

PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
445 12th STREET, S.W.
WASHINGTON, D.C. 20554

DA01-1707

News media information 202/418-0500 Fax-On-Demand 202/418-2830 Internet: <http://www.fcc.gov> <ftp.fcc.gov>

Released: July 16, 2001

**WIRELESS TELECOMMUNICATIONS BUREAU GRANTS CONSENT TO TRANSFER
CONTROL OF
A, C, F and BLOCK BROADBAND PCS LICENSES
And
Common Carrier Fixed Point to Point Microwave Service**

Pursuant to Section 310(d) of the Communications Act, 47 U.S.C. § 310(d), and Section 0.331 of the Commission's rules, 47 C.F.R. § 0.331, the Wireless Telecommunications Bureau (Bureau) approves, subject to the conditions set forth below, the applications requesting Commission consent to the following transfer of control:

Via Wireless, LLC to Ubiquitel, Inc.: Markets M002A2 – Los Angeles, CA; BTA (A Block); B157 – Fresno, B291 – Merced, B303 – Modesto, B434 – Stockton, B458 – Visalisa, CA; B218 – Johnson, PA; B004 – Ada, OK; BTA (F Block); Call Signs: WPOQ778, WPOQ779, WPOQ780, WPOQ781, WPOQ782 and WPOQ783; Radio Service CF; File No. 0000386850.

Wireless Communications Ventures - Sherburne Tel-Com, Inc. to Sherbrune Tele-Systems, Inc.: *Partitioned* Markets B037C2 – Bemidji, B054C2 – Brainerd, B142C2 – Fergus Falls, MN; BTA (C Block); B391 – St Cloud, MN; BTA (F Block); File No. 0000290031.

Wireless Communications Ventures – Benton Cooperative Telephone Company to Communications Alternatives, Inc.: *Partitioned* Markets B037C2 – Bemidji, B054C2 – Brainerd, B142C2 – Fergus Falls, MN; BTA (C Block); B391 – St Cloud, MN; BTA (F Block); File No. 0000291587.

Wireless Communications Ventures – Albany Mutual Telephone Association to Central Stearns Comsis, Inc.: *Partitioned* Markets B037C2 – Bemidji, B054C2 – Brainerd, B142C2 – Fergus Falls, MN; BTA (C Block); B391 – St Cloud, MN; BTA (F Block); File No. 0000291586.

We approve these transfer of control applications because we find they are in the public interest, convenience, and necessity. See 47 U.S.C. § 310(d). By this approval, the parties are authorized to proceed to the final stages of their respective transactions. Section 1.948(d) of the Commission's rules provides that "the Commission shall be notified by letter of the date of completion of the assignment or transfer of control." See 47 C.F.R. § 1.948(d). Hence, we remind parties that a transfer shall not be

considered complete until the underlying transaction closes and all conditions set forth in the grant

documents, including this Public Notice and the application, are met. Additionally, all installment payments must be current on the consummation date.¹ It is also conditioned upon full payment of any required unjust enrichment payments on or before the consummation date. *See 47 C.F.R. § 1.2111(c) and (d)*. Upon receipt of the letter required by Section 1.948(d) of the Commission's rules, and satisfaction of all requisite conditions, the Bureau will consider the transfer "complete" and will issue the license to the transferee.

Failure of the parties to comply with Section 1.948(d) of the Commission's rules, or any specific condition described above, will result in automatic cancellation of the Commission's approval, and dismissal of the underlying applications.

Grant of this application is without prejudice to whatever enforcement action may be deemed appropriate arising from the facts discussed herein.

For information regarding this notice contact Rita Cookmeyer or Yolanda Lee at (202) 418-0660.
This Public Notice is issued by the Chief, Wireless Telecommunications Bureau.

- FCC -

¹ In order to be current, the installment payment may not be in the non-delinquency period or grace period. Amendment of Part 1 of the Commission's Rules -- Competitive Bidding Procedures, *Third Report and Order and Second Further Notice of Proposed Rulemaking*, 13 FCC Rcd. 374 (1997). In addition, there must be no outstanding fees, including late fees, due to the Commission.