

July 24, 2008

**VIA ELECTRONIC FILING**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

**Re: Written Ex Parte Presentation  
Applications of Atlantis Holdings LLC and Cellco Partnership d/b/a  
Verizon Wireless for Transfer of Control  
WT Docket No. 08-95**

Dear Ms. Dortch:

Atlantis Holdings LLC (“Atlantis”) and Cellco Partnership d/b/a Verizon Wireless (“Verizon Wireless”) strongly oppose the request for extension of time<sup>1</sup> filed by Consumers Union, Free Press, Media Access Project and Public Knowledge (“CU *et al.*”).

For the same reasons discussed in the Applicants' Opposition to the Request for Extension of Time of the Rural Telecommunications Group, LLC,<sup>2</sup> filed earlier today, CU *et al.*'s request for a longer extension period is completely unfounded and should also be promptly denied. The letter submitted by Verizon Wireless on July 22, 2008<sup>3</sup> -- the sole basis for CU *et al.*'s extension request -- serves only to reduce the range of potential issues to be addressed in any filings here, and raises no new issues that were not already addressed in the Public Interest Statement filed with the

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<sup>1</sup> Letter from Larry A. Blosser to Marlene H. Dortch, Secretary, Federal Communications Commission, WT Docket No. 08-95 (filed July 24, 2008).

<sup>2</sup> Opposition of Atlantis Holdings LLC and Cellco Partnership d/b/a Verizon Wireless to Motion for Extension of Time of Rural Telecommunications Group, Inc., WT Docket No. 08-95 (filed July 24, 2008).

<sup>3</sup> Letter from John T. Scott, III, Vice President and Deputy General Counsel – Regulatory Law, Verizon Wireless, to Marlene H. Dortch, Secretary, Federal Communications Commission, WT Docket No. 08-95 (filed July 22, 2008) (July 22 Letter).

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transfer of control applications. Accordingly, that letter provides no plausible basis for an extension.

Further, CU *et al.*'s assertion that the July 22 letter constitutes a major amendment to the pending applications is wholly unsupported. As an initial matter, that letter does not "amend" the application in any respect. Rather, it merely provides an update on the status of ongoing negotiations with DOJ, and clarifies one statement in the Public Interest Statement. Because it is not even arguably an "amendment" at all, it is self-evidently not a major amendment.

Moreover, Section 1.929 of the Commission's rules precisely defines what constitutes a "major" change to an application requiring additional public notice.<sup>4</sup> The types of things defined as major include substantial changes in ownership or control, service area expansion, changes in frequency, increases in power, etc.<sup>5</sup> Significantly, the rule provides that "[a]ny change not specifically listed above as major is considered minor." The letter's update on the status of the ongoing DOJ review and clarification of the roaming commitment plainly do not fall into any of these identified categories.

Although the Applicants see no reason why CU *et al.* could not revise any filing they plan to make to omit any discussion that is no longer relevant because of the July 22 letter's narrowing of the issues, the Applicants hereby waive any objection to CU *et al.* using their reply comments to address issues related to the July 22 letter that otherwise should have been raised in its opening comments. Accordingly, CU *et al.* would not be prejudiced by any denial of its extension request.

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<sup>4</sup> 47 C.F.R. § 1.929.

<sup>5</sup> Nowhere does the rule suggest that a commitment to divest operations or to reduce the scope of licenses to be acquired would constitute a major change. In past transactions, the Commission has not treated final DOJ consent decrees stipulating divestitures as a major amendment warranting additional public notice. There is thus no basis for the Commission to treat the July 22 letter's update and clarification as a major amendment.

