



PUBLIC NOTICE

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FEDERAL COMMUNICATIONS COMMISSION
445 TWELFTH STREET, S.W.
WASHINGTON, D.C. 20554

DA 08-2468

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Released: November 7, 2008

**AT&T INC. AND VERIZON WIRELESS
SEEK FCC CONSENT TO ASSIGN AND TRANSFER CONTROL
OF LICENSES, SPECTRUM LEASING ARRANGEMENTS, AND RELATED
AUTHORIZATIONS – AMENDED AND NEW APPLICATIONS**

WT Docket No. 07-208

PLEADING CYCLE ESTABLISHED

Petitions to Deny Due: November 21, 2008
Oppositions Due: December 1, 2008
Replies Due: December 8, 2008

I. INTRODUCTION

AT&T Inc. and certain of its subsidiaries (“AT&T”) and Cellco Partnership d/b/a Verizon Wireless and certain of its subsidiaries (“Verizon Wireless”) filed a series of applications (“Applications”) pursuant to Sections 214 and 310(d) of the Communications Act of 1934, as amended.¹ In these applications, AT&T and Verizon Wireless (the “Applicants”) seek Commission approval of an exchange of certain wireless licenses, spectrum manager leasing arrangements, and related authorizations in parts of Arizona, Kentucky, Nevada, New York, Ohio, Pennsylvania, Vermont, and Washington. The Applicants propose to accomplish this exchange through transfers of control of wireless licensee subsidiaries, and through assignment of wireless licenses, spectrum manager leasing arrangements, and authorizations. The Applications were placed on public notice on April 10, 2008, in WT Docket No. 07-208.² The Applicants state that this exchange will satisfy AT&T’s obligations under the *AT&T-Dobson Order* to divest certain Dobson licenses and operations in Kentucky.³ In addition, the applications as originally filed involved the transfer to AT&T, in most cases, of certain licenses and spectrum leasing arrangements that Verizon Wireless was then proposing to acquire in connection with its transaction with Rural Cellular Corporation (“RCC”).

¹ 47 U.S.C. §§ 214, 310(d).

² AT&T Inc. and Verizon Wireless Seek FCC Consent To Assign and Transfer Control of Licenses, Spectrum Leasing Arrangements, and Related Authorizations, *Public Notice*, 23 FCC Rcd 5841 (2008).

³ Applications of AT&T Inc. and Dobson Communications Corp. for Consent to Transfer Control of Licenses and Authorizations, *Memorandum Opinion and Order*, 22 FCC Rcd 20295, 20335-36 ¶¶ 85-88 (2007) (“*AT&T-Dobson Order*”).

The Commission has subsequently approved the Verizon Wireless-RCC transaction, subject to certain required divestitures.⁴ The Applicants have now amended the Applications to seek authority for Verizon Wireless to transfer to AT&T those authorizations (or parts thereof) that the Commission has required Verizon Wireless to divest in connection with the RCC transaction and that were not included in the previously-filed applications. The amendments to the Applications and the one newly-filed application pertain to licenses for the Part 22 Cellular Radiotelephone Service, the Part 24 Personal Communications Service, and the Part 101 Common Carrier Fixed Point-to-Point Microwave Service.

II. AMENDED AND NEW SECTION 310(d) APPLICATIONS – Parts 22, 24, and 101 – Wireless Radio Services

The following application for consent to the *pro forma* assignment of certain licenses from RCC Atlantic Licenses, LLC (“RCC Atlantic”) to Rural Newco LLC assigned the file numbers listed below has been amended.⁵

<u>File No.</u>	<u>Licensee</u>	<u>Lead Call Sign</u>
0003319713	RCC Atlantic Licenses, LLC	KNKA797

The following applications for consent to the assignment or transfer of control of certain licenses from Verizon Wireless to AT&T and its subsidiary, DC Newco Parent, LLC, assigned the file numbers listed below have been amended.

<u>File No.</u>	<u>Licensee</u>	<u>Lead Call Sign</u>
0003264825 ⁶	Cellco Partnership	KNKN965
0003264826	RCC Minnesota, Inc.	KNKN248
50007CLTC08 ⁷	Rural Newco LLC	KNKA797

The following newly-filed application for consent to the partial assignment of a broadband PCS license from RCC Minnesota, Inc. to AT&T’s subsidiary, DC Newco Parent, LLC, has been assigned the file number listed below.

⁴ See Applications of Cellco Partnership d/b/a Verizon Wireless and Rural Cellular Corporation For Consent To Transfer Control of Licenses, Authorizations, and Spectrum Manager Leases and Petitions for Declaratory Ruling that the Transaction Is Consistent with Section 310(b)(4) of the Communications Act, WT Docket No. 07-208, *Memorandum Opinion and Order and Declaratory Ruling*, 23 FCC Rcd 12463 (2008).

