**DA 16-456**

**Released: April 27, 2016**

**T-MOBILE LICENSE LLC SEEKS FCC CONSENT TO THE ASSIGNMENT**

**AND TRANSFER OF CONTROL OF LOWER 700 MHZ A BLOCK LICENSES**

**WT Docket No. 16-122**

**PLEADING CYCLE ESTABLISHED**

**Petitions to Deny Due: May 18, 2016**

**Oppositions Due: May 25, 2016**

**Replies Due: June 2, 2016**

**I. INTRODUCTION**

T-Mobile License LLC, a wholly-owned subsidiary of T-Mobile USA, Inc. (together with T‑Mobile License LLC, T-Mobile), and three other entities have filed applications pursuant to Section 310(d) of the Communications Act of 1934, as amended,[[1]](#footnote-1) seeking the assignment or transfer of control of a number of Lower 700 MHz A Block licenses to T-Mobile. The applications are related to three separate transactions involving: (1) Cellular South Licenses, LLC d/b/a C Spire Wireless (C Spire); (2) subsidiaries of Cavalier License Group, LLC (Cavalier); and (3) wholly-owned subsidiaries of Continuum 700 LLC (Continuum 700, and together with T-Mobile, C Spire, and Cavalier, the Applicants). C Spire proposes to assign to T-Mobile seven full and three partitioned Lower 700 MHz A Block licenses,[[2]](#footnote-2) Cavalier proposes to transfer control of 22 Lower 700 MHz A Block licenses,[[3]](#footnote-3) and Continuum 700 proposes to transfer control of ten Lower 700 MHz A Block licenses.[[4]](#footnote-4)

The Applicants contend that these spectrum-only assignments and transfers of control would allow T-Mobile to expand its Lower 700 MHz footprint, and thus offer improved services to its customers. The Applicants further claim that through T-Mobile’s increased spectrum holdings, T-Mobile would be able to add capacity and improve data throughput speeds within existing coverage areas, and thereby benefit consumers.

According to the applications, which together cover approximately 15 percent of the U.S. population, if the proposed transactions were to be consummated, T-Mobile would acquire 12 megahertz of Lower 700 MHz A Block spectrum from C Spire in all or parts of 34 Cellular Market Areas (CMAs). In addition, T-Mobile would acquire 12 megahertz of Lower 700 MHz A Block spectrum from Cavalier in all or parts of 103 CMAs. Finally, T-Mobile would acquire 12 megahertz of Lower 700 MHz A Block spectrum from Continuum 700 in all or parts of 55 CMAs. As a result of the three proposed transactions, T-Mobile would hold a maximum of 112 megahertz of spectrum across these CMAs, including 12 megahertz of below-1-GHz spectrum.

ii. Section 310(**d) APPLICATIONS**

The following applications for the assignment or transfer of control of licenses have the following file numbers:

| **File No.** | **Licensee/Assignor/Transferor** | **Assignee/Transferee** | **Lead Call Sign** |
| --- | --- | --- | --- |
| 0007141032[[5]](#footnote-5) | Cellular South Licenses, LLC | T-Mobile License LLC | WQIZ423 |
|  |  |  |  |
| 0007141034 | Cellular South Licenses, LLC | T-Mobile License LLC | WQIZ428 |
|  |  |  |  |
| 0007143962[[6]](#footnote-6) | Cavalier Fayetteville, LLC | T-Mobile License LLC | WQIZ360 |
|  |  |  |  |
| 0007144163 | Cavalier Albany NY, LLC | T-Mobile License LLC | WQIZ388 |
|  |  |  |  |
| 0007144164 | Cavalier Syracuse, LLC | T-Mobile License LLC | WQIZ389 |
|  |  |  |  |
| 0007144165 | Cavalier Buffalo, LLC | T-Mobile License LLC | WQIZ390 |
|  |  |  |  |
| 0007144166 | Cavalier State College, LLC | T-Mobile License LLC | WQIZ391 |
|  |  |  |  |
| 0007144167 | Cavalier Harrisburg, LLC | T-Mobile License LLC | WQIZ392 |
|  |  |  |  |
| 0007144168 | Cavalier Staunton, LLC | T-Mobile License LLC | WQIZ393 |
|  |  |  |  |
| 0007144169 | Cavalier Greensboro, LLC | T-Mobile License LLC | WQIZ394 |
|  |  |  |  |
| 0007144170 | Cavalier Charlotte, LLC | T-Mobile License LLC | WQIZ396 |
|  |  |  |  |
| 0007144171 | Cavalier Columbia, LLC | T-Mobile License LLC | WQIZ397 |
|  |  |  |  |
| 0007144172 | Cavalier Augusta, LLC | T-Mobile License LLC | WQIZ398 |
|  |  |  |  |
| 0007144173 | Cavalier Tallahassee, LLC | T-Mobile License LLC | WQIZ399 |
|  |  |  |  |
| 0007144174 | Cavalier Albany GA, LLC | T-Mobile License LLC | WQIZ400 |
|  |  |  |  |
| 0007144175 | Cavalier Greenville, LLC | T-Mobile License LLC | WQIZ401 |
|  |  |  |  |
| 0007144176 | Cavalier Lexington, LLC | T-Mobile License LLC | WQIZ403 |
|  |  |  |  |
| 0007144177 | Cavalier Toledo, LLC | T-Mobile License LLC | WQIZ404 |
|  |  |  |  |
| 0007144178 | Cavalier Louisville, LLC | T-Mobile License LLC | WQIZ405 |
|  |  |  |  |
| 0007144179 | Cavalier Beaumont, LLC | T-Mobile License LLC | WQIZ406 |
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| 0007144180 | Cavalier C Christi, LLC | T-Mobile License LLC | WQIZ407 |
|  |  |  |  |
| 0007144182 | Cavalier McAllen, LLC | T-Mobile License LLC | WQIZ408 |
|  |  |  |  |
| 0007144183 | Cavalier Spokane, LLC | T-Mobile License LLC | WQIZ409 |
|  |  |  |  |
| 0007144184 | Cavalier Honolulu, LLC | T-Mobile License LLC | WQIZ410 |
|  |  |  |  |
| 0007140898[[7]](#footnote-7) | C700-Ft. Myers-A LLC | T-Mobile License LLC | WQLA790 |
|  |  |  |  |
| 0007140914 | C700-Boise City-A LLC | T-Mobile License LLC | WQLA791 |
|  |  |  |  |
| 0007140923 | C700-Salt Lake City-A LLC | T-Mobile License LLC | WQLA792 |
|  |  |  |  |
| 0007140972 | C700-Albuquerque-A LLC | T-Mobile License LLC | WQLA793 |
|  |  |  |  |
| 0007140976 | C700-Richmond-A LLC | T-Mobile License LLC | WQLA794 |
|  |  |  |  |
| 0007140983 | C700-Charleston-A LLC | T-Mobile License LLC | WQLA795 |
|  |  |  |  |
| 0007140990 | C700-Savannah-A LLC | T-Mobile License LLC | WQLA796 |
|  |  |  |  |
| 0007141000 | C700-Jacksonville-A LLC | T-Mobile License LLC | WQLA797 |
|  |  |  |  |
| 0007141011 | C700-Sarasota-A LLC | T-Mobile License LLC | WQLA798 |
|  |  |  |  |
| 0007141015 | C700-Columbus-A LLC | T-Mobile License LLC | WQLA799 |

