

PUBLIC NOTICE

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

DA 01-2690

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

Released: November 16, 2001

WIRELESS TELECOMMUNICATIONS BUREAU APPROVES SETTLEMENT AGREEMENT AND GRANTS CONSENT TO APPLICATIONS FOR DISAGGREGATION AND PARTIAL ASSIGNMENT OF C BLOCK BROADBAND PCS LICENSES

The following applications for disaggregation and partial assignment are before the Wireless Telecommunications Bureau (Bureau):

Carolina Phone – Anderson, LLC to Cellco Partnership d/b/a Verizon Wireless:
Disaggregated Market B016 – Anderson, SC; BTA (C Block); File No. 0000460520.

Carolina Phone – Charleston, LLC to Cellco Partnership d/b/a Verizon Wireless:
Disaggregated Market B072 – Charleston, SC; BTA (C Block); File No. 0000460489.

Carolina Phone – Columbia, LLC to Cellco Partnership d/b/a Verizon Wireless:
Disaggregated Market B091 – Columbia, SC; BTA (C Block); File No. 0000460522.

Carolina Phone – Florence, LLC to Cellco Partnership d/b/a Verizon Wireless:
Disaggregated Market B147 – Florence, SC; BTA (C Block); File No. 0000460523.

Carolina Phone – Greenville, LLC to Cellco Partnership d/b/a Verizon Wireless:
Disaggregated Market B177 – Greenville, SC; BTA (C Block); File No. 0000460524.

Carolina Phone – Greenwood, LLC to Cellco Partnership d/b/a Verizon Wireless:
Disaggregated Market B178 – Greenwood, SC; BTA (C Block); File No. 0000460525.

Carolina Phone – Myrtle Beach, LLC to Cellco Partnership d/b/a Verizon Wireless:
Disaggregated Market B312 – Myrtle Beach, SC; BTA (C Block); File No. 0000460527.

Carolina Phone – Orangeburg, LLC to Cellco Partnership d/b/a Verizon Wireless:
Disaggregated Market B335 – Orangeburg, SC; BTA (C Block); File No. 0000460535.

Carolina Phone – Sumter, LLC to Cellco Partnership d/b/a Verizon Wireless:
Disaggregated Market B436 – Sumter, SC; BTA (C Block); File No. 0000460564.

On July 20, 2001, Hargray Wireless, L.L.C. (Hargray) filed a Petition to Deny each of the above-listed applications. On July 31, 2001 Carolina PCS I Limited Partnership filed an opposition to the Petition to Deny on behalf of its operating subsidiaries. On August 7, 2001, Hargray filed a request to withdraw its Petition to Deny as to eight of the nine applications

(excluding File No. 0000460535). On September 28, 2001, Hargray filed a Request for Approval to Withdraw its Petition to Deny in File No. 0000460535 and, to the extent necessary, its Petition to Deny the remaining eight applications (Request). The Request also sought approval of a Settlement Agreement, dated September 26, 2001, between Hargray and Carolina PCS I Limited Partnership. On October 9, 2001, Hargray filed Amendment No. 1 to the Settlement Agreement. On October 12, 2001, Hargray filed a corrected version of Amendment No. 1 to the Settlement Agreement. Pursuant to Section 4(i) of the Communications Act, 47 U.S.C. § 154(i), and Sections 0.331 and 1.935 of the Commission's rules, 47 C.F.R. §§ 0.331 and 1.935, the Bureau has reviewed and hereby approves Hargray's Request to Withdraw its Petition to Deny and the Settlement Agreement (as amended).

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 Bureau hereby approves, subject to the conditions set forth below, the above-listed applications. We approve the above assignments because we find that 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 an assignment 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.

The approval of each assignment is conditioned upon the execution of loan documents by the assignor and full payment of the required unjust enrichment payments on or before the consummation date. *See* 47 C.F.R. §§ 1.2111(c) and (d). In addition, the approval is conditioned upon the assignor's execution of the applicable financing statements (*i.e.*, the UCC-1 Forms) and payment of all costs associated with the preparation and recordation of the financing statements, on or before the consummation date. Where applicable, the Bureau will send all assignors listed herein the appropriate loan documents and financing statements upon notification of the proposed consummation date. All installment payments must be current on the consummation date.¹

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 assignment "complete" and will issue the license to the assignee with the date of the license grant identical to the date upon which the transaction closed, thus completing the assignment.

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 assignment approval, and dismissal of the underlying assignment applications.

For further information, contact: Richard Arsenault of the Wireless Telecommunications Bureau, Commercial Wireless Division, at (202) 418-0920 or rarsenau@fcc.gov. To notify the

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.

Bureau of the proposed consummation date and to request loan documents and financing statements, contact Rita Cookmeyer or Yolanda Lee at (202) 418-0660. Requests for loan documents and financing statements should be made at least 10 days prior to consummation.

Action by the Chief, Wireless Telecommunications Bureau.

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