



# PUBLIC NOTICE

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

**DA 05-332**

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

**Released: February 7, 2005**

## **WESTERN WIRELESS COPORATION AND ALLTEL CORPORATION SEEK FCC CONSENT TO TRANSFER CONTROL OF LICENSES AND AUTHORIZATIONS**

**WT Docket No. 05-50**

### **PLEADING CYCLE ESTABLISHED**

<b>Petitions to Deny Due:</b>	<b>March 9, 2005</b>
<b>Oppositions Due:</b>	<b>March 21, 2005</b>
<b>Replies Due:</b>	<b>March 28, 2005</b>

### **I. INTRODUCTION**

Western Wireless Corporation (“WWC”) and ALLTEL Corporation (“ALLTEL”) (collectively, the “Applicants”) have filed a series of applications pursuant to Sections 214 and 310(d) of the Communications Act of 1934, as amended.<sup>1</sup> In these applications, the Applicants generally seek Commission approval of the transfer of control of WWC’s licensee subsidiaries to ALLTEL. This transfer of control will take place as a result of a proposed merger whereby WWC will be merged into Wigeon Acquisition LLC (“Wigeon”), a limited liability company wholly owned by ALLTEL.<sup>2</sup> These transfer of control applications pertain to licenses for the Part 22 Cellular Radiotelephone Service, the Part 22 Paging and Radiotelephone Service, the Part 24 Personal Communications Service, the Part 90 Industrial/Business Pool Service, the Part 90 Private Carrier Paging Service, the Part 90 Specialized Mobile Radio Service, the Part 101 Common Carrier Fixed Point-to-Point Microwave Service, and the Part 101 Local Multipoint Distribution Service, as well as international Section 214 authorizations.

### **II. SECTION 310(d) APPLICATIONS**

The following applications for consent to transfer control of licenses from WWC to ALLTEL have been assigned the file numbers listed below.

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<sup>1</sup> 47 U.S.C. §§ 214, 310(d).

<sup>2</sup> As explained herein, applicants seek consent to the assignment of an international 214 authorization from WWC to Wigeon.

<u>File No.</u>	<u>Licensee</u>	<u>Lead Call Sign</u>
0002016468 <sup>3</sup>	WWC Holding Co., Inc.	WLR200
0002016892	WWC License L.L.C.	WHC981
0002016459 <sup>4</sup>	WWC Paging Corporation	KNKP536
0002016476	WWC Texas RSA Limited Partnership	WHF514
0002016889	Western CLEC Corporation	WPLM339

The following application for consent to the transfer of control of a *de facto* transfer lease authorization from WWC to ALLTEL has been assigned the file number listed below.

<u>File No.</u>	<u>Authorization Holder</u>	<u>Lead Call Sign</u>
0002018539	WWC Holding Co., Inc.	WPZZ711-L2

### III. SECTION 214 AUTHORIZATIONS

The following applications for consent to the assignment of WWC's international Section 214 authorization and for consent to the transfer of control of a WWC subsidiary have been assigned the file numbers listed below.

<u>File No.</u>	<u>Authorization Holder</u>	<u>Authorization Number</u>
ITC-ASG-20050126-00031	Western Wireless Corporation	ITC-214-20010427-00254
ITC-T/C-20050126-00030	Western Wireless International Enterprise, Inc.	ITC-214-20021021-00502

### IV. EX PARTE STATUS OF THIS PROCEEDING

Pursuant to section 1.1200(a) of the Commission's rules,<sup>5</sup> the Commission may 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 section 1.1206 of the Commission's rules.<sup>6</sup>

<sup>3</sup> ULS File No. 0002016468 has been designated as the lead application, and all pleadings and other submissions filed in this matter that pertain generally to the transaction and not to a particular application will be available through this file number in ULS at <http://wireless.fcc.gov/uls/>.

<sup>4</sup> This Application appeared on a separate public notice, dated February 2, 2005. See Wireless Telecommunications Bureau Assignment of License Authorization Applications, Transfer of Control of License Applications, and De Facto Transfer Lease Applications Accepted for Filing, *Public Notice*, Rpt. No. 2061 (WTB rel. Feb. 2, 2005) ("February 2, 2005 Public Notice"). This Public Notice supersedes the February 2, 2005 Public Notice and will be used to determine the timeliness of any pleadings filed regarding this transaction.

<sup>5</sup> 47 C.F.R. § 1.1200(a).

<sup>6</sup> *Id.* § 1.1206.

Parties making oral *ex parte* presentations are directed to the Commission's statement reemphasizing the public's responsibility in permit-but-disclose proceedings and are reminded that memoranda summarizing the presentation must contain the presentation's substance and not merely list the subjects discussed.<sup>7</sup> More than a one- or two-sentence description of the views and arguments presented is generally required.<sup>8</sup> Other rules pertaining to oral and written presentations are set forth in section 1.1206(b) as well.<sup>9</sup> We urge parties to use the Electronic Comment Filing System ("ECFS") to file *ex parte* submissions.<sup>10</sup>

## V. GENERAL INFORMATION

The transfer of control 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 on these applications will not be taken earlier than thirty-one days following the date of this Public Notice.<sup>11</sup>

Interested parties must file petitions to deny no later than **March 9, 2005**. Persons and entities that file petitions to deny become parties to the proceeding. They may participate fully in the proceeding, including seeking access to any confidential information that may be filed under a protective order, seeking reconsideration of decisions, and filing appeals of a final decision to the courts. Oppositions to such pleadings must be filed no later than **March 21, 2005**. Replies to such pleadings must be filed no later than **March 28, 2005**. All filings concerning matters referenced in this Public Notice should refer to DA 05-332 and WT Docket No. 05-50, as well as the specific file numbers of the individual applications or other matters to which the filings pertain.

