Before the
Federal Communications Commission
Washington, D.C. 20554

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In the Matter of	)	
	)	
Petition for Limited Clarification of Frontline Wireless, LLC	)	WT Docket No. 07-153
	)	
Applications of AT&T Inc. and Dobson Communications Corporation	)	
	)	
For Consent to Transfer Control of Licenses and Authorizations	)	File Nos. 0003092368 *et al.*

ORDER

Adopted: December 30, 2009 **Released: December 31, 2009**

By the Commission:

1. On December 19, 2007, Frontline Wireless, LLC ("Frontline") filed a Petition for Limited Clarification ("Petition") in the Matter of the Applications of AT&T Inc. ("AT&T") and Dobson Communications Corporation ("Dobson") in WT Docket 07-153.[1] Frontline petitioned for a clarification of a portion of the *AT&T/Dobson Order* pursuant to 47 C.F.R. § 47.106(b)(2).[2] On December 31, 2007, AT&T filed an Opposition to Frontline's Petition.[3] For the reasons discussed below, we dismiss Frontline's Petition on procedural grounds.

2. In the *AT&T/Dobson Order*, the Commission found that AT&T's acquisition of Dobson would serve the public interest, convenience, and necessity, subject to divestiture in four local mobile telephony markets.[4] Frontline's Petition requested clarification of a portion of the *AT&T/Dobson Order* relating to the competitive analysis of the transaction. Specifically, Frontline sought clarification on the spectrum aggregation screen that the Commission would apply in evaluating the long-form applications in Auctions No. 73 and 76 in WT Docket Nos. 06-150, 01-309, 03-264, 06-169, 96-86, CC Docket No. 94-102, PS Docket No. 06-229 (Sept. 24, 2007).[5] Frontline's Petition did not request that the *AT&T/Dobson Order* be reversed or disturbed.[6] AT&T filed an Opposition to Frontline's Petition arguing, in part, that

[1] Applications of AT&T Inc. and Dobson Communications Corporation For Consent to Transfer Control of Licenses and Authorizations, WT Docket No. 07-153, *Memorandum Opinion and Order*, 22 FCC Rcd 20295 (2007) ("*AT&T-Dobson Order*").

[2] *See* Frontline Petition for Limited Clarification of Frontline Wireless, LLC., WT Docket No. 07-153 at 4 n.6, (filed Dec. 19, 2007).

[3] Opposition of AT&T Inc. To Petition for Limited Clarification of Frontline Wireless, LLC, WT Docket No. 07-153 at 2 (filed Dec. 31, 2007) ("AT&T Opposition").

[4] AT&T/Dobson Order, 22 FCC Rcd 20295 ¶103.

[5] *See* Frontline Petition for Limited Consideration at iii, 1-2.

[6] *See id.* at 1, 9.

Frontline's Petition is an unauthorized pleading under the Commission's rules;[7] Frontline lacks standing to petition for reconsideration;[8] Frontline did not serve AT&T and other parties to the proceeding pursuant to 47 C.F.R. §1.106(f);[9] and a merger proceeding is not the appropriate proceeding to consider Frontline's concerns in the 700 MHz proceeding.[10]

3. We find that Frontline's Petition is procedurally defective under Section 1.106 of the Commission's rules.[11] Section 1.106 addresses petitions for reconsideration, and allows parties and non-parties to petition for reconsideration of final Commission actions.[12] Although Frontline cites to 47 C.F.R. § 1.106(b)(2) of the Commission's rules,[13] it states that it does not request that the *AT&T/Dobson Order* be reversed or disturbed.[14] Frontline does not seek any clarification related to the rights and obligations of parties to the *AT&T/Dobson Order*. Rather, Frontline requests an advisory opinion regarding the spectrum aggregation screen that might be used in an unrelated proceeding, (*i.e.*, the 700 MHz proceeding), to review the Auction 73 long-form applications.[15] We note that Frontline presented its spectrum aggregation concerns in the 700 MHz proceeding.[16] In addition, the record does not indicate that Frontline served the Petition on the parties, as required by Section 1.106(f). This also is grounds for dismissal.[17] Accordingly, we find that a petition for reconsideration of the *AT&T Dobson Order* is not an appropriate procedural vehicle for Frontline's request, and Frontline's Petition filed pursuant to Section 1.106 does not comply procedurally with Section 1.106 of the Commission's rules.

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[7] *See* AT&T Opposition at 2-3.

[8] *See id.* at 3-4.

[9] *See id.* at 4 n.10.

[10] *See id.* at 7-8.

[11] 47 C.F.R. § 1.106.

[12] 47 C.F.R. § 1.106. *See also* Thomas K. Kurian, Assignor, and AMTS Consortium, LLC Assignee, Application for Consent to the Partial Assignment of the License for Public Coast Station WQCP809, 22 FCC Rcd 20970 (2007).

[13] *See* Frontline Petition for Limited Consideration at 4 n.6.

[14] *See id.* at iii,1-2, 9.

[15] *See id.* at ii-iii, 9. The Commission approved the Form 601 applications of Union Telephone Company ("Union Telephone") and Cellco Partnership d/b/a Verizon Wireless ("Verizon Wireless") from Auction 73 on November 4, 2008. *See* In the Matter of Union Telephone Company Cellco Partnership d/b/a Verizon Wireless Applications for 700 MHz Band Licenses, Auction No. 73, *Memorandum Opinion and Order*, 23 FCC Rcd 16787 (rel. Nov. 13, 2008).

[16] *See* Petition for Reconsideration of Frontline Wireless, LLC, WT Docket No. 06-150, 01-309, 03-264, 06-169, 96-86, CC Docket No. 94-102, PS Docket No. 06-229 (filed Oct. 23, 2007).

[17] 47 C.F.R. § 1.106(f). *See also* Thomas K. Kurian, 22 FCC Rcd 20970.

4. Accordingly, IT IS ORDERED THAT, pursuant to sections 4(i) and 405 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), and 405, and section 1.106 of the Commission's Rules, 47 C.F.R. Sections §§ 1.106(b)(1), 1.106(b)(2) and 1.106(f) we find that Petitioner Frontline Wireless, LLC has failed to satisfy our procedural rules. We, therefore, DISMISS the Petition for Limited Clarification of Frontline Wireless, LLC.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch

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Secretary