⁵ In addition, the Applicants have withdrawn application File No. 0003319732, which previously proposed to partition the license for call sign KNKN749; that license is now being assigned in full in ULS File No. 0003319713.

⁶ This application is the lead application for the wireless radio services. The Applicants have amended this application only with respect to the exhibits attached thereto, in order to update them and to provide an explanation of the revised transaction.

⁷ This application is attached to File No. 0003319713. As described above, Verizon Wireless proposes the *pro forma* assignment of licenses from RCC Atlantic to Rural Newco LLC immediately prior to consummating the proposed transfer of control of Rural Newco LLC to AT&T. See ULS File No. 0003319713. Because this assignment application remains pending and has not been consummated, these licenses are not shown as being held by Rural Newco LLC in ULS. Thus, both this application and the related amendment were filed manually with a request for waiver of the ULS electronic filing requirement, pursuant to section 1.913(b) of the Commission’s rules. 47 C.F.R. § 1.913(b). We grant the Applicants’ request for waiver of the ULS electronic filing requirement with respect to the filing of the amended form.

<u>File No.</u>	<u>Licensee</u>	<u>Lead Call Sign</u>
0003564867	RCC Minnesota, Inc.	WPYT730 ⁸

III. *EX PARTE* STATUS OF THIS PROCEEDING

Pursuant to section 1.1200(a) of the Commission's rules,⁹ 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 continue to 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.¹⁰

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.¹¹ More than a one- or two-sentence description of the views and arguments presented is generally required.¹² Other rules pertaining to oral and written presentations are set forth in section 1.1206(b) as well.¹³ We urge parties to use the Electronic Comment Filing System ("ECFS") to file *ex parte* submissions.¹⁴

IV. GENERAL INFORMATION

The assignment and transfer of control applications and related amendments referenced herein have 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.

Interested parties must file petitions to deny no later than November 21, 2008. 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. Oppositions to such pleadings must be filed no later than December 1, 2008. Replies to such pleadings must be filed no later than December 8, 2008. All filings concerning matters referenced in this Public Notice should refer to DA 08-2468 and WT Docket No. 07-208, as well as the specific file numbers of the individual applications or other matters to which the filings pertain.

⁸ This application proposes to assign the portion of the license covering the Windham and Windsor counties in Vermont.

⁹ 47 C.F.R. § 1.1200(a).

¹⁰ *Id.* § 1.1206.

¹¹ See Commission Emphasizes the Public's Responsibilities in Permit-But-Disclose Proceedings, *Public Notice*, 15 FCC Rcd 19945 (2000).

¹² See 47 C.F.R. § 1.1206(b)(2).

¹³ *Id.* § 1.1206(b).

¹⁴ See discussion *infra* Part IV.

Under the Commission's current procedures for the submission of filings and other documents,¹⁵ submissions in this matter may be filed electronically (*i.e.*, through ECFS) or by hand delivery to the Commission's Massachusetts Avenue location.

- **If filed by ECFS,**¹⁶ 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, U.S. 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) Kathy Harris, Mobility Division, Wireless Telecommunications Bureau, at kathy.harris@fcc.gov or (202) 418-7447 (facsimile); (4) Susan Singer, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau, at susan.singer@fcc.gov or (202) 418-7447 (facsimile); (5) Angela Kronenberg, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau, at angela.kronenberg@fcc.gov or (202) 418-2963; (6) Linda Ray, Broadband Division, Wireless Telecommunications Bureau, at linda.ray@fcc.gov or (202) 418-8188 (facsimile); (7) David Krech, Policy Division, International Bureau, at david.krech@fcc.gov or (202) 418-2824 (facsimile); (8) Neil Dellar, Office of General Counsel, at neil.dellar@fcc.gov or (202) 418-1234 (facsimile); and (9) Jim Bird, Office of General Counsel, at jim.bird@fcc.gov or (202) 418-1234 (facsimile).

Copies of the applications 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.

¹⁵ 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).

¹⁶ 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 applications 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 applications are also available electronically through the Commission's ECFS, which may be accessed on the Commission's Internet website at <http://www.fcc.gov>. In addition, applications filed under Parts 22, 24, and 101 of the Commission's rules are available electronically through ULS, which may be accessed on the Commission's Internet website. 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. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

For further information, contact Kathy Harris, Mobility Division, Wireless Telecommunications Bureau, at (202) 418-0609, or Angela Kronenberg, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau, at (202) 418-2963.

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