



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

DA 10-531
March 26, 2010

**CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS AND AT&T INC. SEEK FCC
CONSENT TO ASSIGN OR TRANSFER CONTROL OF LICENSES AND AUTHORIZATIONS
AND REQUEST A DECLARATORY RULING ON FOREIGN OWNERSHIP –
AMENDED APPLICATION**

WT Docket No. 09-121

PLEADING CYCLE ESTABLISHED

Petitions to Deny Due: April 26, 2010
Oppositions Due: May 6, 2010
Replies Due: May 13, 2010

I. INTRODUCTION

Cellco Partnership d/b/a Verizon Wireless and certain of its subsidiaries (“Verizon Wireless”) and AT&T Inc. and certain of its future subsidiaries (“AT&T”) and together with Verizon Wireless, the “Applicants”) filed a series of applications (“Applications”) pursuant to Sections 214 and 310(d) of the Communications Act of 1934, as amended.¹ In the Applications, the Applicants seek Commission approval for the assignment or transfer of control of certain wireless licenses and related authorizations in Louisiana and Mississippi to Verizon Wireless. The Applications originally were placed on public notice on August 31, 2009, and were assigned WT Docket No. 09-121.²

The Applicants propose to accomplish their transaction through the assignment of the relevant licenses and authorizations (and related assets) held by Centennial Southeast License Company LLC (“Centennial Southeast”) and Centennial Communications Corp. (“Centennial”), and the transfer of a 95 percent interest in Lafayette Cellular Telephone Company (“Lafayette Cellular”), a partnership holding a license, to Zodiac Newco, LLC (“Zodiac LLC”), a newly-formed, wholly-owned indirect subsidiary of AT&T. Simultaneously, AT&T will transfer its interest in Zodiac LLC to Verizon Wireless, thereby causing control of Zodiac LLC, and all of its FCC licenses and authorizations and interest therein, to be transferred to Verizon Wireless. The Applicants also requested a declaratory ruling, pursuant to Section

¹ 47 U.S.C. §§ 214, 310(d).

² Cellco Partnership d/b/a Verizon Wireless and AT&T Inc. Seek FCC Consent To Assign or Transfer Control of Licenses and Authorizations and Request a Declaratory Ruling on Foreign Ownership, WT Docket No. 09-121, *Public Notice*, 24 FCC Rcd 11314 (WTB 2009).

310(b)(4) of the Communications Act,³ extending Verizon Wireless's existing foreign ownership ruling to encompass the subject common carrier wireless licenses.

The Applicants have now amended the Applications to seek authority to permit AT&T to transfer to Verizon Wireless several additional authorizations that previously were not included in the Applications. Specifically, the amendment proposes to add Centennial Southeast's Part 22 cellular license, network, and subscribers in CMA501 (Mississippi 9 – Copiah) and various Part 101 point-to-point microwave licenses in this CMA. The Applicants state that these authorizations, along with those already included in the Applications, are among those the U.S. Department of Justice required AT&T to divest as a condition of its acquisition of Centennial Communications Corp.⁴

II. AMENDED SECTION 310(d) APPLICATION

The following application for consent to the assignment of certain wireless radio service licenses from Centennial Southeast License Company LLC to Zodiac LLC, as owned and controlled by Verizon Wireless, assigned the file number listed below has been amended.

<u>File No.</u>	<u>Licensee</u>	<u>Lead Call Sign</u>
0003888722 ⁵	Centennial Southeast License Company LLC	KNKN636

III. EX PARTE STATUS OF THIS PROCEEDING

Pursuant to Section 1.1200(a) of the Commission's rules,⁶ 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.⁷

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.⁸ More than a one- or two-sentence description of the views and arguments presented is generally required.⁹ Other rules pertaining to oral and written presentations are set forth in

³ 47 C.F.R. § 310(b)(4).

⁴ See *United States of America and State of Louisiana v. AT&T, Inc. and Centennial Communications Corp.*, Final Judgment, Case No. 1:09-cv-01932 (filed Feb. 10, 2010). The Commission consented to this transaction as well, requiring divestiture of the same markets as the U.S. Department of Justice except for the cellular authorization in CMA501. See Applications of AT&T Inc. and Centennial Communications Corp. for Consent to Transfer Control of Licenses, Authorizations, and Spectrum Leasing Arrangements, WT Docket No. 08-246, Memorandum Opinion and Order, 24 FCC Rcd 13915 (2009).

⁵ As noted in the August 31, 2009 *Public Notice*, this application is the lead application for the wireless radio services.

⁶ 47 C.F.R. § 1.1200(a).

⁷ *Id.* § 1.1206.

⁸ See Commission Emphasizes the Public's Responsibilities in Permit-But-Disclose Proceedings, *Public Notice*, 15 FCC Rcd 19945 (2000).

⁹ See 47 C.F.R. § 1.1206(b)(2).

section 1.1206(b) as well.¹⁰ We urge parties to use the Electronic Comment Filing System (“ECFS”) to file *ex parte* submissions.¹¹

IV. GENERAL INFORMATION

The amended assignment application referenced herein has 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.¹²

Interested parties must file petitions to deny no later than April 26, 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 May 6, 2010. Replies to such pleadings must be filed no later than May 13, 2010. All filings concerning matters referenced in this Public Notice should refer to DA 10-531 and WT Docket No. 09-121, as well as the specific file number of the individual application to which the filings pertain.

Under the Commission’s current procedures for the submission of filings and other documents,¹³ submissions in this matter may be filed electronically (*i.e.*, through ECFS) or by hand delivery to the Commission.

- **If filed by ECFS,**¹⁴ 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.

¹⁰ *Id.* § 1.1206(b).

¹¹ See discussion *infra* Part IV.

¹² See 47 U.S.C. § 309(b).

¹³ 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).

¹⁴ 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); (3) Stacy Ferraro, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau, at stacy.ferraro@fcc.gov or (202) 418-7447 (facsimile); (4) Linda Ray, Broadband Division, Wireless Telecommunications Bureau, at linda.ray@fcc.gov or (202) 418-8188 (facsimile); (5) David Krech, Policy Division, International Bureau, at david.krech@fcc.gov or (202) 418-2824 (facsimile); and (6) Neil Dellar, Office of General Counsel, at neil.dellar@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 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 by sending an e-mail to access@fcc.gov.

For further information, contact Kathy Harris, Mobility Division, Wireless Telecommunications Bureau, at (202) 418-0609, or Stacy Ferraro, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau, at (202) 418-0795.

-FCC-