Under the Commission's current procedures for the submission of filings and other documents,<sup>12</sup> submissions in this matter may be filed electronically (*i.e.*, through ECFS) or by hand delivery to the Commission's Massachusetts Avenue location.

- **If filed by ECFS,**<sup>13</sup> comments shall be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for

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<sup>7</sup> See Commission Emphasizes the Public's Responsibilities in Permit-But-Disclose Proceedings, *Public Notice*, 15 FCC Rcd. 19,945 (2000).

<sup>8</sup> See 47 C.F.R. § 1.1206(b)(2).

<sup>9</sup> *Id.* § 1.1206(b).

<sup>10</sup> See discussion *infra* Part V.

<sup>11</sup> See 47 U.S.C. § 309(b).

<sup>12</sup> See Implementation of Interim Electronic Filing Procedures for Certain Commission Filings, *Order*, 16 FCC Rcd. 21,483 (2001); see also FCC Announces a New Filing Location for Paper Documents and a New Fax Number for General Correspondence, *Public Notice*, 16 FCC Rcd. 22,165 (2001); Reminder: Filing Locations for Paper Documents and Instructions for Mailing Electronic Media, *Public Notice*, 18 FCC Rcd. 16,705 (2003).

<sup>13</sup> See Electronic Filing of Documents in Rulemaking Proceedings, GC Docket No. 97-113, *Report and Order*, 13 FCC Rcd. 11,322 (1998).

e-mail comments, commenters should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.

- **If filed by paper**, the original and four copies of each filing must be filed by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

One copy of each pleading must be delivered electronically, by e-mail or facsimile, or if delivered as paper copy, by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (according to the procedures set forth above for paper filings), to: (1) the Commission's duplicating contractor, Best Copy and Printing, Inc., at [FCC@BCPIWEB.COM](mailto:FCC@BCPIWEB.COM) or (202) 488-5563 (facsimile); (2) Erin McGrath, Mobility Division, Wireless Telecommunications Bureau, at [erin.mcgrath@fcc.gov](mailto:erin.mcgrath@fcc.gov), or (202) 418-7447 (facsimile); (3) Susan Singer, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau, at [susan.singer@fcc.gov](mailto:susan.singer@fcc.gov), or (202) 418-7447 (facsimile); (4) Linda Ray, Broadband Division, at [linda.ray@fcc.gov](mailto:linda.ray@fcc.gov), or 418-8188 (facsimile); (5) Jeff Tobias, Public Safety and Critical Infrastructure Division, Wireless Telecommunications Bureau, at [jeff.tobias@fcc.gov](mailto:jeff.tobias@fcc.gov), or (202) 418-2643 (facsimile); (6) David Krech, Policy Division, International Bureau, at [david.krech@fcc.gov](mailto:david.krech@fcc.gov), or (202) 418-2824 (facsimile); (7) Pamela Megna, Competition Policy Division, Wireline Competition Bureau, at [pamela.megna@fcc.gov](mailto:pamela.megna@fcc.gov), or (202) 418-1413 (facsimile); (8) Kimberly Reindl, Office of General Counsel, at [kimberly.reindl@fcc.gov](mailto:kimberly.reindl@fcc.gov), or (202) 418-2822 (facsimile); and (9) Jonathan Levy, Office of Strategic Planning and Policy Analysis, at [jonathan.levy@fcc.gov](mailto:jonathan.levy@fcc.gov), or (202) 418-2807 (facsimile).

Copies of the applications and any subsequently-filed documents in this matter may be obtained from Best Copy and Printing, Inc. in person at 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, via telephone at (202) 488-5300, via facsimile at (202) 488-5563, or via e-mail at [FCC@BCPIWEB.COM](mailto:FCC@BCPIWEB.COM). The applications and any associated documents are also available for public inspection and copying during normal reference room hours at the following Commission office: FCC Reference Information Center, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. The applications are also available electronically through the Commission's ECFS, which may be accessed on the Commission's Internet website at <http://www.fcc.gov>. In addition, applications filed under Parts 22, 24, 90, and 101 of the Commission's rules are available electronically through ULS, which may be accessed on the Commission's Internet website. Additional information regarding the transaction will be available on the FCC's Office of General Counsel's website, <http://www.fcc.gov/ogc>, which will contain a fully indexed, unofficial listing and electronic copies of all materials in this docket. Alternate formats of this public notice (computer diskette, large print, audio recording, and Braille) are available to persons with disabilities by contacting Brian Millin at (202) 418-7426 (voice), (202) 418-7365 (TTY), or send an e-mail to [access@fcc.gov](mailto:access@fcc.gov).

For further information, contact Erin McGrath, Mobility Division, Wireless Telecommunications Bureau, at (202) 418-2042, or Susan Singer, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau, at (202) 418-1340.

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