment application referenced herein has 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. Final action on this application will not be taken earlier than thirty-one days following the date of this Public Notice.¹⁰

Interested parties must file petitions to deny no later than December 21, 2007. 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.

⁴ 47 C.F.R. § 1.1200(a).

⁵ *Id.* § 1.1206.

⁶ See Commission Emphasizes the Public's Responsibilities in Permit-But-Disclose Proceedings, *Public Notice*, 15 FCC Rcd 19945 (2000).

⁷ See 47 C.F.R. § 1.1206(b)(2).

⁸ *Id.* § 1.1206(b).

⁹ See discussion *infra* Part IV.

¹⁰ See 47 U.S.C. § 309(b).

Oppositions to such pleadings must be filed no later than December 31, 2007. Replies to such pleadings must be filed no later than January 8, 2008. All filings concerning matters referenced in this Public Notice should refer to DA 07-4710 and WT Docket No. 07-265, as well as the specific file number of the individual application or other matters to which the filings pertain.

Under the Commission's current procedures for the submission of filings and other documents,¹¹ submissions in this matter may be filed electronically (*i.e.*, though ECFS) or by hand delivery to the Commission's Massachusetts Avenue location.

- **If filed by ECFS,**¹² comments shall be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket 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.
- **If filed by paper,** the original and four copies 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 (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. 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 mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, S.W., Washington, D.C. 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 e-mail 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) the Commission's duplicating contractor, Best Copy and Printing, Inc., at FCC@BCPIWEB.COM or (202) 488-5563 (facsimile); (2) Erin McGrath, Mobility Division, Wireless Telecommunications Bureau, at erin.mcgrath@fcc.gov or (202) 418-7447 (facsimile); (3) Susan Singer, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau, at susan.singer@fcc.gov or (202) 418-7447 (facsimile); and (4) Neil Dellar, Office of General Counsel, at neil.dellar@fcc.gov or (202) 418-1234 (facsimile).

Copies of the application and any subsequently filed documents in this matter may be obtained from Best Copy and Printing, Inc. in person at 445 12th Street, S.W., Room CY-B402, Washington, D.C.

¹¹ See Implementation of Interim Electronic Filing Procedures for Certain Commission Filings, *Order*, 16 FCC Rcd 21483 (2001); see also FCC Announces a New Filing Location for Paper Documents and a New Fax Number for General Correspondence, *Public Notice*, 16 FCC Rcd 22165 (2001); Reminder: Filing Locations for Paper Documents and Instructions for Mailing Electronic Media, *Public Notice*, 18 FCC Rcd 16705 (2003).

¹² See Electronic Filing of Documents in Rulemaking Proceedings, GC Docket No. 97-113, *Report and Order*, 13 FCC Rcd 11322 (1998).

20554, via telephone at (202) 488-5300, via facsimile at (202) 488-5563, or via e-mail at FCC@BCPIWEB.COM. The application and any associated documents are also available for public inspection and copying during normal reference room hours at the following Commission office: FCC Reference Information Center, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. The application is also available electronically through the Commission's ECFS or through ULS, both of which may be accessed on the Commission's Internet website at <http://www.fcc.gov>. Additional information regarding the transaction will be available on the FCC's Office of General Counsel's website, <http://www.fcc.gov/ogc>, which will contain a fully indexed, unofficial listing and electronic copies of all materials in this docket. Alternate formats of this public notice (computer diskette, large print, audio recording, and Braille) are available to persons with disabilities by contacting Brian Millin at (202) 418-7426 (voice), (202) 418-7365 (TTY), or by sending an e-mail to access@fcc.gov.

For further information, contact Erin McGrath, Mobility Division, Wireless Telecommunications Bureau, at (202) 418-2042, or Susan Singer, Spectrum Competition and Policy Division, Wireless Telecommunications Bureau, at (202) 418-1340.

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