

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
Termination of Certain Proceedings as Dormant) CG Docket No. 14-157

ORDER

Adopted: December 22, 2014

Released: December 22, 2014

By the Acting Chief, Consumer & Governmental Affairs Bureau:

I. INTRODUCTION

1. By this Order, the Consumer & Governmental Affairs Bureau (CGB) terminates, as dormant, the proceedings listed on the Attachment hereto. We believe that termination of these proceedings furthers the Commission's organizational goals of increasing the efficiency of its decision-making, modernizing the agency's processes in the digital age, and enhancing the openness and transparency of Commission proceedings for practitioners and the public. In addition, on the basis of further evaluation, we leave open three proceedings included in the Fourth Dormant Proceedings Termination Public Notice, namely Promoting Interoperability in the 700 MHz Commercial Spectrum, WT Docket No. 12-69, AT&T and Cellco Partnership D/B/A Verizon Wireless Seek FCC Consent to Assign or Transfer Control of Licenses and Authorizations and Modify a Spectrum Leasing Arrangement, WT Docket No. 09-104, and Atlantic Tele-Network, Inc. and Verizon Wireless seek FCC Consent to Transfer Licenses and Authorizations, WT Docket No. 09-119.

II. BACKGROUND

2. On February 4, 2011, the Commission released a Report and Order that, inter alia, amended Section 0.141 of the Commission's organizational rules to delegate authority to the Chief, CGB to conduct periodic review of all open dockets with the objective of terminating those that were inactive. The Commission stated that termination of such proceedings also will include the dismissal as moot of any pending petition, motion, or other request for relief in the terminated proceeding that is procedural in nature or otherwise does not address the merits of the proceeding.

3. Following the release of the Procedure Order, CGB, in consultation with the relevant other bureaus and offices, conducted a review of all open dockets and identified those dockets that could potentially be terminated. As a result of that process, CGB issued the First Dormant Proceedings

1 We note that all of the proceedings listed on the Attachment hereto were also listed in the attachment to the Termination of Certain Proceedings as Dormant Public Notice released on September 18, 2014. Consumer & Governmental Affairs Bureau Seeks Comment on Termination of Certain Proceedings as Dormant, 29 FCC Rcd 11168 (CGB 2014) ("Fourth Dormant Proceedings Termination Public Notice").

2 Amendment of Certain of the Commission's Part 1 Rules of Practice and Procedure and Part 0 Rules of Commission Organization, GC Docket No. 10-44, Report and Order, 26 FCC Rcd 1594 (2011) ("Procedure Order").

3 Id. at 1604, para. 24.

Termination Public Notice, listing the open dockets under consideration for termination, and providing interested parties the opportunity to file comments on these proposed terminations.⁴ Following these procedures, by Order released November 1, 2011, CGB terminated, as dormant the docketed proceedings listing in the attachment thereto.⁵ On February 15, 2012, CGB released the *Second Dormant Proceedings Termination Public Notice* listing open dockets under consideration for termination.⁶ On September 27, 2012, CGB released an Order in which it terminated as dormant the proceedings listed in the attachment thereto.⁷ On June 30, 2014, CGB released the *Third Dormant Proceedings Termination Public Notice*.⁸ On July 22, 2014, CGB released a Public Notice announcing that comments and reply comments were due August 20, 2014 and September 4, 2014, respectively.⁹ On September 15, 2014, CGB released the *Third Dormant Proceedings Termination Order* in which it terminated as dormant the proceedings listed in the attachment thereto.¹⁰

4. On September 18, 2014, CGB released the *Fourth Dormant Proceedings Termination Public Notice* with comments and reply comments due 30 and 45 days after date of publication in the Federal Register (November 3, 2014 and November 17, 2014 respectively).¹¹ In response to the *Fourth Dormant Proceedings Termination Public Notice*, we received two comments requesting that certain proceedings noted in the *Public Notice* remain open.¹²

III. DISCUSSION

5. Based on our review of the record received in response to the *Fourth Dormant Proceedings Termination Public Notice*, we terminate the proceedings listed in the attachment to this Order¹³ and leave open three proceedings that had been listed in Attachment A to the *Fourth Dormant Proceedings Termination Public Notice*. After review of the comments and our further evaluation, we have determined that WTB Dockets No. 12-69, 09-104 and 09-119 will remain open and will not be terminated at this time. For the reasons set out below, we decline the request of the Children's Media Policy Coalition that MB Docket No. 04-261 remain open.

