



PUBLIC NOTICE

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

DA 11-799

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Released: April 28, 2011

AT&T INC. AND DEUTSCHE TELEKOM AG SEEK FCC CONSENT TO THE TRANSFER OF CONTROL OF THE LICENSES AND AUTHORIZATIONS HELD BY T-MOBILE USA, INC. AND ITS SUBSIDIARIES TO AT&T INC.

WT Docket No. 11-65

PLEADING CYCLE ESTABLISHED

Petitions To Deny Due: May 31, 2011
Oppositions Due: June 10, 2011
Replies Due: June 20, 2011

I. INTRODUCTION

AT&T Inc. (“AT&T”) and Deutsche Telekom AG (“Deutsche Telekom”) have filed applications pursuant to sections 214 and 310(d) of the Communications Act of 1934, as amended,¹ seeking Commission consent to the transfer of control of the licenses and authorizations held by T-Mobile USA, Inc. (“T-Mobile USA”) and its wholly-owned, majority-owned, and controlled subsidiaries to AT&T (AT&T, Deutsche Telekom, and T-Mobile USA are collectively referred to as the “Applicants”). Specifically, AT&T has agreed to acquire from Deutsche Telekom all of the stock of T-Mobile USA, subject to obtaining all necessary regulatory approvals.

II. SECTION 310(d) APPLICATIONS

Parts 22, 24, 27, and 101 – Wireless Radio Services Applications

The following applications for consent to the transfer of control of licenses held by certain subsidiaries of T-Mobile USA from Deutsche Telekom to AT&T have been assigned the file numbers listed below.

| <u>File No.</u> | <u>Licensee</u> | <u>Lead Call Sign</u> |
|-------------------------|--------------------------------------|-----------------------|
| 0004669383 ² | T-Mobile License LLC | KNLF202 |
| 0004673673 | Cook Inlet GSM IV PCS Holdings, LLC | KNLF504 |
| 0004673727 | Powertel Memphis Licenses, Inc. | KNLF255 |
| 0004673730 | SunCom Wireless License Company, LLC | KNKN557 |
| 0004673732 | T-Mobile Puerto Rico LLC | KNLF249 |

¹ 47 U.S.C. §§ 214, 310(d).

² This application is the lead application for the wireless radio services.

| <u>File No.</u> | <u>Licensee</u> | <u>Lead Call Sign</u> |
|-----------------|--|-----------------------|
| 0004673735 | T-Mobile West Corporation | KNLNF227 |
| 0004673737 | VoiceStream Pittsburgh, L.P. | KNLNF242 |
| 0004673739 | WALLC License, LLC | WPNL499 |
| 0004675960 | CookInlet/VS GSM VII PCS, LLC | WQCS389 |
| 0004703157 | Iowa Wireless Services Holding Corporation | KNLNG769 |

Parts 24 and 27 – Wireless Radio Services Applications – De Facto Transfer and Spectrum Manager Leasing Arrangements

The following applications for consent to the transfer of control of spectrum leasing arrangements held by certain subsidiaries of T-Mobile USA from Deutsche Telekom to AT&T have been assigned the file numbers listed below:

| <u>File No.</u> | <u>Lessee</u> | <u>Lead Lease ID Number</u> |
|-----------------|--|-----------------------------|
| 6013CWSL11 | T-Mobile License LLC | L000008117 |
| 6014CWSL11 | T-Mobile License LLC | L000008120 |
| 6015ALSL11 | Iowa Wireless Services Holding Corporation | L000001014 |
| 6016CWSL11 | Iowa Wireless Services Holding Corporation | L000001109 |
| 0004698766 | Iowa Wireless Services Holding Corporation | L000007750 |

III. SECTION 214 AUTHORIZATIONS

The following application for consent to the transfer of control of international section 214 authorizations held by T-Mobile USA and certain of its subsidiaries from Deutsche Telekom to AT&T have been assigned the file numbers listed below.

| <u>File No.</u> | <u>Authorization Holder</u> | <u>Authorization Number</u> |
|------------------------|--|-----------------------------|
| ITC-T/C-20110421-00109 | Iowa Wireless Services Holding Corporation | ITC-214-20020513-00251 |
| ITC-T/C-20110421-00110 | T-Mobile Puerto Rico LLC | ITC-214-20070626-00246 |
| ITC-T/C-20110421-00111 | T-Mobile USA, Inc. | ITC-214-20061004-00452 |
| ITC-T/C-20110421-00112 | T-Mobile USA, Inc. | ITC-214-19960930-00473 |

IV. 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.⁴ We have

³ 47 C.F.R. § 1.1200(a).

