



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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WASHINGTON, D.C. 20554

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DA 15-446
Released: April 13, 2015

CELLULAR NETWORK PARTNERSHIP AND KANOKLA TELEPHONE ASSOCIATION SEEK FCC CONSENT TO THE ASSIGNMENT OF THREE LOWER 700 MHZ LICENSES IN OKLAHOMA

WT Docket No. 15-48

PLEADING CYCLE ESTABLISHED

Petitions to Deny Due: May 13, 2015
Oppositions Due: May 26, 2015
Replies Due: June 2, 2015

I. INTRODUCTION

Cellular Network Partnership, an Oklahoma Limited Partnership (“CNP”), and KanOkla Telephone Association (“KanOkla,” and together with CNP, the “Applicants”) have filed applications pursuant to section 310(d) of the Communications Act of 1934, as amended,¹ seeking the full assignment of two Lower 700 MHz C Block licenses and the partitioned assignment of a third Lower 700 MHz C Block license from KanOkla to CNP. The subject licenses cover parts of Oklahoma. The proposed transaction involves only the assignment of spectrum; no customers or networks would be transferred.

The Applicants contend that the proposed transaction would allow CNP to diversify its wireless service offerings to include broadband services to fixed locations in the subject areas, which the Applicants assert would promote the availability of broadband service in rural markets.

Our preliminary review indicates that CNP would be assigned 12 megahertz of Lower 700 MHz C Block spectrum in eight counties covering all or parts of three Cellular Market Areas (“CMAs”) – CMA 302 (Enid, Oklahoma), CMA 597 (Oklahoma 2-Harper), and CMA 598 (Oklahoma 3-Grant). Post-transaction, CNP would be attributed with 47 to 91 megahertz of spectrum in total, and 37 to 71 megahertz of below-1-GHz spectrum, in these eight counties.

The *Mobile Spectrum Holdings Report and Order* 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.² This is the case for two of the three CMAs

¹ 47 U.S.C. § 310(d).

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 6133, 6240 ¶ 287 (2014) (“*Mobile Spectrum Holdings Report and Order*”).

implicated by the proposed transaction: In CMA 302 (Enid, Oklahoma), CNP already is attributed with 47 megahertz of below-1-GHz spectrum and, as a result of this transaction, would increase its holdings to 59 megahertz; and in CMA 597 (Oklahoma 2-Harper), CNP already is attributed with 47 to 59 megahertz of below-1-GHz spectrum and, as a result of this transaction, would increase its holdings to 59 to 71 megahertz of such spectrum.

II. SECTION 310(d) APPLICATIONS

The applications for the assignment of licenses from KanOkla to CNP have the following file numbers:

<u>File No.</u>	<u>Licensee/Assignor</u>	<u>Assignee</u>	<u>Lead Call Sign</u>
0006554006 ³	KanOkla Telephone Association	Cellular Network Partnership	WPWV336
0006554010 ⁴	KanOkla Telephone Association	Cellular Network Partnership	WPWV339

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 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 **May 13, 2015**. 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 **May 26, 2015**. Replies to such pleadings must be filed no later

³ The applicants have designated this application as the lead application for this transaction.

⁴ This application is for the partitioned assignment.

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).

⁸ See *id.*

⁹ 47 C.F.R. § 1.1206(b).

than **June 2, 2015**. All filings concerning matters referenced in this Public Notice should refer to WT Docket No. 15-48.

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 Electronic Comment Filing System ("ECFS") or by hand delivery to the Commission.

- **To file electronically,**¹² 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 email 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).

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

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).

¹² See Electronic Filing of Documents in Rulemaking Proceedings, GC Docket No. 97-113, *Report and Order*, 13 FCC Rcd 11322 (1998).

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 Mataves, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau, at (202) 391-6272.

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