iiI. ***EX PARTE* STATUS OF THIS PROCEEDING**

Pursuant to Section 1.1200(a) of the Commission’s rules,[[8]](#footnote-8) 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.[[9]](#footnote-9)

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.[[10]](#footnote-10) More than a one- or two-sentence description of the views and arguments presented is generally required.[[11]](#footnote-11) Other rules pertaining to oral and written presentations are set forth in Section 1.1206(b) as well.[[12]](#footnote-12)

**IV. GENERAL INFORMATION**

The assignment and transfer of control 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 18, 2016**. 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 25, 2016**. Replies to such pleadings must be filed no later than **June 2, 2016**. All filings concerning matters referenced in this Public Notice should refer to WT Docket No. 16-122.

**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.[[13]](#footnote-13) 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,[[14]](#footnote-14) 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**,[[15]](#footnote-15) access ECFS via the Internet at 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.
* **To file by paper**, the original and one copy 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, DC 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, SW, Washington, DC 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) Scott Patrick, Mobility Division, Wireless Telecommunications Bureau, at scott.patrick@fcc.gov or (202) 418-2643 (facsimile); (2) Kate Matraves, Competition and Infrastructure Policy Division, Wireless Telecommunications Bureau, at catherine.matraves@fcc.gov or (202) 418-2643 (facsimile); and (3) Jim Bird, Office of General Counsel, at TransactionTeam@fcc.gov or (202) 418-1234 (facsimile).

The applications and any associated documents are available for public inspection and copying during normal reference room hours at the following Commission office: FCC Reference Information Center, 445 12th Street, SW, Room CY-A257, Washington, DC 20554. The applications also are 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, Competition and Infrastructure Policy Division, Wireless Telecommunications Bureau, at (202) 391-6272.

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1. 47 U.S.C. § 310(d). [↑](#footnote-ref-1)
2. ULS File Nos. 0007141032 (lead) and 0007141034 (filed Feb. 19, 2016). [↑](#footnote-ref-2)
3. ULS File Nos. 0007143962 (lead), 0007144163, 0007144164 (amended Apr. 1, 2016), 0007144165, 0007144166, 0007144167, 0007144168, 0007144169, 0007144170, 0007144171, 0007144172, 0007144173, 0007144174, 0007144175, 0007144176, 0007144177, 0007144178, 0007144179, 0007144180, 0007144182, 0007144183, and 0007144184 (filed Feb. 22, 2016). [↑](#footnote-ref-3)
4. ULS File Nos. 0007140898 (lead), 0007128948, 0007140914, 0007140923, 0007140972, 0007140976, 0007140983, 0007140990, 0007141000, 0007141011, and 0007141015 (filed Feb. 22, 2016). [↑](#footnote-ref-4)
5. T-Mobile and C Spire have designated this as the lead application for their proposed transaction. [↑](#footnote-ref-5)
6. T-Mobile and Cavalier have designated this as the lead application for their proposed transaction. [↑](#footnote-ref-6)
7. T-Mobile and Continuum 700 have designated this as the lead application for their proposed transaction. [↑](#footnote-ref-7)
8. 47 C.F.R. § 1.1200(a). [↑](#footnote-ref-8)
9. 47 C.F.R. § 1.1206. [↑](#footnote-ref-9)
10. 47 C.F.R. § 1.1206(b)(1). [↑](#footnote-ref-10)
11. *Id*. [↑](#footnote-ref-11)
12. 47 C.F.R. § 1.1206(b). [↑](#footnote-ref-12)
13. 47 C.F.R. § 1.45(c). [↑](#footnote-ref-13)
14. *FCC* *Announces* *Change in* *Filing* *Location for* *Paper* *Documents*, Public Notice, 24 FCC Rcd 14312 (2009). [↑](#footnote-ref-14)
15. *Electronic Filing of Documents in Rulemaking Proceedings*, Report and Order, 13 FCC Rcd 11322 (1998). [↑](#footnote-ref-15)