

PUBLIC NOTICE

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

DA01-972

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

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WIRELESS TELECOMMUNICATIONS BUREAU GRANTS CONSENT TO ASSIGN F BLOCK BROADBAND PCS LICENSE

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 application requesting Commission consent to assign the following license:

Diverse Communications Solutions, Inc. to Banana Communications, LLC:
Markets B102 – Dalton, B384 – Rome, GA; B273 – Madisonville, B338 – Owensboro,
B339 – Paducah, KY; B085 – Cleveland, TN; BTA (F Block), File No. 0000264535.

We approve this assignment of license application because we find it is 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. In addition, the approval of each assignment is also conditioned upon the execution of all Commission loan documents by the assignor, assignee and the Commission, unless the license being assigned has been paid in full. It is further 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)*.

Furthermore, unless the license being assigned has been paid in full, the approval is conditioned upon the assignee'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. Additionally, 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, including execution of the appropriate documents, 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 application.

To notify the 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.

This Public Notice is issued by the Chief, Wireless Telecommunications Bureau.

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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.