



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

DA 16-541

Released: May 13, 2016

SPRINT CORPORATION AND CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS SEEK FCC CONSENT TO THE ASSIGNMENTS OF PERSONAL COMMUNICATIONS SERVICE LICENSES AND AN ADVANCED WIRELESS SERVICES LICENSE

ULS File Nos. 0007105233, 0007105234, 0007105235, 0007105236, 0007105277, 0007105304,
0007105307, 0007105309, 0007105362, 0007105366, 0007106318, 0007106322, 0007108323,
0007108331, 0007108346, 0007108370, 0007108687, 0007108782, 0007109469, 0007110250,
0007144644, 50003CWAA16, and 50004ALAA16

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 Cellco Partnership d/b/a Verizon Wireless (Verizon Wireless, 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 and a full Advanced Wireless Services (AWS-1) license by and among Verizon Wireless and certain subsidiaries of Sprint and Verizon Wireless.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, in many of the markets involved in the proposed transaction, equal amounts of spectrum would be exchanged and therefore the attributable spectrum holdings of Sprint and Verizon Wireless would be unchanged. The Applicants assert that the proposed spectrum exchanges would allow for holding larger blocks of contiguous spectrum, which in turn should permit more robust operations. In those markets where either Sprint or Verizon Wireless gains additional spectrum, the Applicants maintain that the proposed transaction would help meet the demands of their customers for broadband wireless services.

Our preliminary review of the applications indicates that the spectrum implicated by the proposed transaction covers 145 counties in all or parts of 59 Cellular Market Areas (CMAs), covering approximately five percent of the population of the United States, in parts of Alabama, Arkansas,

¹ 47 U.S.C. § 310(d).

² The Sprint subsidiaries are: PhillieCo, LLC, SprintCom, Inc., and Wirelesco, LLC. The Verizon Wireless subsidiaries are: Alltel Communications, LLC, New Par, Verizon Wireless Personal Communications LP, and Verizon Wireless Tennessee Partnership.

Delaware, Georgia, Hawaii, Illinois, Indiana, Maine, Maryland, Michigan, New Mexico, Ohio, Oklahoma, Texas, Virginia, West Virginia, and Wyoming.

Pre-transaction, across all the CMAs involved in these transactions, Sprint holds 41 megahertz to 225.5 megahertz of spectrum in total; post-transaction, Sprint would hold 41 megahertz to 230.5 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 230.5 megahertz of spectrum in total post-transaction. Sprint would further increase its spectrum holdings that are currently already above the spectrum screen in seven counties in all or parts of three CMAs – CMA 48 (Toledo, Ohio), CMA 585 (Ohio 1 – Williams), and CMA 586 (Ohio 2 – Sandusky) – in Ohio.

Pre-transaction, Verizon Wireless holds 72 megahertz to 137 megahertz of spectrum across all the CMAs involved in these transactions; post-transaction, Verizon Wireless would hold 72 megahertz to 142 megahertz of spectrum in total. In those counties in which Verizon Wireless would realize a net gain in its 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> |
|-------------------------|---|----------------------------|-----------------------|
| 0007105233 ³ | Alltel Communications, LLC | SprintCom, Inc. | KNLG571 |
| 0007105234 | Alltel Communications, LLC | Wirelessco, LLC | KNLG303 |
| 0007105235 | Cellco Partnership | SprintCom, Inc. | KNLF602 |
| 0007105236 | Cellco Partnership | SprintCom, Inc. | WPOJ838 |
| 0007105277 | Cellco Partnership | Wirelessco, LLC | KNLH289 |
| 0007105304 | Cellco Partnership | Wirelessco, LLC | WPOJ838 |
| 0007105307 | New Par | PhillieCo, LLC | WPOK675 |
| 0007105309 | New Par | SprintCom, Inc. | WPTB352 |
| 0007105362 | New Par | Wirelessco, LLC | KNLF487 |
| 0007105366 | New Par | Wirelessco, LLC | WPOK675 |
| 0007106318 | Verizon Wireless Personal Communications LP | SprintCom, Inc. | KNLF274 |
| 0007106322 | Verizon Wireless Tennessee Partnership | Wirelessco, LLC | WQDM397 |
| 0007108323 | PhillieCo, LLC | Cellco Partnership | KNLF219 |
| 0007108331 | SprintCom, Inc. | Alltel Communications, LLC | KNLH556 |
| 0007108346 | SprintCom, Inc. | Cellco Partnership | KNLF294 |
| 0007108370 | SprintCom, Inc. | New Par | KNLH246 |
| 0007108687 | SprintCom, Inc. | Cellco Partnership | KNLG226 |
| 0007108782 | Wirelessco, LLC | Alltel Communications, LLC | KNLF280 |

³ The Applicants have designated this the lead application.

| <u>File No.</u> | <u>Licensee/Assignor</u> | <u>Assignee</u> | <u>Lead Call Sign</u> |
|--------------------------|--------------------------|--|-----------------------|
| 0007109469 | Wirelessco, LLC | Cellco Partnership | KNLF927 |
| 0007110250 | Wirelessco, LLC | Verizon Wireless Tennessee Partnership | KNLF280 |
| 0007144644 | Wirelessco, LLC | Cellco Partnership | KNLF211 |
| 50003CWAA16 ⁴ | SprintCom, Inc. | Cellco Partnership | WPOJ712 |
| 50004ALAA16 ⁵ | SprintCom, Inc. | Cellco Partnership | KNLG675 |

III. *EX PARTE* STATUS OF THIS PROCEEDING

Pursuant to Section 1.1200(a) of the Commission's rules,⁶ 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.⁷

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.⁸ More than a one- or two-sentence description of the views and arguments presented is generally required.⁹ Other rules pertaining to oral and written presentations are set forth in Section 1.1206(b) as well.¹⁰

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. 0007105233, 0007105234, 0007105235, 0007105236, 0007105277, 0007105304, 0007105307, 0007105309, 0007105362, 0007105366, 0007106318, 0007106322, 0007108323, 0007108331, 0007108346, 0007108370, 0007108687, 0007108782, 0007109469, 0007110250, 0007144644, 50003CWAA16, and/or 50004ALAA16, 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

⁴ The Applicants filed this application by paper because, at the time of filing, the associated license was licensed to another party and was being assigned to SprintCom, Inc. This application is now available electronically.

⁵ The Applicants filed this application by paper because, at the time of filing, the associated licenses were licensed to another party and were being assigned to SprintCom, Inc. This application is now available electronically.

⁶ 47 C.F.R. § 1.1200(a).

⁷ 47 C.F.R. § 1.1206.

⁸ 47 C.F.R. § 1.1206(b)(1).

⁹ *Id.*

¹⁰ 47 C.F.R. § 1.1206(b).

their initial filings. New issues may not be raised in responses or replies.¹¹ 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,¹² 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,**¹³ 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 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) Linda Ray, Broadband Division, Wireless Telecommunications Bureau, at linda.ray@fcc.gov or (202) 418-7247 (facsimile); (3) Kate Matraves, Competition and Infrastructure Policy Division, Wireless Telecommunications Bureau, at catherine.matraves@fcc.gov or (202) 418-2643 (facsimile); and (4) 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.

¹¹ 47 C.F.R. § 1.45(c).

¹² *FCC Announces Change in Filing Location for Paper Documents*, Public Notice, 24 FCC Rcd 14312 (2009).

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

For further information, contact Scott Patrick, Mobility Division, Wireless Telecommunications Bureau, at (202) 418-2853, or Kate Mataves, Competition and Infrastructure Policy Division, Wireless Telecommunications Bureau, at (202) 391-6272.

-FCC-