



PUBLIC NOTICE

Federal Communications Commission
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**WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON REQUEST FOR
WAIVER AND APPLICATIONS FOR ASSIGNMENT OF THE UPPER 700 MHz C BLOCK
LICENSE IN THE GULF OF MEXICO FROM SMALL VENTURES USA, LP TO CELLCO
PARTNERSHIP d/b/a VERIZON WIRELESS**

WT Docket No. 12-373

Comment Date: January 22, 2013

Reply Comment Date: February 6, 2013

1. By this *Public Notice*, the Wireless Telecommunications Bureau (Bureau) seeks comment on applications for assignment of the Upper 700 MHz C Block license in the Gulf of Mexico from Small Ventures USA, LP (Small Ventures) to Cellco Partnership d/b/a Verizon Wireless (Verizon Wireless), and an associated request for waiver regarding compliance with the population benchmark for build-out of this license pursuant to Section 27.14(h) of the Commission's rules.¹

2. On December 3, 2012, Small Ventures and Verizon Wireless (together, the Applicants) filed applications for assignment of the Upper 700 MHz C Block license in the Gulf of Mexico (REA012) from Small Ventures to Verizon Wireless, subject to certain conditions.²

3. *License Partition*. The Applicants request the Bureau to first approve an assignment of the spectrum covering the portion of the Gulf of Mexico closest to the shore line, then to approve an assignment for the remainder of the spectrum offshore.³ Verizon Wireless plans to cover the shore-side partition with LTE using land-based sites to provide service to "commercial shipping, pleasure boaters,

¹ 47 C.F.R. § 27.14(h).

² ULS File Nos. 0005501846 and 0005501481. The Applicants first filed their applications and associated request for waiver on December 3, 2012. On December 18, 2012, the Applicants filed an amendment to File Nos. 0005501846 and 0005501481 with corrected data/exhibits, including providing a map depicting the two prospective license areas in the Gulf.

³ ULS File Nos. 0005501846, Exh. 1, Amended Description of Transaction, Public Interest Statement and Request for Waiver at 1 (filed Dec. 18, 2012) (Waiver Request). The coordinates of each coverage area for partitioning the license are presented in Schedule G of the Form 603 application. We note that File No. 0005501846 is the application for assignment from Small Ventures to Verizon Wireless regarding the shore-side partition, whereas File No. 0005501481 is the successive application requesting assignment of call sign WQJQ798 which, after processing of the shore-side partition companion application, would consist solely of the off-shore area.

and oil and gas drilling platforms.”⁴ Verizon Wireless states that the transaction will also benefit consumers using Verizon Wireless’s LTE network in the Gulf states by reducing potential harmful interference from Gulf-based operations provided by an entity other than Verizon Wireless.⁵

4. With respect to the off-shore license, Verizon Wireless asserts that it will make it available for leasing by any qualified entity through its LTE in Rural America (LRA) program, committing to file a lease application with the Commission reflecting an arrangement with an LRA participant the later of January 31, 2013 or 30 days after Commission approval of the requested assignment.⁶ Verizon Wireless notes that if it is unable to lease the off-shore license, it will cancel the license and make it available for re-licensing or other usage by the Commission.⁷

5. The Applicants contend that grant of their applications would serve the public interest, allowing Verizon Wireless (who currently holds no spectrum in the Gulf) to provide broadband data and other wireless products in a new service area while increasing competition.⁸ Meanwhile, they contend, Small Ventures has not begun to provide service and thus there will be no reduction in service or customer transition issues as a result of the requested assignment.⁹ We seek comment on this proposed conditional assignment.

6. *Waiver Regarding Population Benchmark.* The Applicants note that Section 27.14(h) of the Commission’s rules for the 700 MHz C Block requires signal coverage and offering of service to at least 40 percent of the population in each EA of the REAG license by June 13, 2013, and 75 percent by the end of the license term.¹⁰ The rule part also requires population to be based upon the most recently available U.S. Census Data, and there are no permanent residents in the Gulf counted by the U.S. Census. The Applicants therefore seek a waiver of Section 27.14(h)’s Census data basis, proposing that the Bureau instead use oil and gas drilling platforms as a proxy for population to determine build-out compliance.¹¹ In other words, the Applicants seek to meet the Commission’s interim and end of term build-out requirements, respectively, by providing coverage and offering service to 40 percent of the oil and gas drilling platforms in the license area in active service as of June 13, 2013, and 75 percent as of the end of the license term, for both the shore-side and off-shore licenses. We also seek comment on this waiver request.

7. Interested parties may file comments on or before **January 22, 2013**. Parties interested in submitting reply comments must do so on or before **February 6, 2013**. All filings should reference the docket number of this Public Notice, **WT Docket No. 12-373**, together with the Mobility Division of the Wireless Telecommunications Bureau.

⁴ Waiver Request at 1.

⁵ *Id.*

⁶ *Id.*

⁷ *Id.* Additionally, Verizon Wireless notes that because the WQJQ798 license was originally awarded through bidding credits within the last five years, and Verizon Wireless does not meet the eligibility criteria for a bidding credit, the Applicants will make any required unjust enrichment payments to the Commission upon consummation of the transaction. *Id.* at 1, 2.

⁸ *Id.* at 2.

⁹ *Id.*

¹⁰ *Id.* (citing 47 C.F.R. § 27.14(h)).

¹¹ *Id.*

8. This proceeding has been designated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.¹² Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules.

9. Comments may be filed using the Commission’s Electronic Comment Filing System (ECFS) or by filing paper copies. *See* Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, “get form.” A sample form and directions will be sent in reply.

10. Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number.

- Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission’s Secretary, Office of the Secretary, Federal Communications Commission.
- Effective December 28, 2009, all hand-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. All hand deliveries must be held together with rubber bands or fasteners. Envelopes must be disposed of before entering the building. The filing hours at this location are 8:00 a.m. to 7:00 p.m. **PLEASE NOTE:** The Commission’s former filing location at 236 Massachusetts Ave., N.E. is permanently closed.
- 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 mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554.

¹² *See* 47 C.F.R. §§ 1.1200(a), 1.1206.

11. Parties are requested to send one copy of their comments and reply comments to Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, (800) 378-3160, e-mail FCC@BCPIWEB.com.

12. The request, and comments and reply comments filed in response to this *Public Notice*, are available for viewing via the Commission's Electronic Comment Filing System (ECFS) by entering the docket number, **WT Docket No. 12-373**. The documents also will be available for public inspection and copying during business hours in the FCC Reference Information Center, Portals II, 445 12th Street S.W., Room CY-A257, Washington, D.C. 20554. They may also be purchased from Best Copy and Printing, Inc., telephone (800) 378-3160, facsimile (202) 488-5563, TTY (202) 488-5562, e-mail FCC@BCPIWEB.com.

13. Alternate formats of this *Public Notice* (computer diskette, large print, audio recording, and Braille) are available to persons with disabilities by contacting the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY), or send an e-mail to fcc504@fcc.gov.

14. For further information regarding this Public Notice, please contact Paul Moon, Wireless Telecommunications Bureau, Mobility Division, at (202) 418-1793, paul.moon@fcc.gov.

Action by the Chief, Mobility Division, Wireless Telecommunications Bureau.

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