



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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DA 01-280

Released: February 1, 2001

**FIVE ENTITIES SEEK DECLARATORY RULING PURSUANT TO SECTION 310(b)(4) ALLOWING INDIRECT FOREIGN OWNERSHIP RESULTING FROM THE PROPOSED ACQUISITION OF VOICESTREAM WIRELESS CORPORATION BY DEUTSCHE TELEKOM AG, AND IOWA WIRELESS SEEKS DECLARATORY RULING PURSUANT TO SECTION 310(d)
IB DOCKET No. 00-187**

Petitions/Comments due: February 22, 2001
Oppositions/Reply Comments due: March 8, 2001

BACKGROUND

Petitions for a Declaratory Ruling related to the VoiceStream Wireless Corporation (“VoiceStream”) and Deutsche Telekom AG (“DT”) proposed transaction were filed with the Commission on September 18, 2000.¹ Applicants expected that other licensees might file additional petitions for declaratory ruling under Section 310(b)(4).² The Commission stated it would include those petitions in the VoiceStream/DT Docket and release public notices regarding those applications.³

¹ See *VoiceStream Wireless Corporation, Powertel, Inc. and Deutsche Telekom AG Seek FCC Consent to Transfer Control of Licenses and Authorizations and Request Declaratory Ruling Allowing Indirect Foreign Ownership*, Public Notice IB Docket No. 00-187 (rel. Oct. 11, 2000).

² See Public Notice IB Docket No. 00-187 (rel. Oct. 11, 2000) at 2.

³ *Id.*

**PETITIONS FOR DECLARATORY RULING PURSUANT TO SECTION
310(b)(4)**

Five entities have filed Petitions 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 greater than 25 percent in each entity (see below). The indirect ownership interest greater than 25 percent in each entity would result from the consummation of the proposed transaction between VoiceStream and DT. The five Petitions will be described in turn.

First, on October 13, 2000, Cook Inlet/VS GSM IV PCS, LLC (“CIVS IV”) and Cook Inlet/VS GSM V PCS, LLC (“CIVS V”) 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 in CIVS IV and CIVS V by DT.⁴ On December 22, 2000, CIVS IV and CIVS V filed an amendment to their Petition requesting that any declaratory ruling issued by the Commission in connection with the Petition also be applied to the indirect foreign ownership of CIVS IV License Sub I, LLC (“CIVS IV Sub I”). CIVS Sub I, as a wholly owned subsidiary of CIVS IV, will have the same attributable indirect foreign ownership as CIVS IV.⁵

Second, on October 13, 2000 Cook/Inlet/VoiceStream PCS, LLC, Cook Inlet/VoiceStream License, LLC, Cook Inlet/VS GSM II PCS, LLC, Omnipoint Atlantic City License, LLC, Omnipoint Dover License, LLC, Omnipoint Philadelphia License, LLC, Cook Inlet/VS GSM III PCS, LLC, CIVS PA I, LLC, CIVS PA III, LLC, D&E/Omnipoint Joint Venture, L.P., Omnipoint Philadelphia-E Lancaster E License, LLC and Cook Inlet/VoiceStream PV/SS L.P. (collectively, the “CIVS Entities”) 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 49.9 percent in each of the CIVS Entities by DT.⁶

⁴ See *In the Matter of Cook Inlet/VS GSM IV PCS, LLC and Cook Inlet/VS GSM V PCS, LLC*, File No. ISP-PDR-20001013-00038, Petition for Declaratory Ruling Under Section 310(b)(4) of the Communications Act of 1934, as Amended (filed Oct.13, 2000).

⁵ See Letter from Jonathan D. Blake and Christine E. Enemark, Counsel for Cook Inlet/VS GSM IV PCS, LLC and CIVS IV License Sub I, LLC and Cook Inlet/VS GSM V PCS, LLC to Magalie Roman Salas, Secretary of the Federal Communications Commission, December 22, 2000. CIVS IV Sub I, like CIVS IV, will hold and operate certain personal communications services licenses subject to the consent of the Commission to the pending application to assign twelve licenses from DCR PCS, Inc., as debtor-in-possession, to CIVS IV Sub I. See File No. 0000249749 (Public Notice rel. Nov. 29, 2000).

⁶ See *In the Matter of Cook/Inlet/VoiceStream PCS, LLC, Cook Inlet/VoiceStream License, LLC, Cook Inlet/VS GSM II PCS, LLC, Omnipoint Atlantic City License, LLC, Omnipoint Dover License, LLC, Omnipoint Philadelphia License, LLC, Cook Inlet/VS GSM III PCS, LLC, CIVS PA I, LLC, CIVS PA III, LLC, D&E/Omnipoint Joint Venture, L.P., Omnipoint Philadelphia-E Lancaster E License, LLC and Cook Inlet/VoiceStream PV/SS L.P.*, File No. ISP-PDR-20001013-00040, Petition for Declaratory Ruling Under Section 310(b)(4) of the Communications Act of 1934, as Amended (filed October 13, 2000).

