



PUBLIC NOTICE

Federal Communications Commission
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DA 17-321
Released: April 5, 2017

**THE ALASKA WIRELESS NETWORK, LLC, AND NEXTEL WEST CORP. SEEK FCC
APPROVAL OF A LONG-TERM *DE FACTO* TRANSFER SPECTRUM LEASING
ARRANGEMENT INVOLVING 800 MHZ SMR LICENSES IN ALASKA**

WT Docket No. 17-63

PLEADING CYCLE ESTABLISHED

Petitions to Deny Due: April 26, 2017
Oppositions Due: May 3, 2017
Replies Due: May 10, 2017

I. INTRODUCTION

The Alaska Wireless Network, LLC, a wholly-owned subsidiary of GCI Communication Corp. (together with The Alaska Wireless Network, LLC, AWN), and Nextel West Corp., a wholly-owned indirect subsidiary of Sprint Corporation (Sprint, and together with AWN, the Applicants), have filed an application pursuant to Section 310(d) of the Communications Act of 1934, as amended,¹ seeking Commission approval of a long-term *de facto* transfer spectrum leasing arrangement. AWN would lease from Sprint spectrum under two 800 MHz SMR licenses covering Alaska.

The Applicants assert that this leasing arrangement would enhance AWN's ability to cover the vastness of Alaska more effectively, particularly in underserved and rural communities, while also allowing Sprint's customers to expand their ability to use mobile broadband services. The Applicants maintain that the propagation characteristics of 800 MHz SMR spectrum allow a service provider to provide service to a wider geographic area using fewer towers. According to the Applicants, for many rural Alaska communities, the implicated 800 MHz SMR spectrum can be used to extend that coverage further beyond the community borders, which they contend would increase coverage to isolated areas where access to service has been limited and would improve public safety communications.

Our preliminary review indicates that AWN would lease 14 megahertz of 800 MHz SMR spectrum covering the 29 boroughs/census areas in the four Cellular Market Areas (CMAs) in Alaska.² Post-transaction, AWN would be attributed with 176 megahertz to 211 megahertz of spectrum, including 51 megahertz to 76 megahertz of below-1-GHz spectrum in 29 boroughs/census areas.

¹ 47 U.S.C. § 310(d).

² CMA 187 (Anchorage); CMA 315 (Alaska 1 – Wade Hampton); CMA 316 (Alaska 2 – Bethel); and CMA 317 (Alaska 3 – Haines).

The *Mobile Spectrum Holdings Report and Order* requires that we treat any proposed increase in below-1-GHz spectrum holdings resulting in the acquiring entity holding approximately one-third or more of the suitable and available spectrum below 1 GHz as an “enhanced factor” in our case-by-case review.³ It further requires that, 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, the demonstration of the public interest benefits of the proposed transaction will need to clearly outweigh the potential public interest harms.⁴

As a result of the proposed leasing arrangement, AWN would be attributed with more than 45 megahertz of the 134 megahertz of currently suitable and available below-1-GHz spectrum in all 29 boroughs/census areas in these four CMAs in Alaska. In the Bethel census area in Alaska 2 – Bethel, AWN already holds 62 megahertz of below-1-GHz spectrum in parts of the census area, and, as a result of this proposed leasing arrangement, would increase its holdings to 76 megahertz of such spectrum.

II. SECTION 310(d) APPLICATION

The application for approval of a long-term *de facto* transfer spectrum leasing arrangement has the following file number:

| <u>File No.</u> | <u>Lessor</u> | <u>Lessee</u> | <u>Call Signs</u> |
|-----------------|-------------------|----------------------------------|--------------------|
| 0007583559 | Nextel West Corp. | The Alaska Wireless Network, LLC | WPOH412 WPOH413 |

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 long-term *de facto* transfer spectrum leasing application has 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.

³ *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 Rcd 6133, 6240, paras. 286-88 (2014) (*Mobile Spectrum Holdings Report and Order*), *recon. denied*, Order on Reconsideration, 30 FCC Rcd 8635 (2015).

⁴ *Id.*, 29 FCC Rcd at 6240, para. 287.

⁵ 47 CFR § 1.1200(a).

⁶ 47 CFR § 1.1206.

⁷ 47 CFR § 1.1206(b)(1).

⁸ *Id.*

⁹ 47 CFR § 1.1206(b).

Interested parties must file petitions to deny no later than **April 26, 2017**. 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 3, 2017**. Replies to such pleadings must be filed no later than **May 10, 2017**. All filings concerning matters referenced in this Public Notice should refer to WT Docket No. 17-63.

To allow the Commission to consider fully all substantive issues regarding the application 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 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., 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) Kathy Harris, Mobility Division, Wireless Telecommunications Bureau, at kathy.harris@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 application 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, S.W., Room CY-A257, Washington, D.C. 20554. The application also is available electronically through ULS, which may be accessed on the Commission's Internet website. To

¹⁰ 47 CFR § 1.45(c).

¹¹ *FCC Announces Change in Filing Location for Paper Documents*, Public Notice, 24 FCC Rcd 14312 (2009).

¹² *Electronic Filing of Documents in Rulemaking Proceedings*, Report and Order, 13 FCC Rcd 11322 (1998).

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 Kathy Harris, Mobility Division, Wireless Telecommunications Bureau, at (202) 418-0609, or Kate Mataves, Competition and Infrastructure Policy Division, Wireless Telecommunications Bureau, at (202) 391-6272.

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