

PUBLIC NOTICE

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

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DA 14-1086
Released: July 30, 2014

AT&T INC. AND T-MOBILE USA, INC. SEEK FCC CONSENT TO THE ASSIGNMENTS OF ADVANCED WIRELESS SERVICE AND PERSONAL COMMUNICATIONS SERVICE LICENSES

ULS File Nos. 0006341062, 0006340995, 0006341010, 0006344480, 0006344526, 0006344528,
0006344533, and 0006347935

PLEADING CYCLE ESTABLISHED

Petitions to Deny Due: August 20, 2014
Oppositions Due: September 2, 2014
Replies Due: September 9, 2014

I. INTRODUCTION

AT&T Inc. (“AT&T”) and T-Mobile USA, Inc. (“T-Mobile,” and together with AT&T, the “Applicants”) have filed applications pursuant to section 310(d) of the Communications Act of 1934, as amended,¹ seeking the simultaneous assignments of Advanced Wireless Service (“AWS-1”) and Personal Communications Service (“PCS”) licenses by and among certain wholly-owned subsidiaries of AT&T² and T-Mobile License LLC, a wholly-owned subsidiary of T-Mobile. The proposed assignments involve only the transfer of spectrum licenses; no customers or networks would be transferred.

The Applicants assert that the instant transaction would allow them to operate more efficiently due to holding larger blocks of contiguous spectrum and/or aligning spectrum blocks with those already held in adjacent markets. The Applicants also indicate that the proposed transaction would help AT&T satisfy certain divestiture obligations that arose from its merger with Leap Wireless International, Inc.³

¹ 47 U.S.C. § 310(d).

² The AT&T subsidiaries are: AT&T Mobility Spectrum LLC; Cricket License Company, LLC; and New Cingular Wireless PCS, LLC.

³ See Applications of Cricket License Company, LLC, *et al.*, Leap Wireless International, Inc., and AT&T Inc. for Consent to Transfer Control of Authorizations, Application of Cricket License Company, LLC and Leap Licensco Inc. for Consent to Assignment of Authorization, *Memorandum Opinion and Order*, 29 FCC Rcd 2735, 2802 ¶ 162 (WTB/IB 2014) (“*AT&T-Leap Order*”). Specifically, in the proposed transaction, AT&T would assign 10 megahertz of AWS-1 spectrum to T-Mobile in Cellular Market Area (“CMA”) 101 (Beaumont-Port Arthur, TX) (*i.e.*, 10 megahertz of the 20 megahertz to be divested in that market); 10 megahertz of AWS-1 spectrum in CMA 109 (Spokane, WA); 10 megahertz of AWS-1 spectrum in CMA 112 (Corpus Christi, TX); 10 megahertz of AWS-1 spectrum in CMA 128 (McAllen-Edinburg-Mission, TX); 10 megahertz of AWS-1 spectrum in CMA 162 (Brownsville-Harlingen, TX); 10 megahertz of AWS-1 spectrum in CMA 432 (Kansas 5 – Brown (Atchison,

Preliminary review of the applications indicates that spectrum would be assigned in 76 counties covering all or parts of 25 CMAs. T-Mobile would exchange or be assigned 5 to 10 megahertz of PCS spectrum in 20 counties in all or parts of seven CMAs, and 10 megahertz of AWS-1 spectrum in 22 counties in all or part of eight CMAs. Post-transaction, T-Mobile would hold 40 to 102 megahertz of spectrum in total in these counties in these CMAs. AT&T would exchange or be assigned 5 to 20 megahertz of PCS spectrum in 31 counties in all or parts of 14 CMAs, and 10 to 20 megahertz of AWS-1 spectrum in 19 counties covering three CMAs. Post-transaction, AT&T would hold 86 to 170 megahertz of spectrum in total in these counties in these CMAs.

II. SECTION 310(d) APPLICATIONS

The applications for the assignment 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>
0006341062 ⁴	T-Mobile License LLC	AT&T Mobility Spectrum LLC	WPOL281
0006340995	T-Mobile License LLC	Cricket License Company, LLC	KNLF561
0006341010	T-Mobile License LLC	AT&T Mobility Spectrum LLC	KNLF983
0006344480	AT&T Mobility Spectrum LLC	T-Mobile License LLC	WQMJ747
0006344526	New Cingular Wireless PCS, LLC	T-Mobile License LLC	KNLG416
0006344528	New Cingular Wireless PCS, LLC	T-Mobile License LLC	KNLF205
0006344533	Cricket License Company, LLC	T-Mobile License LLC	KNLF914
0006347935	AT&T Mobility Spectrum LLC	T-Mobile License LLC	WQGA777

III. EX PARTE STATUS OF THIS PROCEEDING

Pursuant to section 1.1200(a) of the Commission’s rules,⁵ 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.⁶

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.⁷ More than a one- or two-sentence description of the

Doniphan, and Leavenworth counties)). In addition, consistent with AT&T’s divestment commitment reflected in the *AT&T-Leap Order*, AT&T would assign 10 megahertz of PCS spectrum instead of AWS-1 spectrum as substitute spectrum in two markets – CMA 281 (Laredo, TX) and CMA 669 (Texas 18 – Edwards).

⁴ The Applicants have designated ULS File No. 0006341062 as the lead application.

⁵ 47 C.F.R. § 1.1200(a).

⁶ 47 C.F.R. § 1.1206.

⁷ See 47 C.F.R. § 1.1206(b)(1).

views and arguments presented is generally required.⁸ Other rules pertaining to oral and written presentations are set forth in section 1.1206(b) as well.⁹

IV. GENERAL INFORMATION

The assignment 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 **August 20, 2014**. 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 **September 2, 2014**. Replies to such pleadings must be filed no later than **September 9, 2014**. All filings concerning matters referenced in this Public Notice should refer to ULS File Nos. 0006341062, 0006340995, 0006341010, 0006344480, 0006344526, 0006344528, 0006344533, and/or 0006347935, 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.¹⁰ 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,¹¹ submissions in this matter may be filed electronically through the Commission's Universal Licensing System ("ULS") or by hand delivery to the Commission.

- **To file electronically**, visit the ULS web site at <http://wireless.fcc.gov/uls/> and click on the "Submit a Pleading" link, complete the administrative information, and upload your pleading.
- **To file 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., S.W., 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.

⁸ See *id.*

⁹ 47 C.F.R. § 1.1206(b).

¹⁰ See 47 C.F.R. § 1.45(c).

¹¹ See FCC Announces Change in Filing Location for Paper Documents, *Public Notice*, 24 FCC Rcd 14312 (2009).

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) Scott Patrick, Mobility Division, Wireless Telecommunications Bureau, at scott.patrick@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).

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. 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 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.

For further information, contact Scott Patrick, Mobility Division, Wireless Telecommunications Bureau, at (202) 418-2853, or Kate Matraves, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau, at (202) 391-6272.

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