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

In the Matter of	)	
	)	
Application of AT&T Mobility Spectrum LLC and David L. Miller	)	ULS File No. 0005296026
	)	
	)	
For Consent To Assign 13 Lower 700 MHz Band B 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 Petition to Conditionally Approve or Deny ("Petition")[1] filed by Mr. Maneesh Pangasa against the application[2] of AT&T Mobility Spectrum LLC ("AT&T Mobility"), an indirect wholly-owned subsidiary of AT&T Inc. (collectively, "AT&T"), and David L. Miller ("Miller" and together with AT&T Mobility, the "Applicants") to assign 13 Lower 700 MHz Band B Block spectrum licenses from Miller to AT&T Mobility.

I. BACKGROUND

2. On July 9, 2012, AT&T Mobility and Miller filed the Application pursuant to section 310(d) of the Communications Act of 1934, as amended (the "Communications Act"),[3] seeking approval to assign 13 Lower 700 MHz Band B Block spectrum licenses. The Commission released a Public Notice on August 2, 2012, seeking comment on the Application.[4] In response to the *Comment Public Notice*, Mr. Pangasa submitted the Petition citing concerns about AT&T's spectrum purchases in the aggregate and asking that approval of the transaction be conditioned on spectrum divestiture and build-out obligations.[5] The Petition on its face does 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 27, 2012, in which they assert that Mr. Pangasa fails to meet the criteria for establishing party-in-interest standing and accordingly urge dismissal of the Petition.[6] The Applicants also note that the Petition contains a number

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[1] Petition to Conditionally Approve or Deny of Maneesh Pangasa, filed Aug. 5, 2012.

[2] ULS File No. 0005296026 (the "Application").

[3] 47 U.S.C. § 310(d).

[4] AT&T Mobility Spectrum LLC and David L. Miller Seek FCC Consent to the Assignment of 13 Lower 700 MHz Band B Block Licenses, ULS File No. 0005296026, *Public Notice*, DA 12-1248 (rel. Aug. 2, 2012) ("*Comment Public Notice*").

[5] *See* Petition at 2-5.

[6] Joint Opposition and Motion to Dismiss of AT&T Inc. and David L. Miller, filed Aug. 27, 2012 ("Joint Opposition").

of procedural defects[7] and that the Petition was not served upon either AT&T or Miller 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 the Petition fails to assert specific allegations of fact sufficient to show that Mr. Pangasa is a party in interest with respect to this transaction. Instead, Mr. Pangasa's submission raises general concerns about spectrum aggregation and various wireless industry practices. The Petition does 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 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 filed by Maneesh Pangasa is 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. 0005296026.

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[7] The alleged defects include failure to provide the filer's name, street address, telephone number, or signature. Joint Opposition at 2-4.

[8] *Id.* at 3; *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