



PUBLIC NOTICE

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

DA 10-2231

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

Released: November 23, 2010

SPRINT NEXTEL CORPORATION AND AT&T INC. SEEK FCC CONSENT TO AN EXCHANGE OF BROADBAND PCS LICENSES THROUGH THE ASSIGNMENT OF LICENSES AND APPROVAL OF A NEW LONG-TERM *DE FACTO* TRANSFER SPECTRUM LEASING ARRANGEMENT

WT Docket No. 10-240

PLEADING CYCLE ESTABLISHED

Petitions to Deny Due: December 7, 2010
Oppositions Due: December 17, 2010
Replies Due: December 27, 2010

I. INTRODUCTION

Sprint Nextel Corporation and certain of its subsidiaries (“Sprint Nextel”) and AT&T Inc. and certain of its subsidiaries (“AT&T”) (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 for the assignment of certain Part 24 broadband Personal Communications Service (“PCS”) licenses in order to effectuate a like-kind exchange of PCS licenses by and between subsidiaries of Sprint Nextel and AT&T. WirelessCo, L.P. (“WirelessCo”) and SprintCom, Inc. (“SprintCom”), wholly-owned subsidiaries of Sprint Nextel, will assign certain PCS licenses to New Cingular Wireless PCS, LLC (“NCW PCS”), an indirect wholly-owned subsidiary of AT&T. Simultaneously, NCW PCS will assign certain other PCS licenses to WirelessCo or SprintCom. These license assignments involve full, partitioned, disaggregated, or partitioned and disaggregated PCS licenses. Applicants also seek Commission approval of a new long-term *de facto* transfer spectrum leasing arrangement from WirelessCo to NCW PCS.

The Applicants state that the additional spectrum (including the spectrum encompassed by the *de facto* transfer spectrum leasing arrangement) will enable AT&T to increase its system capacity to enhance existing services, better accommodate its overall growth, and facilitate the provision of additional products and services to the public in the Dallas-Ft. Worth, Denver, New Orleans-Baton Rouge, Des Moines-Quad Cities, Honolulu, San Francisco-Oakland-San Jose, Omaha, Louisville-Lexington-Evansville, Salt Lake City, and Spokane-Billings MTAs. The Applicants also state that the transaction will enhance Sprint Nextel’s ability to expand its array of commercial mobile wireless services in the Tampa-St. Petersburg-Clearwater, New Orleans, South Bend-Mishawaka, Charlotte-Greensboro-Greenville, and Cleveland MTAs.

¹ 47 U.S.C. § 310(d).

II. SECTION 310(d) APPLICATIONS

The following applications for consent to the full and partial assignment of certain licenses from WirelessCo or SprintCom to NCW PCS have been assigned the file numbers listed below.

<u>File No.</u>	<u>Licensee/Assignor</u>	<u>Assignee</u>	<u>Lead Call Sign</u>
0004330200 ²	WirelessCo, L.P.	New Cingular Wireless PCS, LLC	KNLF252
0004330201	WirelessCo, L.P.	New Cingular Wireless PCS, LLC	KNLF233
0004330202	WirelessCo, L.P.	New Cingular Wireless PCS, LLC	KNLF215
0004330222	WirelessCo, L.P.	New Cingular Wireless PCS, LLC	KNLF208
0004330225	SprintCom, Inc.	New Cingular Wireless PCS, LLC	KNLF294

The following applications for consent to the full and partial assignment of certain licenses from NCW PCS to WirelessCo or SprintCom have been assigned the file numbers listed below.

<u>File No.</u>	<u>Licensee/Assignor</u>	<u>Assignee</u>	<u>Lead Call Sign</u>
0004329752	New Cingular Wireless PCS, LLC	WirelessCo, L.P.	KNLG553
0004329763	New Cingular Wireless PCS, LLC	SprintCom, Inc.	KNLG500
0004329766	New Cingular Wireless PCS, LLC	WirelessCo, L.P.	KNLF212

The following application for a new long-term *de facto* transfer spectrum leasing arrangement from WirelessCo to NCW PCS has been assigned the file number listed below.

<u>File No.</u>	<u>Licensee/Lessor</u>	<u>Lessee</u>	<u>Call Sign</u>
0004336440	WirelessCo, L.P.	New Cingular Wireless PCS, LLC	WPZZ711

III. EX PARTE STATUS OF THIS PROCEEDING

Pursuant to Section 1.1200(a) of the Commission's rules,³ 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.⁴

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.⁵ More than a one- or two-sentence description of the views and arguments presented is generally required.⁶ Other rules pertaining to oral and written presentations are set forth in

² This application is the lead application.

³ 47 C.F.R. § 1.1200(a).

⁴ *Id.* § 1.1206.

⁵ See Commission Emphasizes the Public's Responsibilities in Permit-But-Disclose Proceedings, *Public Notice*, 15 FCC Rcd 19945 (2000).

⁶ See 47 C.F.R. § 1.1206(b)(2).

Section 1.1206(b) as well.⁷ We urge parties to use the Electronic Comment Filing System (“ECFS”) to file *ex parte* submissions.⁸

IV. GENERAL INFORMATION

The assignment and long-term *de facto* transfer spectrum leasing 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.⁹

Interested parties must file petitions to deny no later than December 7, 2010. 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 December 17, 2010. Replies to such pleadings must be filed no later than December 27, 2010. All filings concerning matters referenced in this Public Notice should refer to DA 10-2231 and WT Docket No. 10-240, as well as the specific file numbers of the individual applications to which the filings pertain.

Under the Commission’s current procedures for the submission of filings and other documents,¹⁰ submissions in this matter may be filed electronically (*i.e.*, through ECFS) or by hand delivery to the Commission.

- **If filed by ECFS,**¹¹ 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, U.S. Postal Service mailing address, and the applicable docket number. Parties may also submit an electronic comment by Internet e-mail.
- **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. All hand-delivered or messenger-delivered paper filings for the Commission’s Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. 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, Express, 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.

⁷ *Id.* § 1.1206(b).

⁸ See discussion *infra* Part IV.

⁹ See 47 U.S.C. § 309(b).

¹⁰ See Implementation of Interim Electronic Filing Procedures for Certain Commission Filings, *Order*, 16 FCC Rcd 21483 (2001); FCC Announces Change in Filing Location for Paper Documents, *Public Notice*, 24 FCC Rcd 14312 (2009).

¹¹ See Electronic Filing of Documents in Rulemaking Proceedings, GC Docket No. 97-113, *Report and Order*, 13 FCC Rcd 11322 (1998).

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) Kathy Harris, Mobility Division, Wireless Telecommunications Bureau, at kathy.harris@fcc.gov or (202) 418-7447 (facsimile); and (3) Kate Matraves, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau, at catherine.matraves@fcc.gov or (202) 418-7447 (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, the applications referenced above are available electronically through ULS, which may be accessed on the Commission's Internet website. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at 202-418-0530 (voice) or 202-418-0432 (TTY). Contact the FCC to request reasonable accommodations for filing comments (accessible format documents, sign language interpreters, CART, etc.) by e-mail: FCC504@fcc.gov; phone: 202-418-0530 or TTY: 202-418-0432.

For further information, contact Kathy Harris, Mobility Division, Wireless Telecommunications Bureau, at (202) 418-0609, or Kate Matraves, Spectrum Competition and Policy Division, Wireless Telecommunications Bureau, at (202) 418-7878.

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