⁴ On February 1, 2011, the Commission adopted a Report and Order amending and revising the Commission's rules on *ex parte* presentations. Amendment of the Commission's *Ex Parte* Rules and Other Procedural Rules, GC Docket No. 10-43, *Report and Order and Further Notice of Proposed Rulemaking*, FCC 11-11 (rel. Feb. 2, 2011). The revised rules are awaiting publication in the Federal Register, and are not yet effective.

previously announced 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.⁵

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.⁶ More than a one- or two-sentence description of the views and arguments presented is generally required.⁷ Other rules pertaining to oral and written presentations are set forth in section 1.1206(b) as well.⁸ We urge parties to use the Electronic Comment Filing System ("ECFS") to file *ex parte* submissions.⁹

V. REQUESTS FOR EX PARTE MEETINGS

All requests for meetings with Commission staff regarding this Docket should be made on-line, using the link at http://www.fcc.gov/transaction/att-tmobile_exparte-meeting-request/. Those who lack Internet access may direct their requests to Morasha Younger, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau, 202.418.1203.

VI. 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.¹⁰

Interested parties must file petitions to deny no later than **May 31, 2011**. 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 **June 10, 2011**. Replies to such pleadings must be filed no later than **June 20, 2011**. All filings concerning matters referenced in this Public Notice should refer to DA 11-799 and WT Docket No. 11-65, as well as the specific file numbers of the individual applications or other matters to which the filings pertain.

To allow the Commission to consider fully all substantive issues regarding the Applications in as timely and efficient a manner as possible, petitioners and commenters should raise all issues in

⁵ 47 C.F.R. § 1.1206; *see* Commission Opens Docket for Proposed Transfer of Control of T-Mobile USA, Inc. and Its Subsidiaries From Deutsche Telekom AG to AT&T Inc., WT Docket No. 11-65, *Public Notice*, DA 11-673 (rel. Apr. 14, 2011); Commission Announces That the Applications Proposing the Transfer of Control of the Licenses and Authorizations Held by T-Mobile USA, Inc. and Its Subsidiaries From Deutsche Telekom AG to AT&T Inc. Have Been Filed and Permit-But-Disclose *Ex Parte* Procedures Now Apply, WT Docket No. 11-65, *Public Notice*, DA 11-722 (rel. Apr. 22, 2011).

⁶ *See* Commission Emphasizes the Public's Responsibilities in Permit-But-Disclose Proceedings, *Public Notice*, 15 FCC Rcd 19945 (2000).

⁷ *See* 47 C.F.R. § 1.1206(b)(2).

⁸ *Id.* § 1.1206(b).

⁹ *See* discussion *infra* Part VI.

¹⁰ *See* 47 U.S.C. § 309(b).

their initial filings. New issues may not be raised in responses or replies.¹¹ A party or interested person seeking to raise a new issue after the pleading cycle has closed must show good cause why it was not possible for it to have raised the issue previously. Submissions after the pleading cycle has closed that seek to raise new issues based on new facts or newly discovered facts should be filed within 15 days after such facts are discovered. Absent such a showing of good cause, any issues not timely raised may be disregarded by the Commission.

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

- **If filed by ECFS,**¹³ 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 Street, S.W., Room TW-A325, Washington, D.C. 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.

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 (WTB), at kathy.harris@fcc.gov or (202) 418-7447 (facsimile); (3) Kate Matraves, Spectrum and Competition Policy Division, WTB, at catherine.matraves@fcc.gov or (202) 418-7447 (facsimile); (4) Jim Bird, Office of General Counsel, at jim.bird@fcc.gov or (202) 418-1234 (facsimile); and (5) David Krech, Policy Division, International Bureau, at david.krech@fcc.gov or (202) 418-2824 (facsimile). Any submission that is e-mailed to Best Copy and Printing, Kathy Harris, Kate Matraves, Jim Bird, and David Krech should include in the subject line of the e-mail: (1) WT Docket No. 11-65; (2) the name of the submitting party; and (3) a brief description or title identifying the type of document being submitted (*e.g.*, WT Docket No. 11-65, Widget Corp., Notice of *Ex Parte* Communication).

Copies of the application 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

¹¹ See 47 C.F.R. §1.45(c).

¹² See FCC Announces Change in Filing Location for Paper Documents, *Public Notice*, 24 FCC Rcd 14312 (2009).

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

FCC@BCPIWEB.COM. The application 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 application is also available electronically through ECFS, which may be accessed on the Commission's Internet website at <http://www.fcc.gov>. In addition, the applications are available electronically through ULS, which may be accessed on the Commission's Internet website. Additional information regarding the proposed transaction will be available on the FCC's Office of General Counsel's AT&T/T-Mobile website, <http://www.fcc.gov/transaction/att-tmobile.html>, which will contain an unofficial listing and electronic copies of materials in this matter.

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, send an email to AT&T_T-MobileTransaction@fcc.gov.

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