



PUBLIC NOTICE

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

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DA 13-354
Released: March 5, 2013

AT&T INC., CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS, GRAIN SPECTRUM, LLC, AND GRAIN SPECTRUM II, LLC SEEK FCC CONSENT TO THE ASSIGNMENT OF ADVANCED WIRELESS SERVICES AND LOWER 700 MHZ BAND B BLOCK LICENSES AND TO LONG-TERM *DE FACTO* TRANSFER SPECTRUM LEASING ARRANGEMENTS INVOLVING ADVANCED WIRELESS SERVICES AND LOWER 700 MHZ BAND B BLOCK LICENSES

WT DOCKET NO. 13-56

PLEADING CYCLE ESTABLISHED

Petitions To Deny Due: April 4, 2013
Oppositions Due: April 15, 2013
Replies Due: April 22, 2013

I. INTRODUCTION

AT&T Inc., through its indirect and wholly-owned subsidiaries AT&T Mobility Spectrum LLC and New Cingular Wireless PCS, LLC (collectively, “AT&T”), Cellco Partnership d/b/a Verizon Wireless (“Verizon Wireless”), Grain Spectrum, LLC (“Grain I”), and Grain Spectrum II, LLC (“Grain II,” and together with Grain I, “Grain” and collectively with AT&T and Verizon Wireless, the “Applicants”) have filed applications pursuant to Section 310(d) of the Communications Act of 1934, as amended,¹ seeking consent to the assignment and lease of various licenses. In particular, the Applicants seek consent to the assignment from Verizon Wireless to AT&T of 39 Lower 700 MHz Band B Block licenses and to Grain I of three Lower 700 MHz Band B Block licenses. They also seek consent to the assignment from AT&T to Verizon Wireless of one full and five partial Advanced Wireless Services (“AWS-1”) licenses and to Grain II of one full AWS-1 license. Finally, the Applicants seek consent for Grain I to lease to AT&T the three Lower 700 MHz Band B Block licenses it is acquiring from Verizon Wireless, and for Grain II to lease to Verizon Wireless the AWS-1 spectrum it is acquiring from AT&T.²

According to the Applicants, the proposed transaction would allow AT&T and Verizon Wireless each to further rationalize their spectrum holdings and obtain contiguous spectrum in many markets, enabling more spectrally efficient deployments and assisting AT&T and Verizon Wireless to provide high-quality, high-speed wireless broadband. The Applicants also allege that the proposed transaction would further the Commission’s goal of extending opportunities in the wireless market to small and

¹ 47 U.S.C. § 310(d).

² The Lower 700 Band B Block licenses being acquired by Grain I are for spectrum in three Cellular Market Areas (“CMAs”) and the AWS-1 license being acquired by Grain II covers all or a portion of 18 CMAs.

minority-owned businesses by enabling Grain, a minority-owned business, with an existing telecommunications infrastructure business, to participate in complementary spectrum-based services initially on a wholesale basis. Finally, the Applicants state that the proposed transaction would complete Verizon Wireless's disposition of all 77 of its Lower 700 MHz Band B Block licenses.

Pursuant to the proposed transaction, AT&T would be assigned or would lease 12 megahertz of Lower 700 MHz Band B Block spectrum in 157 counties in 42 CMAs. Post-transaction, AT&T would hold a maximum of 150 megahertz of spectrum in those CMAs. Verizon Wireless would be assigned or would lease 10 megahertz of AWS-1 spectrum in 115 counties in 36 CMAs. Post-transaction, Verizon Wireless would hold a maximum of 164 megahertz of spectrum in one CMA (CMA 658 – Texas 7 – Fannin).

II. SECTION 310(d) APPLICATIONS

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

<u>File No.</u>	<u>Licensee/Assignor</u>	<u>Assignee</u>	<u>Lead Call Sign</u>
0005627587 ³	Cellco Partnership	AT&T Mobility Spectrum LLC	WQJQ721
0005627610	Cellco Partnership	New Cingular Wireless PCS, LLC	WQJQ726
0005630397	AT&T Mobility Spectrum LLC	Cellco Partnership	WQGA742
0005630442	Cellco Partnership	Grain Spectrum, LLC	WQJQ728
0005630591	New Cingular Wireless PCS, LLC	Cellco Partnership	WQGB397
0005630585	AT&T Mobility Spectrum LLC	Grain Spectrum II, LLC	WQGA729
0005630946	AT&T Mobility Spectrum LLC	Cellco Partnership	WQGT887

The following applications for new long-term *de facto* transfer spectrum leasing authorizations have been assigned the following file numbers:

<u>File No.</u>	<u>Licensee</u>	<u>Lessee</u>	<u>Lead Call Sign</u>
7004WYNL13 ⁴	Grain Spectrum, LLC	AT&T Mobility Spectrum LLC	WQJQ728
7005AWN13 ⁵	Grain Spectrum II, LLC	Cellco Partnership	WQGA729

³ The Applicants have designated ULS File No. 0005627587 as the lead application.

