

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Application of Cellco Partnership d/b/a)	WT Docket No. 12-4
Verizon Wireless and SpectrumCo, LLC)	
For Consent To Assign Licenses)	
)	
Application of Cellco Partnership d/b/a)	
Verizon Wireless and Cox TMI Wireless, LLC)	
For Consent To Assign Licenses)	

OPPOSITION TO MOTION FOR EXTENSION OF TIME

The Commission’s rules provide that “[i]t is the policy of the Commission that extensions of time shall not be routinely granted.”¹ There is no reason to depart from this policy here in response to the motion of Public Knowledge and the Rural Telecommunications Group (collectively, “Movants”).² An extension of time here is unnecessary and unwarranted, and would inevitably delay the many benefits to the public that will result from transitioning unused spectrum to a provider that will put it to use to expand 4G LTE mobile broadband service across the country. The Commission should deny Movants’ dilatory request, just as it regularly denies similar requests filed by others.³

¹ 47 C.F.R. § 1.46(a).

² Public Knowledge and the Rural Telecommunications Group, Motion for Extension of Time, WT Dkt. No. 12-4 (filed July 5, 2012) (“Motion”); Public Notice, *Wireless Telecommunications Bureau Seeks Comment on the Impact on the Verizon Wireless-SpectrumCo and Verizon Wireless-Cox Transactions of the Applications of Verizon Wireless and T-Mobile to Assign AWS-1 Licenses*, WT Dkt. No. 12-4 (rel. June 26, 2012) (“Notice”).

³ See, e.g., *Request by Progeny LMS, LLC for Waiver of Certain Multilateration Location and Monitoring Service Rules*, WT Dkt. No. 11-49, DA 12-480 (rel. Mar. 28, 2012); *In re: Verizon Wash. D.C., Inc. et al.*, 26 FCC Rcd 13511, 13516 ¶¶ 7-8 (WTB 2011); *Connect America Fund*, 26 FCC Rcd 11225, 11226 ¶ 2 (WCB & WTB 2011); *Applications of AT&T Inc. & Deutsche Telekom AG*, 26 FCC Rcd 7688, 7688 ¶ 3 (WTB 2011); *Connect America Fund*, 26 FCC Rcd

The *Notice* provided parties two full weeks to comment on just one issue: the impact of the proposed AWS spectrum exchange between Verizon Wireless and T-Mobile License LLC (“T-Mobile”) on “the spectrum aggregation issues raised in the context of this docket.”⁴ Moreover, the Notice expressly instructed parties “not [to] repeat arguments already raised.”⁵ Movants have provided no credible justification as to why this two-week period is inadequate to address the single question presented.

As a threshold matter, the fact that Movants waited until day nine of a two-week pleading cycle to file their request, with five days remaining to prepare their comments and meet the filing date, undercuts any claim that the filing deadline is unduly burdensome as a result of the July 4th holiday and planned vacation. This is especially true because the July 4th holiday was only one day long. The Movants’ resources could have been used to prepare whatever limited comments they may choose to file rather than a motion to delay the comment date.

Most significantly, the Verizon Wireless/T-Mobile transaction does not create any new spectrum-aggregation concerns that could be credibly raised as a basis to delay the comment date. The Applicants already have demonstrated that the spectrum-aggregation claims here are meritless, and these assignments benefit the public interest. In 76 markets involved in the Verizon Wireless/T-Mobile transaction, the parties will merely swap spectrum blocks; in those markets, there effectively is no change in Verizon Wireless’ holdings. And in 125 markets, Verizon Wireless will transfer spectrum to T-Mobile, meaning Verizon Wireless will obtain less spectrum than the original application. Thus, the net effect is that Verizon Wireless/T-Mobile

6014, 6014 ¶ 2 (2011); *City of Charlotte, N.C. Request for Declaratory Ruling*, 26 FCC Rcd 5857, 5858 ¶ 3 (PSHSB 2011).

⁴ *Notice* at 2.

⁵ *See id.* at 2.

assignments will result in the net transfer of spectrum capacity *from Verizon Wireless to T-Mobile*. The fact that the sole consequence of the Verizon Wireless/T-Mobile transaction would be to further diminish spectrum-aggregation concerns further undercuts any rationale for extending the comment deadline.⁶

Movants claim that additional time is needed to respond in this docket to information that is “likely” to be relevant in Verizon Wireless’ and T-Mobile’s Oppositions to Petitions to Deny in WT Docket No. 12-175, but this argument is nonsensical. The Commission has already established a pleading cycle in WT Docket No. 12-175 that will allow Movants and others to fully reply to oppositions to petitions to deny.⁷ Movants offer no explanation as to why that July 24, 2012 deadline is insufficient. Mere speculation about what might be raised in those oppositions is not a sufficient ground to interpose further delay here. Indeed, Movants provide no explanation at all as to how any filings in the Verizon Wireless/T-Mobile proceeding could have any impact on spectrum aggregation issues in *this* docket.

Ultimately, there is no reason for an extension of time, let alone a two-week delay, that will do nothing more than hinder more efficient spectrum use. The applications here were filed on December 16, 2011 (Verizon Wireless/SpectrumCo) and December 20, 2011 (Verizon Wireless/Cox), more than six months ago. The Wireless Telecommunications Bureau already stopped the informal 180-day transaction-review “clock” for three weeks on May 1, 2012,⁸ and

⁶ While Verizon Wireless will acquire additional spectrum in 17 markets in the west, that will be addressed in the separate applications governing those licenses and is not a subject to be addressed in this proceeding.

⁷ Public Notice, *Cellco Partnership d/b/a Verizon Wireless and T-Mobile License LLC Seek FCC Consent to the Assignment of Advanced Wireless Service Licenses*, WT Dkt. No. 12-175 (rel. June 26, 2012).

⁸ See Letter from Rick Kaplan, Chief, Wireless Telecommunications Bureau, to Michael Samscock, Verizon Wireless, *et al.*, WT Dkt. No. 12-4 (May 1, 2012).

now stopped the clock again for two additional weeks.⁹ A robust record has already been developed here and the original 180-day clock has now nearly expired for both transactions. Opponents, nonetheless, continue to seek additional time and opportunities to rehash arguments that were raised and refuted long ago. At this stage, any further extension of time for filing is highly burdensome and would deprive the Applicants of their right to an expeditious review of their proposed assignments. And regardless of the disposition of the Motion, no party has sought to further extend the shot clock period and under no circumstances should the Commission do so.

In light of the foregoing, the Commission should deny the Motion in its entirety.

⁹ See Letter from Rick Kaplan, Senior Counsel to the Chairman for Transactions, to Michael Samscock, Verizon Wireless, *et al.*, WT Dkt. No 12-4 (Jun. 26, 2012).

Respectfully submitted,

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July 6, 2012

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I, Joshua M. Bercu of Wilkinson Barker Knauer, LLP, hereby certify that a copy of the foregoing Opposition to Motion for Extension of Time was served on this 6th day of July, 2012, via electronic mail, on those listed below:

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