



PUBLIC NOTICE

Federal Communications Commission
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DA 17-59

Released: January 13, 2017

**AT&T INC. AND T-MOBILE USA, INC., SEEK FCC CONSENT TO THE ASSIGNMENT OF
PERSONAL COMMUNICATIONS SERVICE AND ADVANCED WIRELESS SERVICES
LICENSES**

WT Docket No. 17-20

PLEADING CYCLE ESTABLISHED

Petitions to Deny Due: February 3, 2017
Oppositions Due: February 10, 2017
Replies Due: February 17, 2017

I. INTRODUCTION

AT&T Inc. (AT&T) and T-Mobile USA, Inc. (T-Mobile, and together with AT&T, the Applicants), have filed applications pursuant to Section 310(d) of the Communications Act of 1934, as amended,¹ seeking Commission consent to the simultaneous assignments and exchanges of full and partitioned Personal Communications Service (PCS), Advanced Wireless Services (AWS-1), and Advanced Wireless Services (AWS-3) licenses by and among certain subsidiaries of AT&T 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.

The Applicants assert that the proposed transaction would enable more efficient operations that would help meet the demands of their customers for broadband wireless services. In the markets that are the subject of an intra-market exchange of the same amounts of spectrum, the Applicants claim that the proposed assignments would allow the service providers to make more efficient use of their spectrum by providing materially larger blocks of contiguous spectrum in the PCS and AWS bands. In the other markets that are the subject of an inter-market exchange or an intra-market exchange where one service provider is acquiring more spectrum than it is assigning, the Applicants assert the assignments will augment the spectrum holdings of the assignees, expanding capacity and thereby benefiting consumers.

Our preliminary review of the applications indicates that the spectrum implicated by the proposed transaction covers 107 counties in all or parts of 54 Cellular Market Areas (CMAs). Overall, the spectrum to be assigned or exchanged covers approximately 15 million people, or approximately 5 percent of the population of the United States, in parts of Arizona, California, Florida, Georgia, Idaho,

¹ 47 U.S.C. § 310(d).

² The T-Mobile subsidiaries are T-Mobile License LLC, Powertel Memphis Licenses, Inc., and SunCom Wireless License Company, LLC. The AT&T entities are New Cingular Wireless PCS, LLC, AT&T Mobility Spectrum LLC (both of which are wholly-owned indirect AT&T subsidiaries), and Northeastern Georgia RSA Limited Partnership (which is majority-owned and controlled by AT&T).

Indiana, Iowa, Kansas, Kentucky, Montana, Nebraska, New Hampshire, New Mexico, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Texas, Utah, and Virginia.

Pre-transaction, across all the CMAs involved in this transaction, AT&T holds 66 megahertz to 176 megahertz of spectrum in total; post-transaction, AT&T would hold 76 megahertz to 181 megahertz of spectrum in total. In those counties in which AT&T would realize a net gain in its spectrum holdings, its spectrum holdings post-transaction would not trigger the total spectrum screen.

Pre-transaction, across all the CMAs involved in this transaction, T-Mobile holds 20 megahertz to 102 megahertz of spectrum; post-transaction, T-Mobile would hold 30 megahertz to 102 megahertz of spectrum in total. In those counties in which T-Mobile would realize a net gain in its spectrum holdings, its spectrum holdings post-transaction would not trigger the total spectrum screen.

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>
0007444755	T-Mobile License LLC	New Cingular Wireless PCS, LLC	KNLF202
0007445056	T-Mobile License LLC	New Cingular Wireless PCS, LLC	KNLF962
0007445070	T-Mobile License LLC	AT&T Mobility Spectrum LLC	KNLG484
0007445100	T-Mobile License LLC	AT&T Mobility Spectrum LLC	WQBY723
0007445131	T-Mobile License LLC	Northeastern Georgia RSA Limited Partnership	WPUD907
0007445159	SunCom Wireless License Company, LLC	AT&T Mobility Spectrum LLC	WQTL238
0007445171	Powertel Memphis Licenses, Inc.	New Cingular Wireless PCS, LLC	WQQQ250
0007445579	AT&T Mobility Spectrum LLC	T-Mobile License LLC	KNLG561
0007445581	AT&T Mobility Spectrum LLC	T-Mobile License LLC	KNLF253
0007445596	AT&T Mobility Spectrum LLC	SunCom Wireless License Company, LLC	WQGV776
0007445606	AT&T Mobility Spectrum LLC	T-Mobile License LLC	KNLF253
0007445607	AT&T Mobility Spectrum LLC	T-Mobile License LLC	WQMJ897
0007445616	AT&T Mobility Spectrum LLC	T-Mobile License LLC	WQMJ897
0007445628	New Cingular Wireless PCS, LLC	T-Mobile License LLC	WPOK627
0007445661	New Cingular Wireless PCS, LLC	T-Mobile License LLC	KNLF212
0007445691	New Cingular Wireless PCS, LLC	SunCom Wireless License Company, LLC	KNLF212
0007445756	New Cingular Wireless PCS, LLC	Powertel Memphis Licenses, Inc.	KNLF460
0007445762	Northeastern Georgia RSA Limited Partnership	T-Mobile License LLC	WQFU963
0007445924	T-Mobile License LLC	AT&T Mobility Spectrum LLC	WQVP369

<u>File No.</u>	<u>Licensee/Assignor</u>	<u>Assignee</u>	<u>Lead Call Sign</u>
0007445930	T-Mobile License LLC	AT&T Mobility Spectrum LLC	WQVP369
0007445934	T-Mobile License LLC	AT&T Mobility Spectrum LLC	WQGG894
0007445935	T-Mobile License LLC	AT&T Mobility Spectrum LLC	WQGG894
0007448081	Powertel Memphis Licenses, Inc.	New Cingular Wireless PCS, LLC	WPOK615
0007450977	T-Mobile License LLC	New Cingular Wireless PCS, LLC	WPUD907
0007456235	AT&T Mobility Spectrum LLC	T-Mobile License LLC	WPTI759
0007611968	AT&T Mobility Spectrum LLC	T-Mobile License LLC	WQMC352
50008CWAA16	SunCom Wireless License Company LLC	New Cingular Wireless PCS, LLC	KNLH531

III. *EX PARTE* STATUS OF THIS PROCEEDING

Pursuant to Section 1.1200(a) of the Commission's rules,³ 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.⁴

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.⁵ More than a one- or two-sentence description of the views and arguments presented is generally required.⁶ Other rules pertaining to oral and written presentations are set forth in Section 1.1206(b) as well.⁷

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 **February 3, 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 **February 10, 2017**. Replies to such pleadings must be filed no later than **February 17, 2017**. All filings concerning matters referenced in this Public Notice should refer to WT Docket No. **17-20**.

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.⁸ A party or interested

³ 47 CFR § 1.1200(a).

⁴ 47 CFR § 1.1206.

⁵ 47 CFR § 1.1206(b)(1).

⁶ *Id.*

⁷ 47 CFR § 1.1206(b).

⁸ 47 CFR § 1.45(c).

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,⁹ 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,**¹⁰ 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) Kathy Harris, Mobility Division, Wireless Telecommunications Bureau, at kathy.harris@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 Mataves, Competition and Infrastructure Policy Division, Wireless Telecommunications Bureau, at catherine.mataves@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.

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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⁹ *FCC Announces Change in Filing Location for Paper Documents*, Public Notice, 24 FCC Rcd 14312 (2009).

¹⁰ *Electronic Filing of Documents in Rulemaking Proceedings*, Report and Order, 13 FCC Rcd 11322 (1998).