Third, on October 16, 2000, Wireless Alliance, L.L.C. (“Wireless Alliance”) 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 30 percent in Wireless Alliance by DT.⁷

Fourth, on January 5, 2001, Iowa Wireless Services Holding Corporation (“Iowa Wireless”) 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 38 percent in Iowa Wireless by DT.⁸

Fifth, on January 29, 2001, Eliska Wireless Ventures License Subsidiary I, L.L.C. (“Eliska License Sub”) 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 49.9 percent equity in Eliska License Sub by DT.⁹

DT is a corporation organized under the laws of the Federal Republic of Germany. The German government currently owns 60 percent of the equity of Deutsche Telekom.¹⁰

The Commission has granted prior petitions for declaratory ruling with respect to two petitioners,¹¹ and does not seek comment regarding foreign ownership previously approved by the Commission.

Request for Declaratory Ruling Pursuant to Section 310(d)

⁷ See *In the Matter of Wireless Alliance, L.L.C.*, File No. ISP-PDR-20001017-00039, Petition for Declaratory Ruling Under Section 310(b)(4) of the Communications Act of 1934, as Amended (filed October 16, 2000).

⁸ See *In the Matter of Iowa Wireless Services Holding Corporation*, File No. ISP-PDR-20010105-00003, Petition for Declaratory Ruling Under Section 310(b)(4) of the Communications Act of 1934, as Amended (filed January 5, 2001).

⁹ See *In the Matter of Eliska Wireless Ventures License Subsidiary I, L.L.C.*, File No. ISP-PDR-20010128-00004, Petition for Declaratory Ruling Under Section 310(b)(4) of the Communications Act of 1934, as Amended (filed January 29, 2001).

¹⁰ See Applicants Reply Comments at 26 n.88.

¹¹ See *In re Applications of Cook Inlet Region, Inc. and VoiceStream Wireless Corporation, Transferee For Consent to Transfer of Control of Licenses and Authorization and For Consent to Transfer an International Section 214 authorization and Cook Inlet/VoiceStream PCS, LLC, et al. Applicants, Petition for Declaratory Ruling Under Section 310(b)(4) of the Communications Act of 1934, as Amended* (rel. Dec. 13, 2000); *In re Applications of DiGiPH PCS, Inc. and Eliska Wireless Ventures License Subsidiary I, L.L.C. For Consent to Assign Eight C Block Personal Communications Services Licenses and Petition for Declaratory Ruling Under Section 310(b)(4) of the Communications Act of 1934, as Amended and For Consent to Assign an International Section 214 authorization* (rel. Dec. 13, 2000).

Iowa Wireless has also requested a ruling that, based on the particular provisions of the Iowa Wireless organizational documents, the transfer to DT of VoiceStream's 37 percent limited partnership interest in Iowa Wireless either does not constitute a transfer of control of Iowa Wireless, or in the alternative, constitutes only a *pro forma* transfer of control of Iowa Wireless.¹²

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.

As indicated above, interested parties may file comments or petitions to deny no later than February 22, 2001. Reply comments and oppositions to such pleadings may be filed no later than March 8, 2001. All filings concerning matters referenced in this Public Notice should refer to DA 01-280 and IB Docket No. 00-187, 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) Claire Blue, Policy and Facilities Branch, Telecommunications Division, International Bureau, 445 12th St., S.W., Room 6-A821, Washington, D.C. 20554. Any pleadings addressing section 310(d) of the Act must be delivered also to (1) Lauren Kravetz, Commercial Wireless Division, Wireless Telecommunications Bureau, 445 12th St., S.W., Room 4-A163, Washington, D.C. 20554, and (2) John Branscome, Policy and Rules Branch, Commercial Wireless Division, Wireless Telecommunications Bureau, 445 12th St., S.W., Room 4-A161, Washington, D.C. 20554.

¹² See *In the Matter of Iowa Wireless Services Holding Corporation*, File No. ISP-PDR-20010105-00003, Petition for Declaratory Ruling Under Section 310(b)(4) of the Communications Act of 1934, as Amended (filed January 5, 2001).

Copies of the petitions 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, all submissions in IB Docket No. 00-187 are electronically available on the Commission's website, www.fcc.gov, through the Electronic Comment Filing System.

For further information, contact Claire Blue, Telecommunications Division, International Bureau, at (202) 418-1369 (section 310(b)(4)), or Lauren Kravetz or John Branscome, Commercial Wireless Division, Wireless Telecommunications Bureau, at (202) 418-7240 (section 310(d)).

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