



PUBLIC NOTICE

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

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DA 14-1288
Released: September 8, 2014

AT&T MOBILITY SPECTRUM LLC AND CLUB 42CM LIMITED PARTNERSHIP SEEK FCC CONSENT TO THE ASSIGNMENT OF TWO LOWER 700 MHZ B BLOCK LICENSES IN CALIFORNIA

WT Docket No. 14-145

PLEADING CYCLE ESTABLISHED

Petitions to Deny Due: October 8, 2014
Oppositions Due: October 20, 2014
Replies Due: October 27, 2014

I. INTRODUCTION

AT&T Mobility Spectrum LLC, an indirect wholly-owned subsidiary of AT&T Inc. (together with AT&T Mobility Spectrum LLC, “AT&T”), and Club 42CM Limited Partnership (“Club 42,” and together with AT&T, the “Applicants”) have filed an application pursuant to section 310(d) of the Communications Act of 1934, as amended,¹ seeking the assignment of two Lower 700 MHz B Block licenses from Club 42 to AT&T. The subject licenses cover two geographic areas in California. The proposed transaction involves the transfer of spectrum; no customers or networks would be transferred.

The Applicants maintain that the proposed transaction would provide AT&T with additional spectrum that would enable it to increase its system capacity to enhance existing services, better accommodate its overall growth, and facilitate the provision of additional products and services in two Cellular Market Areas (“CMAs”) – CMA 340 (California 5-San Luis Obispo) and CMA 347 (California 12-Kings). The Applicants assert that, as a result of this instant transaction, AT&T would hold 24 megahertz of contiguous, paired 700 MHz spectrum in these areas, allowing for a 10 x 10 megahertz LTE deployment.

Our preliminary review indicates that, as a result of the proposed transaction, AT&T would acquire 12 megahertz of Lower 700 MHz B Block spectrum in these two single-county CMAs. Post-transaction, AT&T would hold 141 to 170 megahertz of spectrum in total in these CMAs, including 55 megahertz of below-1-GHz spectrum in California 12-Kings, and 61 megahertz of below-1-GHz spectrum in California 5-San Luis Obispo.

The *Mobile Spectrum Holdings Report and Order* requires that we treat any proposed increase in below-1-GHz spectrum holdings resulting in the acquiring entity holding approximately one-third or more of the suitable and available spectrum below 1 GHz as an “enhanced factor” in our case-by-case

¹ 47 U.S.C. § 310(d).

review.² As a result of the instant transaction, AT&T would hold more than 45 megahertz of the 134 megahertz of currently suitable and available below-1-GHz spectrum in California 12-Kings. The *Mobile Spectrum Holdings Report and Order* also requires, where the entity acquiring below-1-GHz spectrum already holds approximately one-third or more of the below-1-GHz spectrum in a particular market, that the demonstration of the public interest benefits of the proposed transaction will need to clearly outweigh the potential public interest harms.³ In California 5-San Luis Obispo, AT&T already holds 49 megahertz of below-1-GHz spectrum and, as a result of this transaction, would increase its holdings to 61 megahertz.

II. SECTION 310(d) APPLICATION

The application for the assignment of licenses has been assigned the following file number:

<u>File No.</u>	<u>Licensee/Assignor</u>	<u>Assignee</u>	<u>Lead Call Sign</u>
0006344543	Club 42CM Limited Partnership	AT&T Mobility Spectrum LLC	WQOU672

III. EX PARTE STATUS OF THIS PROCEEDING

Pursuant to section 1.1200(a) of the Commission's rules,⁴ 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.⁵

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.⁶ More than a one- or two-sentence description of the views and arguments presented is generally required.⁷ Other rules pertaining to oral and written presentations are set forth in section 1.1206(b) as well.⁸

IV. GENERAL INFORMATION

The assignment application has 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 **October 8, 2014**. Persons and entities that file petitions to deny become parties to the proceeding. They may participate fully in the proceeding,

² See Policies Regarding Mobile Spectrum Holdings; Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions, WT Docket No. 12-269, GN Docket No. 12-268, *Report and Order*, 29 FCC Rcd 6133, 6240 ¶¶ 286-88 (rel. June 2, 2014) ("*Mobile Spectrum Holdings Report and Order*").

³ See *Mobile Spectrum Holdings Report and Order*, 29 FCC Rcd at 6240 ¶ 287.

⁴ 47 C.F.R. § 1.1200(a).

⁵ 47 C.F.R. § 1.1206.

⁶ See 47 C.F.R. § 1.1206(b)(1).

⁷ See *id.*

⁸ 47 C.F.R. § 1.1206(b).

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 **October 20, 2014**. Replies to such pleadings must be filed no later than **October 27, 2014**. All filings concerning matters referenced in this Public Notice should refer to WT Docket No. 14-145.

To allow the Commission to consider fully all substantive issues regarding the application 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.⁹ 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,¹⁰ submissions in this matter may be filed electronically through the Commission's Electronic Comment Filing System ("ECFS") or by hand delivery to the Commission.

- **To file electronically,**¹¹ comments shall be sent as an electronic file via the Internet to <http://apps.fcc.gov/ecfs>. 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 email.
- **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.

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) Kate Matraves, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau, at catherine.matraves@fcc.gov or (202) 418-7447 (facsimile); and (4) Jim Bird, Office of General Counsel, at TransactionTeam@fcc.gov or (202) 418-1234 (facsimile).

⁹ See 47 C.F.R. § 1.45(c).

¹⁰ See FCC Announces Change in Filing Location for Paper Documents, *Public Notice*, 24 FCC Rcd 14312 (2009).

¹¹ See Electronic Filing of Documents in Rulemaking Proceedings, GC Docket No. 97-113, *Report and Order*, 13 FCC Rcd 11322 (1998).

Copies of the application 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 application 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 application also is 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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