



PUBLIC NOTICE

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

DA 11-998

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

Released: June 3, 2011

WISCONSIN WIRELESS COMMUNICATIONS CORPORATION AND TELEPHONE AND DATA SYSTEMS, INC. SEEK FCC CONSENT TO THE TRANSFER OF CONTROL OF 16 BROADBAND PERSONAL COMMUNICATIONS SERVICES LICENSES HELD BY AIRADIGM COMMUNICATIONS, INC.

ULS File No. 0004717080

PLEADING CYCLE ESTABLISHED

Petitions to Deny Due: June 17, 2011
Oppositions Due: June 27, 2011
Replies Due: July 5, 2011

I. INTRODUCTION

Wisconsin Wireless Communications Corporation (“Wisconsin Wireless”) and Telephone and Data Systems, Inc. (“TDS”) (collectively, the “Applicants”) have filed an application pursuant to Section 310(d) of the Communications Act of 1934, as amended,¹ seeking to transfer control of the 16 Broadband Personal Communications Services (“PCS”) licenses held by Airadigm Communications, Inc. (“Airadigm”), a wholly-owned subsidiary of Wisconsin Wireless. The Applicants seek Commission consent to the proposed transfer of control in order to implement Airadigm’s 2006 Plan of Reorganization and related court orders.² As a result, TDS will acquire an approximate 62.75 percent controlling interest in Airadigm, and the United States of America will acquire an approximate 37.25 percent minority interest. The proposed transfer of control involves licenses covering 72 counties in 13 Cellular Market Areas (“CMAs”) in Illinois, Iowa, Minnesota, and Wisconsin. The Applicants state that the proposed transfer of control is pro-competitive, as it will maintain and possibly strengthen Airadigm as an additional competitor in the wireless markets in which it operates, as well as implement orders of the federal courts.

Preliminary review of the application indicates that in one of the 72 counties, TDS would hold, post transaction, 156 megahertz of total spectrum, an amount that exceeds our current spectrum aggregation screen applied to wireless spectrum attributed to a licensee.

¹ 47 U.S.C. § 310(d).

² See *In re Airadigm Communications*, 519 F.3d 640 (7th Cir. 2008); *In re Airadigm Communications, Inc. v. FCC*, 547 F.3d 763 (7th Cir. 2009); *In re Airadigm Communications*, 616 F.3d 647 (7th Cir. 2010).

II. SECTION 310(d) APPLICATION

The following application for consent to the transfer of control of PCS licenses from Wisconsin Wireless to TDS has been assigned the following file number:

<u>File No.</u>	<u>Licensee</u>	<u>Transferee</u>	<u>Lead Call Sign</u>
0004717080	Airadigm Communications, Inc.	Telephone and Data Systems, Inc.	KNLF394

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.⁴ 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.⁵

Parties making oral *ex parte* presentations are directed to the Commission's revised *ex parte* rules. Parties 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

IV. GENERAL INFORMATION

The 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.

Interested parties must file petitions to deny no later than **June 17, 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 27, 2011**. Replies to such pleadings must be filed no later than **July 5, 2011**. All filings concerning matters referenced in this Public Notice should refer to ULS File No. 0004717080.

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 were published in the Federal Register on May 2, 2011, and the revised rules went into effect June 1, 2011. See 76 Fed. Reg. 24376 (May 2, 2011).

⁵ 47 C.F.R. § 1.1206.

⁶ See 47 C.F.R. § 1.1206(b)(1).

⁷ See *id.*

⁸ *Id.* § 1.1206(b).

Under the Commission's current procedures for the submission of filings and other documents,⁹ submissions in this matter may be filed electronically (*i.e.*, through the Commission's Universal Licensing System ("ULS")) or by hand delivery to the Commission.

- **If filed by ULS**, pleadings may be filed via <https://wireless2.fcc.gov/UlsEntry/pleadings/pleadingsType.jsp>.
- **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., 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, at kathy.harris@fcc.gov or (202) 418-7447 (facsimile); (3) Kate Matraves, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau, at catherine.matraves@fcc.gov or (202) 418-7447 (facsimile); and (4) Jim Bird, Office of General Counsel, at jim.bird@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 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 and Competition Policy Division, Wireless Telecommunications Bureau, at (202) 418-7878.

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⁹ See FCC Announces Change in Filing Location for Paper Documents, *Public Notice*, 24 FCC Rcd 14312 (2009).