

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	
Applications of Verizon Wireless and Leap)	ULS File Nos. 0004942973, 0004942992,
Wireless for Commission Consent to the Exchange)	0004952444, 0004949596, and 0004949598
of 700 MHz Band A Block, AWS-1, and Personal)	
Communications Service Licenses)	

ORDER

Adopted: December 30, 2011

Released: December 30, 2011

By the Chief, Wireless Telecommunications Bureau:

1. We have before us requests to extend the date for the filing of petitions to deny and comments with respect to the above-referenced applications for assignment of wireless licenses and to consolidate consideration of the subject applications with more recently filed applications also involving the assignment of licenses to Verizon Wireless. For the reasons stated below, we extend the filing dates for the above-referenced applications to coincide with the pleading cycles to be set for the applications to assign licenses to Verizon Wireless from SpectrumCo and Cox. We do not at this time, however, make any formal determination as to whether our review of Verizon Wireless’s transaction with Leap Wireless should be consolidated or coordinated with our review of its transactions with SpectrumCo and Cox.

I. BACKGROUND

2. Cellco Partnership d/b/a Verizon Wireless (“Verizon Wireless”) and Leap Wireless International Inc. (“Leap Wireless”) filed five applications on November 23, 2011 proposing the swap of 700 MHz Lower Band Block A, Personal Communications Service (“PCS”), and Advanced Wireless Services (“AWS”) licenses. The applications were accepted for filing and placed on public notice on December 14, 2011, with petitions to deny and comments due by December 28, 2011.¹

3. The Rural Telecommunications Group, Inc. (“RTG”) filed a motion for extension of time² to file comments with respect to the above-referenced applications, requesting the Commission to extend the pleading cycle so that it coincides with the pleading cycles to be established for subsequently filed applications proposing to assign AWS licenses from SpectrumCo LLC (“SpectrumCo”) to Verizon Wireless³ and from Cox TMI Wireless, LLC (“Cox”) to Verizon Wireless.⁴

¹ Verizon Wireless and Leap Wireless Seek FCC Consent to the Exchange of Lower 700 MHz Band A Block, AWS-1, and Personal Communications Service Licenses, *Public Notice*, DA 11-2018 (rel. Dec. 14, 2011). This public notice also set January 9, 2012, as the date for the submission of oppositions, and January 17, 2012, for the submission of replies.

² Rural Telecommunications Group, Inc. Motion for Extension of Time, ULS File Nos. 0004942973 *et al.* (filed Dec. 23, 2011) (“RTG Motion”); *see also* RTG Reply to Opposition to Motion for Extension of Time, ULS File Nos. 0004942973 *et al.* (filed Dec. 28, 2011) (“RTG Reply”).

³ ULS File No. 0004993617 (filed Dec. 16, 2011).

⁴ ULS File No. 0004996680 (filed Dec. 21, 2011).

4. MetroPCS Communications, Inc. (“MetroPCS”) and NTELOS Holdings Corp. (“NTELOS”) filed a motion requesting that the Commission defer action on the above-captioned applications pending acceptance of the Verizon Wireless/SpectrumCo and the Verizon Wireless/Cox applications, consolidate all three sets of applications so that the transactions and their collective impact on spectrum and competition policy and the public interest can be reviewed efficiently on an aggregate basis, and set a single pleading cycle for receiving comments on the applications associated with each of the three transactions.⁵

5. Verizon Wireless, Leap Wireless, Cricket Communications, Inc., Cricket License Company, LLC, Savary Island License A, LLC, and Savary Island License B, LLC filed an opposition to the RTG and MetroPCS/NTELOS Motions.⁶ They argue that there are no extraordinary circumstances warranting an extension of time or deferral of the comment period, that the Verizon Wireless/Leap Wireless transaction is a separate, stand-alone transaction not connected to the Verizon Wireless/SpectrumCo or Verizon Wireless/Cox transactions, and that the Commission routinely considers separate transactions in a sequential manner.

II. DISCUSSION

6. We find that the public interest would be served by extending the dates for filing comments on the above-referenced Verizon Wireless/Leap Wireless applications (and thus the filing window remains open), and adopting identical comment cycles for the Verizon Wireless/Leap Wireless, Verizon Wireless/SpectrumCo, and Verizon-Wireless/Cox applications. The Verizon Wireless/SpectrumCo and Verizon Wireless/Cox applications were filed subsequent to the release of the public notice setting the pleading cycle for the Verizon Wireless/Leap Wireless applications, and we find persuasive the arguments suggesting that these subsequent filings present new information that may be relevant to interested parties seeking to comment on the proposed Verizon Wireless/Leap Wireless transaction. We believe that interested parties as well as the Commission can most efficiently and effectively evaluate the public interest considerations related to each of these three transactions by having concurrent pleading cycles for all three sets of applications.

7. The granting of an extension is not meant to suggest, however, that the Bureau or the Commission will ultimately consider these three applications in a coordinated fashion or that the Commission will formally consolidate them. That determination will be made following a review of the record. Indeed, to the extent interested parties have yet to do so, we encourage them to address during the upcoming pleading cycle whether the transactions should be considered together or independently.

8. Because the pleading cycles for the Verizon Wireless/SpectrumCo and the Verizon Wireless/Cox applications have not yet been set, we cannot yet define the revised pleading cycle that we are adopting for the Verizon Wireless/Leap Wireless applications. Accordingly, at such time as the Verizon Wireless/SpectrumCo and Verizon Wireless/Cox applications are accepted for filing and the applicable pleading cycles set, we will release a separate public notice setting forth the new filing dates for pleadings concerning the Verizon Wireless/Leap Wireless applications.

⁵ MetroPCS and NTELOS Motion To Defer Action Pending Consolidation, ULS File Nos. 0004942973 *et al.* (filed Dec. 27, 2011) (“MetroPCS/NTELOS Motion”); *see also* MetroPCS and NTELOS Reply to Opposition to Motion To Defer Action Pending Consolidation, ULS File Nos. 0004942973 *et al.* (filed Dec. 28, 2011) (“MetroPCS/NTELOS Reply”).

⁶ Verizon Wireless, Leap Wireless, Cricket Communications, Inc., Cricket License Company, LLC, Savary Island License A, LLC, and Savary Island License B, LLC Opposition to Motion of Extension of Time and Motion To Defer Action Pending Consolidation, ULS File Nos. 0004942973 *et al.* (filed Dec. 27, 2011) (“Verizon Wireless/Leap Wireless Opposition”).

III. ORDERING CLAUSES

9. ACCORDINGLY, pursuant to the authority contained in sections 4(i), (j), and 309 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), (j), 309, IT IS ORDERED THAT the pleading cycle for the Verizon Wireless/Leap Wireless applications referenced above shall be extended to be the same as the pleading cycles for the Verizon Wireless/SpectrumCo and Verizon Wireless/Cox applications, and shall be set forth in a public notice released at the same time as any public notice setting forth the pleading cycles for the Verizon Wireless/SpectrumCo and Verizon Wireless/Cox applications.

10. This action is taken under delegated authority pursuant to sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Rick Kaplan
Chief, Wireless Telecommunications Bureau