⁴ *Consumer & Governmental Affairs Bureau Seeks Comment on Termination of Certain Proceedings as Dormant*, 26 FCC Rcd 7850 (CGB 2011) ("*First Dormant Proceedings Termination Public Notice*").

⁵ *Termination of Certain Proceedings as Dormant*, Order, 26 FCC Rcd 15312 (CGB 2011) ("*First Dormant Proceedings Termination Order*").

⁶ *Consumer & Governmental Affairs Bureau Seeks Comment on Termination of Certain Proceedings as Dormant*, 27 FCC Rcd 1613 (CGB 2012) ("*Second Dormant Proceedings Termination Public Notice*").

⁷ *Termination of Certain Proceedings as Dormant*, Order, 27 FCC Rcd 11284 (CGB 2012) ("*Second Dormant Proceedings Termination Order*").

⁸ *Consumer & Governmental Affairs Bureau Seeks Comment on Termination of Certain Proceedings as Dormant*, 29 FCC Rcd 7664 (CGB 2014) ("*Third Dormant Proceedings Termination Public Notice*").

⁹ *Consumer & Governmental Affairs Bureau Announces Comment and Reply Comment Dates for Proceeding on Termination of Certain Proceedings as Dormant*, 29 FCC Rcd 8596 (CGB 2014).

¹⁰ *Termination of Certain Proceedings as Dormant*, Order, 29 FCC Rcd. 11017 (CGB 2014).

¹¹ *Fourth Dormant Proceedings Termination Public Notice*, *supra*.

¹² Letter from Eileen Espejo, Director, Media & Health Policy Children Now, on behalf of the Children's Media Policy Coalition, to the Secretary, FCC, CG Docket No. 14-157, dated Nov. 3, 2014 (Children's Media Policy Coalition Nov. 3, 2014 *Ex Parte*); Letter from Rebecca Murphy Thomas, General Counsel, Competitive Carrier Association to Gayle Radley Teicher, Consumer and Government Affairs Bureau, FCC, CG Docket No. 14-157, dated Oct. 28, 2014 (CCA Oct 28, 2014 *Ex Parte*).

¹³ Any party aggrieved by a termination under this delegation of authority may file a petition for reconsideration with CGB or an application for review with the full Commission *Procedure Order*, 26 FCC Rcd at 1604, paras. 23-24.

6. **The Children’s Media Policy Coalition (MB Docket No. 04-261)**. The Children’s Media Policy Coalition asks that MB Docket No. 04-261 (*Violent Television Programming and Its Impact on Children, Report*) remain open “in order to allow for more discussion on ways ratings systems could be used and applied in today’s media environment.”¹⁴ We do not find that closing MB Docket No. 04-261 will deter the discussion of television ratings systems. In this connection, we note that another open proceeding has taken up a full review of this issue.¹⁵ MB Docket No. 04-261 was initiated to address a request from members of Congress to undertake an inquiry on television violence; further, that task was completed by the issuance of a Report in 2007.¹⁶ Since 2009, the docket has been inactive. Thus, we decline the Children’s Media Policy Coalition’s request and will terminate MB Docket No. 04-261. The Children’s Media Policy Coalition also seeks clarification that termination of MB Docket 09-194 does not affect MM Docket 00-167. In response to that request, we hereby confirm that the status of MM Docket No. 00-167 is not affected by this Order.

