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November 14, 2011

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

Attention: Richard Kaplan  
James Schlichting  
Kathy Harris

Re: 700 MHz Application

Dear Madam Secretary:

I write to the Commission, once again, to urge immediate action on the referenced application. It has already been on file for too long; there is no reason not to grant the application; and the public interest, through the provision of broadband service, would be served by grant at this time. Further explanation and support follows.

The referenced application was filed nearly nine (9) months ago. It involves only one license in one market. Currently, the license is not operational, so there is no issue of any loss of competitive offering. The proposed assignee is a prominent wireless licensee whose licensee qualifications present no issues here. A responsible competitive analysis has already been done in the three months between filing (February 23, 2011) and Public Notice (May 23, 2011)). Even after completion of the transaction, the assignee's attributable spectrum holdings will be well below the applicable spectrum screen level.

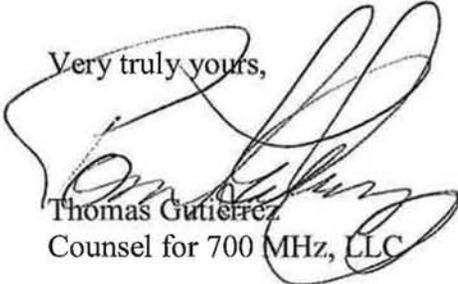
It certainly appears that the only hold-up in this proceeding is a series of rogue filings by a small group of wireless carriers (the "Carriers") who have no interest (or standing) in this particular proceeding. Significantly, the Carriers have not challenged the subject application. Rather, they have merely elected to hold this proceeding (and several other small assignments) hostage by making a vague plea for "consolidation" of proceedings while they fight much larger unrelated battles involving the proposed assignee.<sup>1</sup>

Applicant harbors no resentment with the Carriers' fight with assignee over the larger battles. It is the entirely inappropriate extension of those battles to include the referenced application that is unacceptable. For no one can seriously contend that the referenced single market, single license transaction could impact in any meaningful way on the Commission's consideration of the two much larger AT&T transactions.

The Commission cannot in good faith continue to do nothing in response to the Carriers inappropriate actions. Respectfully, continued inaction would border on complicity. That is to say, doing nothing provides a de facto victory for the Carriers; serves to encourage such inappropriate behavior in other instances; and delays the use of the subject spectrum for broadband in the near future.

Instead, the Commission can, and should, simply grant the subject application. Prompt action as we approach the informal 180 day time frame for action, rather than merely extending the time frame, is the only responsible action on the Commission's part. (As no challenge has been divided to the application, there is no need for any written disposition and a grant listing on a public notice is all that need be released.) Not only will it facilitate the provision of broadband service utilizing the license, it will avoid the applicant parties bumping up against the drop-dead date in the underlying contract and eliminate the risk that a modest business transaction would fall apart due to Commission inaction.

Very truly yours,



Thomas Gutierrez  
Counsel for 700 MHz, LLC

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<sup>1</sup> The AT&T and T-Mobile proposed merger (File No. 0004669383 and the AT&T and Qualcomm proposed nationwide spectrum assignment (File No. 0004566825).