

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	WT Docket No. 09-104
Applications of AT&T Inc. and)	DA 09-1350
Verizon Wireless)	
)	
for Consent to the Assignment or)	File Nos. 0003840313 et al.
Transfer of Control)	File Nos. ITC-ASG-20090552-00244 et al.
of Licenses and Authorizations)	
and to Modify a Spectrum)	
Leasing Arrangement)	

**RESPONSE OF AT&T INC. AND VERIZON WIRELESS TO THE RURAL
TELECOMMUNICATIONS GROUP, INC.’S MOTION FOR EXTENSION OF TIME**

The Rural Telecommunication Group, Inc. (“RTG”) has no basis for its claim that AT&T Inc. and Cellco Partnership d/b/a Verizon Wireless (collectively, “Applicants”) attempted “to game the FCC’s service process to artificially shorten the amount of time afforded to RTG to respond to the Joint Opposition.”¹ Applicants served the FCC staff and Best Copy and Printing, Inc. electronically, as required by the Public Notice,² and other parties by U.S. mail, as permitted by the rules.³ Indeed, RTG previously has indicated to Verizon Wireless that it will accept

¹ See Motion for Extension of Time of the Rural Telecommunications Group, Inc. at 2. (“RTG Motion”).

² *AT&T Inc. & Cellco P’ship d/b/a Verizon Wireless Seek FCC Consent to Assign or Transfer Control of Licenses & Authorizations & Modify a Spectrum Leasing Arrangement*, WT Dkt No. 09-104, Public Notice, DA 09-1350, at 6 (WTB rel. June 19, 2009) (“Public Notice”).

³ See 47 C.F.R. § 1.47(d), (f). While Applicants believe the Certificate of Service is in a proper form, even if it were flawed as RTG claims, RTG Motion at 2, that does “not affect the validity of the service.” 47 C.F.R. § 1.47(g).

service *only* by U.S. mail.⁴

Moreover, Applicants cannot fathom how RTG has been prejudiced by the manner of service. RTG was on notice that Applicants would file their Joint Opposition on July 30 and that the pleading would be available in ECFS soon thereafter.⁵ Applicants filed the Joint Opposition in the evening of July 30, and it was available in ECFS around noon the next day. Just as Applicants learned of several petitions to deny and comments by monitoring ECFS on July 20-21, RTG – and any other party – could have obtained the Joint Opposition by monitoring ECFS on July 31. Even though RTG’s claim of harm rings hollow, and, under the circumstances set forth above, the Commission certainly would be justified in rejecting RTG’s request, Applicants take no position on whether the Commission should grant RTG’s request to have until August 11, 2009 to file its reply.

Respectfully submitted,

AT&T Inc.

Verizon Wireless

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By: /s/ Michael Samsock

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⁴ See Attachment 1 – Email from Carri Bennet, Counsel to the Rural Telecommunications Group, Inc., to Steven E. Merlis, Counsel to Verizon Wireless (dated Dec. 22, 2008).

⁵ See Public Notice at 1, 5-6; FCC, Electronic Comment Filing System, [http:// www.fcc.gov/cgb/ecfs/](http://www.fcc.gov/cgb/ecfs/).

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August 5, 2009

ATTACHMENT 1

Merlis, Steven

From: Carri Bennet [cbennet@bennetlaw.com]
Sent: Monday, December 22, 2008 10:41 PM
To: Merlis, Steven
Cc: Daryl Zakov; mbennet@bennetlaw.com
Subject: RE: FILED - Opposition to Petitions for Reconsideration of VZW/ALLTEL

Please confirm that you have effectuated service by U.S. mail. RTG does not agree to accept service solely via email.

From: Merlis, Steven [mailto:SMerlis@wileyrein.com]
Sent: Monday, December 22, 2008 7:21 PM
Subject: FILED - Opposition to Petitions for Reconsideration of VZW/ALLTEL

Please find attached a copy of the VZW-ALLTEL Opposition to Petitions for Reconsideration that was filed this evening. Please let me know if you have any questions.

Thanks,
Steve

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CERTIFICATE OF SERVICE

I hereby certify that on this fifth day of August, 2009, I caused true and correct copies of the foregoing Response of AT&T Inc. and Verizon Wireless to The Rural Telecommunications Group, Inc.'s Motion for Extension of Time to be served by electronic mail upon Best Copy and Printing, Inc. and the FCC staff members listed below and by electronic mail and first-class mail, postage prepaid upon the parties listed below:

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