



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 12-734
Released: May 9, 2012

E.N.M.R. TELEPHONE COOPERATIVE, ITS WHOLLY-OWNED SUBSIDIARY PLATEAU TELECOMMUNICATIONS, INCORPORATED, AND CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS SEEK FCC CONSENT TO THE ASSIGNMENT OF CELLULAR, PERSONAL COMMUNICATIONS SERVICE, AWS-1, AND RELATED POINT-TO-POINT MICROWAVE LICENSES AND INTERNATIONAL SECTION 214 AUTHORITY

ULS File Nos. 0005034870, 0005034877, and 0005063051
File No. ITC-ASG-20120420-00105

PLEADING CYCLE ESTABLISHED

Petitions to Deny Due: May 23, 2012
Oppositions Due: June 4, 2012
Replies Due: June 11, 2012

I. INTRODUCTION

Cellco Partnership d/b/a Verizon Wireless (“Verizon Wireless”), E.N.M.R. Telephone Cooperative (“E.N.M.R.”), and E.N.M.R.’s wholly-owned subsidiary Plateau Telecommunications, Incorporated (“Plateau”) (collectively, the “Applicants”) have filed applications (“Applications”) pursuant to Sections 214 and 310(d) of the Communications Act of 1934, as amended,¹ seeking approval to assign Cellular, Personal Communications Service (“PCS”), Advanced Wireless Service (“AWS-1”), and related point-to-point microwave licenses and international section 214 authority. The Applicants state that the proposed assignment of licenses will enable Verizon Wireless to expand its voice and 3G services in the New Mexico-6 Cellular Market Area (“CMA”) (CMA 558) upon converting the existing 2G GSM EDGE network to a 3G CDMA EVDO network. Verizon Wireless has outlined plans for transitioning the existing customers using the 2G licensed facilities to Verizon Wireless’s 3G service over a 12 to 15 month period after closing.

Preliminary review of the applications indicates that in one of the counties in the New Mexico-6 CMA, Verizon Wireless would hold, post-transaction, 145 megahertz of total spectrum, thus triggering the Commission’s “spectrum screen” applicable to this CMA.² In this same county, Verizon Wireless and Plateau currently hold complementary portions of the cellular B block license that, when combined, would lead Verizon Wireless to be attributed with 59 megahertz of spectrum below 1 GHz over the entire county post-transaction. Finally, in two additional counties in this CMA, Verizon Wireless would hold, post-transaction, 59 megahertz of spectrum below 1 GHz.

¹ 47 U.S.C. §§ 214, 310(d).

² The spectrum calculations take into account Verizon Wireless’s two pending applications to acquire spectrum from SpectrumCo and Leap Wireless International, Inc. in this market. See ULS File Nos. 0004993617 and 0004949598.

II. SECTION 310(d) APPLICATIONS

The following applications for consent to the assignment licenses have been assigned the following file numbers:

<u>File No.</u>	<u>Licensee</u>	<u>Assignee</u>	<u>Lead Call Sign</u>
0005034870	E.N.M.R. Telephone Cooperative	Cellco Partnership	KNKQ336
0005034877	Plateau Telecommunications, Inc.	Cellco Partnership	KNLH383
0005063051	Plateau Telecommunications, Inc.	Cellco Partnership	WQAE969

III. SECTION 214 AUTHORIZATION

The following application for partial assignment of an international Section 214 authorization to Verizon Wireless has been assigned the file number listed below.

<u>File No.</u>	<u>Authorization Holder</u>	<u>Authorization Number</u>
ITC-ASG-20120420-00105	E.N.M.R. Telephone Cooperative	ITC-214-20030912-00436

IV. 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. 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.⁴

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.⁵ More than a one- or two-sentence description of the views and arguments presented is generally required.⁶ Other rules pertaining to oral and written presentations are set forth in Section 1.1206(b) as well.⁷

V. GENERAL INFORMATION

The assignment applications referenced herein have 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.

³ 47 C.F.R. § 1.1200(a).

⁴ 47 C.F.R. § 1.1206.

⁵ See 47 C.F.R. § 1.1206(b)(1).

⁶ See *id.*

⁷ *Id.* § 1.1206(b).

Interested parties must file petitions to deny no later than **May 23, 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 **June 4, 2012**. Replies to such pleadings must be filed no later than **June 11, 2012**. All filings concerning matters referenced in this Public Notice should refer to ULS File Nos. 0005034870, 0005034877, 0005063051 and/or ITC-ASG-20120420-00105 as appropriate.

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.⁸ 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,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 IBFS**, pleading may be filed via <http://licensing.fcc.gov/myibfs/pleading.do>.
- **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., 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 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); (4) David Krech, Policy Division, International Bureau, at david.krech@fcc.gov or (202)

⁸ See 47 C.F.R. §1.45(c).

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

418-2824 (facsimile); and (5) 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, Kate Mataves, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau, at (202) 418-7878, or David Krech, Policy Division, International Bureau, at (202) 418-7443.

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