

**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

**REPLY TO OPPOSITION TO PETITION FOR
RECONSIDERATION**

Cellco Partnership d/b/a Verizon Wireless ("Verizon Wireless") and Rural Cellular Corporation ("RCC" and, collectively, "Applicants") hereby reply to the Opposition filed by Vermont Public Interest Research Group ("VPIRG")¹ and the recent letter of Senator Bernard Sanders,² and reiterate their request that the Bureau reconsider and set aside its grant of VPIRG's Motion for Extension of Time.³ As discussed below, there is no basis in law or policy that justifies a 90-day extension of the comment cycle in this proceeding.

¹ Vermont Public Interest Research Group Opposition to Petition for Reconsideration, WT Docket No. 07-208 (filed Nov. 26, 2007) ("Opposition").

² Letter from U.S. Senator Bernard Sanders to the Honorable Kevin J. Martin, Chairman, Federal Communications Commission, WT Docket No. 07-208 (filed Nov. 20, 2007).

³ See *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).

First, nowhere in the record does VPIRG or any other party articulate a basis for any extension of time, let alone a 90-day extension. Commission precedent is clear that extensions of time are not routinely granted and must be based on compelling circumstances. No circumstances – compelling or otherwise – have been identified to support this extension. Further, as noted in its Petition for Reconsideration,⁴ Verizon Wireless has committed to divest overlapping RCC cellular operations in Vermont.⁵ While VPIRG responds that this commitment does not address all of its concerns, that response is irrelevant to the issue before the Bureau – whether VPIRG presented the requisite compelling grounds for a 90-day extension of the initial comment deadline. Due to the filings already made, the issues have already been identified, undercutting any premise that there is a basis to prolong the period for receiving initial comments.

The substantive discussion of the proposed transaction's merits in VPIRG's original extension of time request, as well as in its recent Opposition, also make clear that it does not require additional time to comment on the transaction. Through its repeated filings, VPIRG already has spelled out in detail why it opposes the transaction. So has Senator Sanders. Additionally, the Vermont Department of Public Service's timely filed Petition to Condition Approval or Deny,⁶ as well as its recent Comments, contain substantive analysis of the

⁴ Petition for Reconsideration of Cellco Partnership d/b/a Verizon Wireless and Rural Cellular Corporation, WT Docket No. 07-208, at 1-2 (filed Nov. 16, 2007) ("Petition for Reconsideration").

⁵ Contrary to VPIRG's assertions, Verizon Wireless is not tardy in filing a Section 1.65 amendment regarding these anticipated divestitures. Opposition at 4. Verizon Wireless will make such amendment promptly after it finalizes and publicly announces the specifics of those divestitures. Until that time, any formal amendment to the Applications would be premature. Nevertheless, Verizon Wireless has effectively alerted the Commission and the public to its commitment regarding these anticipated divestitures through its filing of the Petition for Reconsideration in the docket.

⁶ See Petition to Condition Approval or Deny of the Vermont Department of Public Service, WT Docket 07-208 (filed Nov. 13, 2007).

transaction. These filings factually undercut VPIRG's and Senator Sanders' assertion that additional time is required to analyze the Applications.⁷

Further, there is no basis in Commission precedent for the 90-day extension granted. Based upon decades of experience, the Commission has determined that 30 days affords adequate time for interested parties to comment on transactions. As the Applicants noted in their Petition for Reconsideration,⁸ of the over seventy transactions listed in the Office of General Counsel's major transactions archive, only four involved extensions of the petition to deny deadline and not one of these extensions was for more than 30 days. While VPIRG in its Opposition states that "thirty-day extensions are not at all uncommon in Commission proceedings,"⁹ they are in fact highly unusual – particularly in transactional proceedings like this one. Further, the extension at issue here is not 30 days, but 90 days, which is absolutely unprecedented in this context.

The extension is also at odds with the Commission's targeted time frame for reviewing and acting upon transactions. Based upon its experience in handling license transfers, the Commission has concluded that 180 days represents a reasonable time frame – from start to finish – for the soliciting of public input and the resolution of issues raised. A 90-day extension of time – effectively providing 120 days for opening comments/petitions – is totally at odds with a reasoned framework that permits full participation and timely decision-making.¹⁰ This is particularly true where, as noted, the parties seeking additional time provide no basis whatsoever

⁷ See Comments of the Vermont Department of Public Service, WT Docket 07-208 (filed Nov. 26, 2007).

⁸ Petition for Reconsideration at 3.

⁹ Opposition at 5.

¹⁰ Such an extended time period is also totally inconsistent with the timeframe in the similar AT&T/Dobson transaction, in which the Commission took a total of 112 days to review and approve the transaction. If the extension order in this proceeding stands, the comment cycle will not even be completed until the 137th day.

for the delay and where, in fact, they have evidenced no problems in providing full blown substantive comments on the transaction in the guise of an extension of time request and response to a request to reconsider the unprecedented extension of time.

