



PUBLIC NOTICE

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

DA 06-1422

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

Released: July 10, 2006

ALLTEL COMMUNICATIONS, INC. AND CINGULAR WIRELESS LLC SEEK FCC CONSENT TO TRANSFER CONTROL OF LICENSES AND AUTHORIZATIONS

WT Docket No. 06-131

PLEADING CYCLE ESTABLISHED

Petitions to Deny Due: August 9, 2006
Oppositions Due: August 21, 2006
Replies Due: August 28, 2006

I. INTRODUCTION

ALLTEL Communications, Inc. (“ALLTEL”) and Cingular Wireless LLC (“Cingular”) (collectively, the “Applicants”) have filed a series of applications pursuant to Section 310(d) of the Communications Act of 1934, as amended.¹ In these applications, the Applicants seek Commission approval of the *pro forma* assignment of licenses from WWC Holding Co., Inc. (“WWC”), a wholly-owned subsidiary of ALLTEL, and Great Western Cellular Holdings LLC (“Great Western”)² to Southern Minnesota, LLC (“Southern Minnesota”), another wholly-owned subsidiary of ALLTEL, and the transfer of control of Southern Minnesota to Cingular. These applications pertain to licenses for the Part 22 Cellular Radiotelephone Service, Part 24 Personal Communications Service, and Part 101 Common Carrier Fixed Point-to-Point Microwave and Microwave Industrial/Business Pool Services.

¹ 47 U.S.C. §§ 214, 310(d).

² The Applicants note that ALLTEL currently does not control Great Western. However, there is an application pending before the Commission to transfer control of Great Western to WWC. See Application to Transfer Control of Southern Minnesota, LLC to ALLTEL Corporation, File No. 50006CLTC06, Exhibit 1, at 2 n.4 (filed June 22, 2006) (“Transfer of Control Application”) (citing Application to Transfer Control of Great Western Cellular Holdings LLC to ALLTEL Corporation, File No. 0002532959 (filed Mar. 21, 2006)). The Applicants state that “for the purposes of this [a]pplication, [they] assume that the Commission will grant the pending application to transfer control of Great Western to WWC.” *Id.* The Applicants further state that they “intend to transfer control of Great Western’s cellular license to Cingular once ALLTEL acquires control of the license.” *Id.*

These assignment and transfer of control applications were filed in connection with a proposed acquisition whereby Cingular will acquire wireless licenses and certain assets in southern Minnesota.³ The Applicants state that, pursuant to the Purchase Agreement, “existing ALLTEL customers will remain with ALLTEL.”⁴ The Applicants further state that “Cingular’s acquisition of these licenses and certain related wireless system assets responds to the competitive concerns that have been raised in response to ALLTEL’s proposed acquisition of Midwest Wireless Holdings, L.L.C.”⁵ The Applicants assert that the *pro forma* applications assigning the licenses to Southern Minnesota will be consummated immediately prior to the consummation of the application transferring of control of Southern Minnesota to Cingular.⁶

II. SECTION 310(d) APPLICATIONS

The following applications for consent to *pro forma* assign licenses to Southern Minnesota and to transfer control of licenses to Cingular have been assigned the file numbers listed below.

<u>File No.</u>	<u>Licensee</u>	<u>Lead Call Sign</u>
0002649372 ⁷	WWC Holding Co., Inc.	KNKN282
0002660860	Great Western Cellular Holdings LLC	WPSJ612
50006CLTC06 ⁸	Southern Minnesota, LLC	KNKN282

³ See Transfer of Control Application, Exhibit 1, at 1.

⁴ *Id.*, Exhibit 1, at 1, 4 n.17.

⁵ *Id.*, Exhibit 1, at 4 (citing Midwest Wireless Holdings, L.L.C. and ALLTEL Communications, Inc. Seek FCC Consent to Transfer Control of Licenses and Authorizations, WT Docket No. 05-339, *Public Notice*, 20 FCC Rcd 19834 (2005)).

⁶ See Transfer of Control Application, Exhibit 1, at 1 n.2, 2.

⁷ ULS File No. 0002649372 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 the Universal Licensing System (“ULS”) at <http://wireless.fcc.gov/uls/>.

