



PUBLIC NOTICE

Federal Communications Commission
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DA 16-540

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SPRINT CORPORATION AND T-MOBILE USA, INC., SEEK FCC CONSENT TO THE ASSIGNMENTS OF PERSONAL COMMUNICATIONS SERVICE LICENSES

ULS File Nos. 0007106958, 0007106964, 0007106972, 0007106988, 0007106992, 0007106995,
0007106997, 0007106999, 0007128075, 0007128083, 0007128088, 0007128116, 0007128119,
0007128127, 0007128149, and 0007128154

PLEADING CYCLE ESTABLISHED

Petitions to Deny Due: June 3, 2016
Oppositions Due: June 10, 2016
Replies Due: June 17, 2016

I. INTRODUCTION

Sprint Corporation (Sprint), and T-Mobile USA, Inc. (T-Mobile, and together with Sprint, the Applicants), have filed applications pursuant to Section 310(d) of the Communications Act of 1934, as amended,¹ seeking the simultaneous assignments and exchanges of full and partitioned Personal Communications Service (PCS) licenses by and among certain wholly-owned subsidiaries of Sprint and T-Mobile.² The subject licenses cover geographic areas scattered throughout the country. The proposed transactions involve the transfer of spectrum; no customers or networks would be transferred.

According to the Applicants, the proposed transaction involves only intra-market exchanges of spectrum, and in most markets the attributable spectrum holdings of Sprint and T-Mobile would be unchanged. The Applicants indicate that the intra-market exchanges would allow for holding larger blocks of contiguous spectrum and/or aligning spectrum blocks with those already held in adjacent markets, which in turn should permit more reliable and efficient operations.

Our preliminary review of the applications indicates that the PCS spectrum implicated by the proposed transaction covers 166 counties in all or parts of 65 Cellular Market Areas (CMAs), covering approximately seven percent of the population of the United States in parts of Florida, Georgia, Idaho, Montana, New Mexico, North Carolina, New York, Ohio, Pennsylvania, South Carolina, Texas, Washington, and West Virginia.

Pre-transaction, across all the CMAs involved in these transactions, Sprint holds 44 megahertz to 220.5 megahertz of spectrum in total; post-transaction, Sprint would continue to hold 44 megahertz to 220.5 megahertz of spectrum in total. Our preliminary review indicates that in those counties in which Sprint would realize a net gain in its PCS spectrum holdings, it would hold a maximum of 210.5 megahertz of spectrum in total post-transaction. Sprint would newly trigger the spectrum screen in

¹ 47 U.S.C. § 310(d).

² The Sprint subsidiaries are: APC PCS, LLC, PhillieCo, LLC, SprintCom, Inc., and Wirelesco, LLC. The T-Mobile subsidiaries are: SunCom Wireless License Company, LLC and T-Mobile License LLC.

Sumter County in CMA 363 (Florida 4 – Citrus) and Columbia County in CMA 366 (Florida 7 – Hamilton), and would further increase its spectrum holdings that are currently already above the spectrum screen in an additional nine counties in parts of Florida.

Pre-transaction, T-Mobile holds 40 megahertz to 104.5 megahertz of spectrum across all the CMAs involved in these transactions; post-transaction, T-Mobile would hold 40 megahertz to 102 megahertz of spectrum in total. In those counties in which T-Mobile would realize a net gain in its PCS spectrum holdings, its spectrum holdings post-transaction would not trigger the total spectrum screen.

II. SECTION 310(d) APPLICATIONS

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

<u>File No.</u>	<u>Licensee/Assignor</u>	<u>Assignee</u>	<u>Lead Call Sign</u>
0007106958 ³	T-Mobile License LLC	Wirelessco, LLC	KNLH299
0007106964	SunCom Wireless License Company, LLC	SprintCom, Inc.	WPTD222
0007106972	T-Mobile License LLC	Wirelessco, LLC	KNLF480
0007106988	T-Mobile License LLC	SprintCom, Inc.	KNLF680
0007106992	T-Mobile License LLC	SprintCom, Inc.	KNLF222
0007106995	T-Mobile License LLC	PhillieCo, LLC	WPOJ792
0007106997	T-Mobile License LLC	PhillieCo, LLC	KNLF719
0007106999	T-Mobile License LLC	APC PCS, LLC	WQCS387
0007128075	SprintCom, Inc.	SunCom Wireless License Company, LLC	KNLH531
0007128083	APC PCS, LLC	T-Mobile License LLC	WPZR323
0007128088	PhillieCo, LLC	T-Mobile License LLC	WQHB680
0007128116	PhillieCo, LLC	T-Mobile License LLC	KNLF219
0007128119	SprintCom, Inc.	T-Mobile License LLC	KNLF523
0007128127	SprintCom, Inc.	T-Mobile License LLC	KNLH470
0007128149	Wirelessco, LLC	T-Mobile License LLC	KNLF211
0007128154	Wirelessco, LLC	T-Mobile License LLC	WPXG237

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

³ The Applicants have designated this the lead application.

⁴ 47 C.F.R. § 1.1200(a).

⁵ 47 C.F.R. § 1.1206.

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 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 **June 3, 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 **June 10, 2016**. Replies to such pleadings must be filed no later than **June 17, 2016**. All filings concerning matters referenced in this Public Notice should refer to ULS File Nos. 0007106958, 0007106964, 0007106972, 0007106988, 0007106992, 0007106995, 0007106997, 0007106999, 0007128075, 0007128083, 0007128088, 0007128116, 0007128119, 0007128127, 0007128149, and/or 0007128154, 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.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 Universal Licensing System (ULS) or by hand delivery to the Commission.

- **To file electronically,**¹¹ access ULS via the Internet at <http://wireless.fcc.gov/uls/> and click on the "Submit a Pleading" quick link, complete the administrative information, and upload the pleading.
- **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

⁶ 47 C.F.R. § 1.1206(b)(1).

⁷ *Id.*

⁸ 47 C.F.R. § 1.1206(b).

⁹ 47 C.F.R. § 1.45(c).

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

¹¹ *Electronic Filing of Documents in Rulemaking Proceedings*, Report and Order, 13 FCC Rcd 11322 (1998).

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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