For the foregoing reasons, the Commission should set aside the 90-day extension grant. The Commission also should revise the comment schedule so that petitions to deny are due no more than three business days following the grant of the Petition for Reconsideration, with oppositions due 10 days thereafter and replies 5 days after that.

Respectfully submitted,

CELLCO PARTNERSHIP

RURAL CELLULAR CORPORATION

/s/
John T. Scott, III
Vice President Deputy General Counsel
Regulatory Law Group
Michael Samsock
Counsel Regulatory Law Group
Cellco Partnership
1300 Eye Street, NW, Suite 400 West
Washington, DC 20005

Nancy J. Victory
Eric W. DeSilva
Wiley Rein LLP
1776 K Street NW
Washington, DC 20006
Counsel to Cellco Partnership

/s/
Elizabeth L. Kohler
Vice President Legal Services
Rural Cellular Corporation
3905 Dakota Street SW
Alexandria, MN 56308

Warren G. Lavey
David S. Prohofskey
Skadden, Arps, Slate, Meagher & Flom
LLP & Affiliates
333 West Wacker Drive
Chicago, Illinois 60606
Counsel to Rural Cellular Corporation

David L. Nace
Lukas, Nace, Gutierrez & Sachs, Chtd.
1650 Tysons Blvd., Suite 1500
McLean, VA 22102
Counsel to Rural Cellular Corporation

December 3, 2007

CERTIFICATE OF SERVICE

On this 3rd day of December, 2007, I, Patricia Destajo, hereby certify that I caused the foregoing "Reply to Opposition to Petition for Reconsideration" to be served, via First Class mail, postage pre-paid, upon:

Senator Bernard Sanders
332 Dirksen Bldg
United States Senate
Washington, DC 20510

Gregory Pinto
Director, Regulatory Policy
U.S. Dept. of Homeland Security
245 Murray Drive
Building 410
Washington, DC 20528

Tom Torti, Chairman
Lake Champlain Regional
Chamber of
Commerce
60 Main Street
Suite 100
Burlington, VT 05401

Karen B. Horn
Director, Advocacy & Public Policy
Vermont League of Cities and Towns
89 Main St., Suite 4
Montpelier, VT 05602

Paul Burns
Executive Director
Vermont PIRG
141 Main St., Suite 6,
Montpelier, VT 05602

Larry A. Blosser, Esq.*
Larry A. Blosser, P.A.
3565 Ellicott Mills Drive, Suite C-2
Ellicott City, MD 21043

Counsel to VT Pub. Int. Research Group

Holly Rachel Smith, Esq.*
Russell W. Ray, Esq.
Russell W. Ray, PLLC
6212A Old Franconia Road
Alexandria, VA 22310

Sue Fuss
407 Riverwood Drive
West Fargo, ND 58078

*Counsel to VT Dept. of Public
Service*

Grace Person
24 North Main Street
Apartment No. 6
Waterbury, VT 05676

Robin Reed
P.O. Box 104
1875 Little Ross' Creek
Irvine, KY 40336

Susan DeWind
659 Halpin Road
Middlebury, VT 05753

Donald B. Sargent
417 East Road
Colchester, VT 05446

Richard Lawrence
41 Lawrence Heights
Jericho, VT 05465

Katherine Werner
354 Hastings Road
Waitsfield, VT 05673

Scott I. Remick
P.O. Box 794
Middlebury, VT 05753

Daniel Hoviss
63 Old Depot Road
Putney, VT 05346

Louis E. Krieg
49 Thayer Bay Circle
Colchester, VT 05446

Mr. and Mrs. Bruce A. Nelson
P.O. Box 98
Stowe, VT 05672

Mark S. Pynduss
18 Windmill Point
Alburl, VT 5440

Chris Kayes
209 North St.
East Dover, VT 05341

Conni Burgett
239 East Putney Falls Road
Putney, VT 05346

Mike Lynch
116 Burroughs Farm Road
Vergennes, VT 05491

David L. R. Houston
30 Staniford Road
Burlington, VT 05408

Jan Sterling
4507-B Lexington Place NE
Lacey, WA 98516

Sharon Faelten
19 Sugar Hill Road
Underhill, VT 05489-9397

Dosolutions Inc.
P.O. Box 627
Putney, VT 05346

Lucas LaMonda
18 Moss Garden Road
Johnson, VT 05656

Shawn Bryan
573 Junction Road
Berlin, VT 05602

William Stanley
306 South Beach Road
South Burlington, VT 05403

Fred Schwacke
P.O. Box 367
Bondville, VT 05340

Scott Custen
70 S Winooski Ave #291
Burlington, VT 05401

Jennifer Varin
56 Grey Meadow Drive
Burlington, VT 05408

Elias K. Gardner
405 Culver Hill Road
Middlesex, VT 05602

Howard Ires
6206 Windham Hill Road
Windham, VT 05359

Laura Austan
4 High Street
Apartment 3-4
Brattleboro, VT 05301

Clair Dunn
1299 Buck Hollow Road
Fairfax, VT 05454

/s/ _____
Patricia Destajo

* Copy also provided via electronic mail.