⁴ This application is a manual filing, and it is attached to ULS File No. 0005630442. We hereby grant the Applicants' request for waiver of section 1.913(b) of the Commission's rules, 47 C.F.R. § 1.913(b), which requires that applications for new leases be filed electronically, to permit the filing of this manual application.

⁵ This application is a manual filing, and it is attached to ULS File No. 0005630585. We hereby grant the Applicants' request for waiver of section 1.913(b) of the Commission's rules, 47 C.F.R. § 1.913(b), which requires that applications for new leases be filed electronically, to permit the filing of this manual application.

III. *EX PARTE* STATUS OF THIS PROCEEDING

Pursuant to section 1.1200(a) of the Commission's rules,⁶ 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.⁷

Parties making oral *ex parte* presentations are directed to the Commission's *ex parte* rules. Parties are reminded that memoranda summarizing the presentation must contain the presentation's substance and not merely list the subjects discussed.⁸ More than a one- or two-sentence description of the views and arguments presented is generally required.⁹ Other rules pertaining to oral and written presentations are set forth in section 1.1206(b) as well.¹⁰

IV. GENERAL INFORMATION

The assignment and long-term *de facto* transfer spectrum leasing applications 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.

Interested parties must file petitions to deny no later than **April 4, 2013**. 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 **April 15, 2013**. Replies to such pleadings must be filed no later than **April 22, 2013**. All filings concerning matters referenced in this Public Notice should refer to WT Docket No. 13-56 and reference the specific file numbers of the individual applications to which the filings pertain, if applicable.

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.¹¹ 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,¹² submissions in this matter may be filed electronically through the Commission's Universal Licensing System ("ULS") or by hand delivery to the Commission.

⁶ 47 C.F.R. § 1.1200(a).

⁷ 47 C.F.R. § 1.1206.

⁸ See 47 C.F.R. § 1.1206(b)(1).

⁹ See *id.*

¹⁰ 47 C.F.R. § 1.1206(b).

¹¹ See 47 C.F.R. § 1.45(c).

¹² See FCC Announces Change in Filing Location for Paper Documents, *Public Notice*, 24 FCC Rcd 14312 (2009).

- **If filed by ECFS,**¹³ comments shall be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket number. Parties may also submit an electronic comment by Internet e-mail.
- **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) Linda Ray, Broadband Division, Wireless Telecommunications Bureau, at linda.ray@fcc.gov or (202) 418-7247 (facsimile); (4) Kate Matraves, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau, at catherine.matraves@fcc.gov or (202) 418-7447 (facsimile); and (5) Jim Bird, Office of General Counsel, at TransactionTeam@fcc.gov or (202) 418-1234 (facsimile). Any submission that is e-mailed to Best Copy and Printing, Kathy Harris, Linda Ray, Kate Matraves, and Jim Bird should include in the subject line of the e-mail: (1) WT Docket No. 13-56; (2) the name of the submitting party; and (3) a brief description or title identifying the type of document being submitted (*e.g.*, WT Docket No. 13-56, [name of submitting party], Notice of *Ex Parte* Communication).

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 email 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. In addition, the wireless applications are available electronically through ULS, which may be accessed on the Commission's Internet website, and the international application is available electronically through IBFS, which also 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 email 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 email: FCC504@fcc.gov; phone: (202) 418-0530 or TTY: (202) 418-0432.

¹³ See Electronic Filing of Documents in Rulemaking Proceedings, GC Docket No. 97-113, *Report and Order*, 13 FCC Rcd 11322 (1998).

For further information, contact Kathy Harris, Mobility Division, Wireless Telecommunications Bureau, at (202) 418-0609, Linda Ray, Broadband Division, Wireless Telecommunications Bureau, at (202) 418-0257, or Kate Mataves, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau, at (202) 391-6272.

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