⁸ This application is attached to File No. 0002649372. This application seeks consent for the transfer of control of licenses from Southern Minnesota to ALLTEL. As background, the Southern Minnesota licenses are the subject of two pending applications seeking Commission approval of the *pro forma* assignment of licenses from WWC and Great Western to Southern Minnesota. See Application to *Pro Forma* Assign Licenses from WWC Holding Co., Inc. to ALLTEL Corporation, File No. 0002649372 (filed June 13, 2006); Application to *Pro Forma* Assign Licenses from Great Western Cellular Holdings LLC to ALLTEL Corporation, File No. 0002660860 (filed June 13, 2006). Further, the *pro forma* application assigning licenses from Great Western to Southern Minnesota is contingent upon approval and consummation of the application seeking consent to the transfer of control of licenses held by Great Western to ALLTEL, which also is pending before the Commission. See Application to Transfer Control of Great Western Cellular Holdings LLC to ALLTEL Corporation, File No. 0002532959 (filed Mar. 21, 2006); see also discussion *supra* note 2. Since the applications assigning licenses from WWC and Great Western to Southern Minnesota remain pending, the licenses are not shown as being held by Southern Minnesota in ULS. Thus, pursuant to section 1.913(b) of the Commission’s rules, 47 C.F.R. § 1.913(b), this application was filed manually with a request for waiver of the ULS electronic filing requirement. See Transfer of Control Application, Exhibit 1, at 2. We grant the parties’ request for waiver of the ULS filing requirement.

IV. *EX PARTE* STATUS OF THIS PROCEEDING

Pursuant to section 1.1200(a) of the Commission's rules,⁹ 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.¹⁰

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.¹¹ More than a one- or two-sentence description of the views and arguments presented is generally required.¹² Other rules pertaining to oral and written presentations are set forth in section 1.1206(b) as well.¹³ We urge parties to use the Electronic Comment Filing System ("ECFS") to file *ex parte* submissions.¹⁴

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.¹⁵

Interested parties must file petitions to deny no later than **August 9, 2006**. 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 **August 21, 2006**. Replies to such pleadings must be filed no later than **August 28, 2006**. All filings concerning matters referenced in this Public Notice should refer to DA 06-1422 and WT Docket No. 06-131, 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,¹⁶ submissions in this matter may be filed electronically (*i.e.*, through ECFS) or by hand delivery to the Commission's Massachusetts Avenue location.

⁹ 47 C.F.R. § 1.1200(a).

¹⁰ *Id.* § 1.1206.

¹¹ See Commission Emphasizes the Public's Responsibilities in Permit-But-Disclose Proceedings, *Public Notice*, 15 FCC Rcd 19945 (2000).

¹² See 47 C.F.R. § 1.1206(b)(2).

¹³ *Id.* § 1.1206(b).

¹⁴ See discussion *infra* Part V.

¹⁵ See 47 U.S.C. § 309(b).

¹⁶ See FCC Announces a New Filing Location for Paper Documents and a New Fax Number for General Correspondence, *Public Notice*, 16 FCC Rcd 22165 (2001); see also Reminder: Filing Locations for Paper Documents and Instructions for Mailing Electronic Media, *Public Notice*, 18 FCC Rcd 16705 (2003).

- **If filed by ECFS,**¹⁷ 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 e-mail comments, commenters should send an e-mail to 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 or (202) 488-5563 (facsimile); (2) Erin McGrath, Mobility Division, Wireless Telecommunications Bureau, at 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, or (202) 418-7447 (facsimile); (4) Linda Ray, Broadband Division, at linda.ray@fcc.gov, or 418-8188 (facsimile); and (6) Ann Bushmiller, Office of General Counsel, at ann.bushmiller@fcc.gov, or (202) 418-1234 (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. 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

¹⁷ See Electronic Filing of Documents in Rulemaking Proceedings, GC Docket No. 97-113, *Report and Order*, 13 FCC Rcd 11322 (1998).

with disabilities by contacting Brian Millin at (202) 418-7426 (voice), (202) 418-7365 (TTY), or send an e-mail to 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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