

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

In the Matter of)	
)	
Application of AT&T Mobility Spectrum LLC)	ULS File No. 0005262760
and 700 MHz, L.L.C.)	
)	
For Consent To Assign Two Lower 700 MHz)	
Band C Block Licenses)	

ORDER

Adopted: December 18, 2012

Released: December 18, 2012

By the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau:

1. In this Order, we dismiss for lack of party-in-interest standing a number of pleadings by Mr. Maneesh Pangasa against the application¹ of AT&T Mobility Spectrum LLC (“AT&T Mobility”), an indirect wholly-owned subsidiary of AT&T Inc. (collectively, “AT&T”), and 700 MHz, L.L.C. (“700” and together with AT&T Mobility, the “Applicants”) to assign two Lower 700 MHz Band C Block spectrum licenses from 700 to AT&T Mobility.

I. BACKGROUND

2. On June 14, 2012, AT&T Mobility and 700 filed the Application pursuant to section 310(d) of the Communications Act of 1934, as amended (the “Communications Act”),² seeking approval to assign two Lower 700 MHz Band C Block spectrum licenses. The Commission released a Public Notice on July 11, 2012, seeking comment on the Application.³ In response to the *Comment Public Notice*, Mr. Pangasa submitted a number of documents (“Pangasa Pleadings”), two of which are identical and are each labeled a “Petition To Conditionally Approve or Deny.”⁴ The Petition cites concerns about AT&T’s spectrum purchases in the aggregate and asks that approval of the transaction be conditioned on imposing interoperability requirements.⁵ The pleadings on their face do not identify Mr. Pangasa as the filer or explain how the instant transaction could harm Mr. Pangasa specifically.

3. The Applicants filed a Joint Opposition and Motion to Dismiss on August 6, 2012, in which they assert that Mr. Pangasa fails to meet any of the criteria for establishing party-in-interest standing and accordingly urge dismissal of the Pangasa Pleadings.⁶ The Applicants also note that the

¹ ULS File No. 0005262760 (the “Application”).

² 47 U.S.C. § 310(d).

³ AT&T Mobility Spectrum LLC and 700 MHz, L.L.C. Seek FCC Consent to the Assignment of Two Lower 700 MHz Band C Block Licenses, ULS File No. 0005262760, *Public Notice*, DA 12-1112 (rel. July 11, 2012) (“*Comment Public Notice*”).

⁴ The documents also are labeled “Opposition to AT&T Application With 700 MHz LLC,” and both were filed on filed July 16, 2012 (“Petition”).

⁵ *Id.*

⁶ Joint Opposition and Motion to Dismiss of AT&T Inc. and 700 MHz, L.L.C., filed August 6, 2012 (“Joint Opposition”).

Pangasa Pleadings contain a number of procedural defects⁷ and that the Pangasa Pleadings were not served upon either AT&T or 700 in contravention of section 1.939(c) of the Commission's rules.⁸ Mr. Pangasa did not respond to the Joint Opposition.

II. DISCUSSION

4. The Communications Act of 1934, as amended, and the Commission's rules require that a petition to deny must contain specific allegations of fact sufficient to show that the petitioner is a party in interest.⁹ To establish party-in-interest standing, a petitioner must allege facts sufficient to demonstrate that grant of the subject application would cause it to suffer a direct injury.¹⁰ In addition, a petitioner must demonstrate a causal link between the claimed injury and the challenged action: it must demonstrate that the injury can be traced to the challenged action and that the injury would be prevented or redressed by the relief requested.¹¹ The Commission repeatedly has upheld these standards.¹²

5. We find that neither the Pangasa Petition nor any of his various subsequent filings asserts specific allegations of fact sufficient to show that Mr. Pangasa is a party in interest with respect to this transaction. Instead, Mr. Pangasa's submissions raise general concerns about spectrum aggregation and various wireless industry practices. The Pangasa Pleadings do not explain how Mr. Pangasa might be injured by an assignment of spectrum to AT&T, much less how any such injury might be redressed by denying or conditioning the Application. We accordingly dismiss the Pangasa Pleadings, including the Petition, for lack of party-in-interest standing.¹³

III. ORDERING CLAUSES

6. Accordingly, having reviewed the Application and the record in this matter, IT IS ORDERED that, pursuant to sections 4(i) and (j), 309, and 310(d) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), (j), 309, 310(d), the Petition and Pleadings filed by Maneesh Pangasa are hereby DISMISSED for the reasons stated herein.

7. IT IS FURTHER ORDERED, pursuant to sections 4(i) and 309 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 309, that the staff of the Mobility Division of the Wireless Telecommunications Bureau SHALL PROCESS the following application consistent with this *Order* and the Commission's rules: ULS File No. 0005262760.

⁷ The alleged defects include failure to provide the filer's name, street address, telephone number, or signature. Joint Opposition at 3-4.

⁸ *Id.* at 4; *see* 47 C.F.R. § 1.939(c).

⁹ 47 U.S.C. § 309(d)(1); 47 C.F.R. § 1.939(d).

¹⁰ Applications of T-Mobile License, LLC, AT&T Mobility Spectrum LLC and New Cingular Wireless PCS, LLC For Consent to Assign AWS-1 Licenses, *Order*, 27 FCC Rcd 4124, 4126 ¶ 6 (WTB 2012) ("*T-Mobile-AT&T Order*"); Wireless Co., L.P., *Order*, 10 FCC Rcd 13233, 13235 ¶ 7 (WTB 1995) ("*Wireless Co.*"), citing *Sierra Club v. Morton*, 405 U.S. 727, 733 (1972).

¹¹ *T-Mobile-AT&T Order*, 27 FCC Rcd at 4126 ¶ 6; *Wireless Co.*, 10 FCC Rcd at 13235 ¶ 7.

¹² *See, e.g.*, Application of New Cingular Wireless PCS, LLC and D&E Investments, Inc. For Consent to Assign Lower 700 MHz C Block Licenses, *Order*, 27 FCC Rcd 1669, 1670-71 ¶ 6 (WTB 2012).

¹³ In this instance, because we find that the Petition does not demonstrate the requisite party-in-interest standing, we need not decide whether it should be dismissed based on the procedural deficiencies alleged by the Applicants.

8. 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

Katherine M. Harris
Deputy Chief, Mobility Division
Wireless Telecommunications Bureau