



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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WASHINGTON, D.C. 20554

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DA 00-1461

Released: July 3, 2000

**DiGiPH PCS, INC. AND ELISKA WIRELESS VENTURES LICENSE
SUBSIDIARY I, L.L.C. SEEK FCC CONSENT FOR ASSIGNMENT OF
EIGHT C BLOCK BROADBAND PERSONAL COMMUNICATIONS
SERVICES LICENSES AND DECLARATORY RULING PURSUANT TO
SECTION 310(b)(4) ALLOWING INDIRECT FOREIGN OWNERSHIP**

Petitions/Comments due: August 2, 2000

Oppositions/Responses due: August 14, 2000

On June 14, 2000, DiGiPH PCS, Inc. (“DiGiPH”) and Eliska Wireless Ventures License Subsidiary I, L.L.C. (“Eliska”), filed applications under Section 310(d) of the Communications Act of 1934, as amended,¹ (“the Act”), seeking Commission approval to assign eight C Block broadband personal communications services (“PCS”) licenses from DiGiPH to Eliska. On June 26, 2000, DiGiPH and Eliska filed an amendment revising the Public Interest Statement of the application.²

DiGiPH acquired the eight C Block licenses in 1996 through its participation in the original C Block auction (FCC Auction #5).³ The parties have agreed that, upon closing of the proposed transaction, the eight C Block licenses will be assigned to Eliska, which will assume the associated installment payment obligations.

Eliska also filed a Petition for Declaratory Ruling under Section 310(b)(4) of the Act stating that it is in the public interest to permit an indirect ownership interest of up to 49.9 percent

¹ 47 U.S.C. § 310(d).

² See Letter from Jonathan Cohen, Esq. and David Judelsohn, Esq., Wilkinson Barker Knauer LLP to Lauren Kravetz, Esq., Commercial Wireless Division, Federal Communications Commission (dated June 26, 2000).

³ DiGiPH participated in Auction #5 under the name Mobile Tri-States L.P. 130. The eight licenses were subsequently assigned to DiGiPH on a *pro forma* basis. See FCC File No. 50075-CW-AL-97.

in Eliska by Sonera Holding, B.V. (“Sonera Holding”).⁴ Sonera Holding is a corporation organized under the laws of the Netherlands and is a wholly-owned subsidiary of Sonera Corporation (“Sonera”), a limited liability company organized under the laws of Finland.⁵ Sonera, formerly known as Telecom Finland, Ltd., is a wholly-owned subsidiary of Sonera Ltd., a private holding company of the Government of Finland.⁶ The Finnish government, as of May 4, 2000, owns 53.3 percent of Sonera Corporation and is the only shareholder of Sonera whose interest in Eliska will constitute a 10 percent or greater direct or indirect interest.⁷ Sonera Holding’s total, indirect attributable interest in Eliska will be 31.45 percent.⁸

The following application for assignment of authorization has been filed and has been assigned the file number indicated below.

SECTION 310 APPLICATIONS

Assignment by DiGiPH to Eliska of licenses in the Part 24 Personal Communications Services.

<u>File No.</u>	<u>Licensee</u>	<u>Call Signs</u>
0000151639	DiGiPH	KNLF618 through KNLF625

GENERAL INFORMATION

The applications 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.

Final action will not be taken on these applications earlier than 31 days following the date of this Public Notice. *See* 47 U.S.C. § 309(b). As indicated above, interested parties may file comments or petitions to deny no later than **August 2, 2000**. Reply comments and oppositions to such pleadings may be filed no later than **August 14, 2000**. All filings concerning matters

⁴ *See In the Matter of Sonera Holding B.V. and Eliska Wireless Ventures License Subsidiary I, L.L.C.*, File No. ISP-PDR-20000614-00014, Petition for Declaratory Ruling Under Section 310(b)(4) of the Communications Act of 1934, as Amended (filed June 14, 2000) (“Petition”).

⁵ *See* Petition at 4.

⁶ *See Id.* at 4; *see also In the Matter of Telecom Finland, Ltd.*, 12 FCC Rcd 17648 at ¶ 2 (Int’l Bur. 1997) (granting a declaratory ruling sought by Telecom Finland that its indirect ownership of certain wireless radio licenses in excess of the 25 percent foreign ownership benchmark serves the public interest).

⁷ *See* Application for Assignment of Authorization, FCC Form 603, File No. 000151639 (filed June 14, 2000) Exhibit 2 at p. 4.

⁸ *See* Petition at 3.

referenced in this Public Notice should refer to DA 00-1461, as well as the specific file numbers of the individual applications or other matters to which the filings pertain.

Pursuant to 47 C.F.R. § 1.2000(a), which permits the Commission to adopt modified or more stringent *ex parte* procedures in particular proceedings if the public interest so requires, we announce that this proceeding will be governed by **permit-but-disclose** *ex parte* procedures that are applicable to non-restricted proceedings under 47 C.F.R. § 1.1200.

An original and four copies of all comments, petitions to deny, oppositions and replies must be filed with the Commission's Secretary, Magalie Roman Salas, 445 12th Street, S.W., TW-B204, Washington, D.C. 20554, in accordance with Section 1.51(c) of the Commission's rules, 47 C.F.R. § 1.51(c). In addition, one copy of each pleading must be delivered to each of the following locations: (1) the Commission's duplicating contractor, International Transcription Services, Inc. ("ITS"), 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554; (2) Office of Public Affairs, Reference Operations Division, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554; (3) Lauren Kravetz, Policy and Rules Branch, Commercial Wireless Division, Wireless Telecommunications Bureau, 445 12th Street, S.W., Room 4-A163, Washington, D.C. 20554; (4) Michael Samssock, Policy and Rules Branch, Commercial Wireless Division, Wireless Telecommunications Bureau, 445 12th St., S.W., Room 4-B442, Washington, D.C. 20554; and (5) Justin Connor, Policy and Facilities Branch, Telecommunications Division, International Bureau, 445 12th St., S.W., Room 6-A832, Washington, D.C. 20554.

Copies of the applications and any subsequently-filed documents in this matter may be obtained from ITS. The applications and documents are also available for public inspection and copying during normal reference room hours at the following Commission office: Office of Public Affairs, Reference Operations Division, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. In addition, the applications are available electronically through the Wireless Telecommunications Bureau's Universal Licensing System, which may be accessed on the Commission's Internet website.

For further information, contact Lauren Kravetz or Michael Samssock, Commercial Wireless Division, Wireless Telecommunications Bureau, at (202) 418-7240 or Justin Connor, Telecommunications Division, International Bureau, at (202) 418-1476.

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