7. **Competitive Carriers Association (WT Docket No. 12-69)**. On October 28, 2014, the Competitive Carriers Association (CCA) filed a letter in this proceeding requesting that WT Docket No. 12-69 (*Promoting Interoperability in the 700 MHz Commercial Spectrum*) be removed from the list of dormant proceedings designated for termination.¹⁷ CCA states that the Report and Order in this proceeding approved the implementation of a voluntary industry solution to establish interoperable LTE service in the Lower 700 MHz band.¹⁸ As a part of this voluntary industry solution, the Commission adopted license conditions for AT&T to hold the Lower 700 MHz B and C Block licenses, which includes the requirements that (1) AT&T deploy the Multi-Frequency Band Indicator software feature and transition to Band Class 12 capable devices; and (2) AT&T comply with reporting requirements by filing reports in WT Docket No. 12-69 that provide information on AT&T’s progress in meeting these commitments.¹⁹ In light of the ongoing reporting of AT&T’s progress in this docket, we agree with CCA that this docket should not be closed. Accordingly, we will not terminate this proceeding at this time and it will remain open.

8. **AT&T and Cellco Partnership D/B/A Verizon Wireless Seek FCC Consent to Assign or Transfer Control of Licenses and Authorizations and Modify a Spectrum Leasing Arrangement (WT Docket No. 09-104)**. Upon further review, we conclude that this docket was erroneously included on the list of dockets slated for closure attached to the *Fourth Dormant Proceedings Termination Public Notice*. There is currently pending a petition for reconsideration of the Commission’s order in this docket, and this petition for reconsideration will be addressed in the near future. Accordingly, this docket will remain open.

9. **Atlantic Tele-Network, Inc. and Verizon Wireless seek FCC Consent to Transfer Licenses and Authorizations (WT Docket No. 09-119)**. Upon further review, we conclude that this docket was erroneously included on the list of dockets slated for closure attached to the *Fourth Dormant Proceedings Termination Public Notice*. There is currently pending two applications for review of an

¹⁴ Children’s Media Policy Coalition Nov, 3, 2014 *Ex Parte* at 1.

¹⁵ See e.g., MB Docket No. 09-26, *Implementation of the Child Safe Viewing Act; Examination of Parental Control Technologies for Video or Audio Programming*. Notably, the Children’s Media Policy Coalition has filed comments in this proceeding, see e.g., *Comments of Children’s Media Policy Coalition*, MB Docket No. 09-26 (filed Apr. 16, 2009).

¹⁶ *Violent Television Programming and Its Impact on Children, Report*, 22 FCC Rcd 7929 (2007).

¹⁷ CCA Oct 28, 2014 *Ex Parte* at 1.

¹⁸ CCA Oct 28, 2014 *Ex Parte* at 1.

¹⁹ *Promoting Interoperability in the 700 MHz Commercial Spectrum*, WT Docket No. 12-69, Order of Modification, 29 FCC Rcd 281 (WTB 2014).

order issued by the Wireless Telecommunications Bureau. These applications for review will be addressed in the future. Accordingly, this docket will remain open.

IV. PROCEDURAL MATTERS

10. Upon publication of this Order in the Federal Register, these proceedings will be terminated in the Electronic Comment Filing System (ECFS). The record in the terminated proceedings will remain part of the Commission's official records, and the various pleadings, orders, and other documents in these dockets will continue to be accessible to the public, post-termination.

11. For additional information concerning this Order, please contact Gayle Radley Teicher at (202) 418-1515, or via e-mail at Gayle.Teicher@fcc.gov.

V. ORDERING CLAUSES

12. Accordingly, **IT IS ORDERED**, pursuant to the authority contained in Sections 4(i), and 4(j) of the Communications Act, 47 USC 154(i) and (j), and Section 0.141 of the Commission's rules, that the proceedings set forth in the Attachment hereto are TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION

Kris Anne Monteith
Acting Chief, Consumer & Governmental Affairs
Bureau