



# PUBLIC NOTICE

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

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

DA 12-1111  
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## EAST KENTUCKY NETWORK, LLC AND SCOTT D. REITER SEEK FCC CONSENT TO THE ASSIGNMENT OF A LOWER 700 MHZ BAND B BLOCK LICENSE

ULS File No. 0005261079

### PLEADING CYCLE ESTABLISHED

**Petitions to Deny Due:** July 25, 2012  
**Oppositions Due:** August 6, 2012  
**Replies Due:** August 13, 2012

### I. INTRODUCTION

East Kentucky Network, LLC d/b/a Appalachian Wireless (“EKN”) and Scott D. Reiter (“Reiter”) (jointly, “the Applicants”) have filed an application pursuant to Section 310(d) of the Communications Act of 1934, as amended,<sup>1</sup> seeking to assign a Lower 700 MHz Band B Block license from Reiter to EKN. The Applicants state that the additional spectrum will enable EKN to use the same 24 megahertz of Lower 700 MHz Band Blocks B and C spectrum in Cellular Market Area (“CMA”) 452 (Kentucky 10-Powell) as is already licensed to it in two adjacent CMAs.

Preliminary review of the application indicates that in CMA 452, EKN would hold, post-transaction, 71 megahertz of spectrum below 1 GHz.

### II. SECTION 310(d) APPLICATION

The application for consent to the full assignment of a Lower 700 MHz B Block license from Reiter to EKN has been assigned the following file number:

<u>File No.</u>	<u>Licensee/Assignor</u>	<u>Assignee</u>	<u>Lead Call Sign</u>
0005261079	Scott D. Reiter	East Kentucky Network, LLC	WQIZ627

### III. EX PARTE STATUS OF THIS PROCEEDING

Pursuant to Section 1.1200(a) of the Commission’s rules,<sup>2</sup> the Commission may adopt modified or more stringent *ex parte* procedures in particular proceedings if the public interest so requires. We

<sup>1</sup> 47 U.S.C. § 310(d).

<sup>2</sup> 47 C.F.R. § 1.1200(a).

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.<sup>3</sup>

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.<sup>4</sup> More than a one- or two-sentence description of the views and arguments presented is generally required.<sup>5</sup> Other rules pertaining to oral and written presentations are set forth in Section 1.1206(b) as well.<sup>6</sup>

#### IV. GENERAL INFORMATION

The assignment application 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 **July 25, 2012**. 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 **August 6, 2012**. Replies to such pleadings must be filed no later than **August 13, 2012**. All filings concerning matters referenced in this Public Notice should refer to ULS File No. 0005261079.

**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 their initial filings. New issues may not be raised in responses or replies.<sup>7</sup> 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,<sup>8</sup> submissions in this matter may be filed electronically 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

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<sup>3</sup> 47 C.F.R. § 1.1206.

<sup>4</sup> See 47 C.F.R. § 1.1206(b)(1).

<sup>5</sup> See *id.*

<sup>6</sup> *Id.* § 1.1206(b).

<sup>7</sup> See 47 C.F.R. § 1.45(c).

<sup>8</sup> See FCC Announces Change in Filing Location for Paper Documents, *Public Notice*, 24 FCC Rcd 14312 (2009).

delivered to FCC Headquarters at 445 12th St., SW, 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](mailto:FCC@BCPIWEB.COM) or (202) 488-5563 (facsimile); (2) Kathy Harris, Mobility Division, Wireless Telecommunications Bureau, at [kathy.harris@fcc.gov](mailto: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](mailto:catherine.matraves@fcc.gov) or (202) 418-7447 (facsimile); and (4) Jim Bird, Office of General Counsel, at [jim.bird@fcc.gov](mailto: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](mailto: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](mailto: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](mailto: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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