



PUBLIC NOTICE

Federal Communications Commission
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DA 20-1384

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**CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS AND BLUEGRASS CELLULAR INC.
SEEK FCC CONSENT TO THE ASSIGNMENT OF LICENSES FOR 600 MHZ, 700 MHZ,
CELLULAR, PERSONAL COMMUNICATIONS SERVICE, UPPER MICROWAVE FLEXIBLE
USE SERVICE, AND MICROWAVE SERVICE HELD BY BLUEGRASS TO VERIZON
WIRELESS**

WT Docket No. 20-387

PLEADING CYCLE ESTABLISHED

Petitions to Deny Due: December 10, 2020
Oppositions Due: December 21, 2020
Replies Due: December 29, 2020

I. INTRODUCTION

Cellco Partnership d/b/a Verizon Wireless (Verizon Wireless) and Bluegrass Cellular Inc. (together with its affiliates, Bluegrass)¹ have filed applications pursuant to section 310(d) of the Communications Act of 1934, as amended,² seeking to assign 600 MHz, 700 MHz, Cellular, Personal Communications Service (PCS), Upper Microwave Flexible Use Service (UMFUS), and common carrier fixed point-to-point microwave licenses held by Bluegrass to Verizon Wireless.³ The subject licenses cover parts of Indiana, Kentucky, and Tennessee. In addition to the license assignments, Verizon Wireless is acquiring from Bluegrass approximately 220,000 wireless subscribers and substantially all of Bluegrass's network assets and facilities.

Verizon Wireless and Bluegrass (together, the Applicants) state that the transaction will allow Verizon Wireless to expand its service into parts of these markets for the first time and provide additional spectrum capacity in the remaining areas, which will help Verizon Wireless meet the demands of its customers.⁴ The Applicants assert that there will be no loss or reduction in service for Bluegrass customers and that the customers will be informed that, while they may continue service on similar terms

¹ Assignors are Bluegrass Cellular Inc. (Bluegrass Cellular), Bluegrass Wireless LLC (Bluegrass Wireless), KY RSA #3 Cellular General Partnership (KY 3), Kentucky RSA 4 Cellular General Partnership (KY 4), and Cumberland Cellular Partnership (Cumberland, and together with Bluegrass Cellular, Bluegrass Wireless, KY 3, and KY 4, are collectively referred to as Bluegrass).

² 47 U.S.C. § 310(d).

³ Bluegrass is currently attributed with 22 megahertz of 700 MHz spectrum and 40 megahertz of AWS-1 spectrum that it leases from Verizon in the following Cellular Market Areas (CMAs): KY 3 – Meade, KY 4 – Spencer, and KY 5 – Barren.

⁴ Applicants' Description of Transaction and Public Interest Statement, ULS File No. 0009262037, 1 (filed Oct. 16, 2020).

and conditions with Verizon Wireless, they are not obligated to do so.⁵

Our preliminary review of the spectrum exhibit submitted by the Applicants indicates that, as a result of the proposed transaction, Verizon Wireless would acquire an additional 10 megahertz to 74 megahertz of low- and mid-band spectrum in 68 counties covering all or parts of 11 CMAs in Indiana, Kentucky, and Tennessee. Post-transaction, Verizon Wireless would hold a maximum of 161 megahertz of spectrum, including up to 81 megahertz of below-1-GHz spectrum across parts of these geographic areas.⁶ In addition, Verizon Wireless would acquire 200 to 1,150 megahertz of millimeter-wave spectrum across parts of the counties.⁷ Post-transaction, Verizon Wireless would hold between 1,300 to 2,150 megahertz of millimeter-wave spectrum across all or parts of the CMAs.

II. SECTION 310(D) APPLICATIONS

The applications for the assignment of licenses from Bluegrass to Verizon Wireless have been assigned the following file numbers:

<u>File No.</u>	<u>Licensee/Assignor</u>	<u>Assignee</u>	<u>Lead Call Sign</u>
0009262037	Bluegrass Cellular Inc.	Cellco Partnership	WPWU918
0009262040	Bluegrass Wireless LLC	Cellco Partnership	WPOK618
0009262182	Cumberland Cellular Partnership	Cellco Partnership	KNKN814
0009262184	Kentucky RSA 3 Cellular General Partnership	Cellco Partnership	KNKN867
0009262187	Kentucky RSA 4 Cellular General Partnership	Cellco Partnership	KNKN795

III. EX PARTE STATUS OF THIS PROCEEDING

Pursuant to section 1.1200(a) of the Commission's rules,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

⁵ Applicants' Description of Transaction and Public Interest Statement, ULS File No. 0009262037, 1 (filed Oct. 16, 2020).

⁶ 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. *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 6133, 6240, paras. 286-88 (2014) (*Mobile Spectrum Holdings Report and Order*), *recon. denied*, Order on Reconsideration, 30 FCC Rcd 8635 (2015).

⁷ The Commission adopted a separate threshold for high-band (i.e., millimeter-wave) spectrum holdings, with an associated trigger of 1,850 megahertz, as an initial analytical tool to aid in identifying certain markets for further review in proposed secondary market transactions. *Use of Spectrum Bands Above 24 GHz for Mobile Radio Services et al.*, GN Docket No. 14-177, Second Report and Order, Second Further Notice of Proposed Rulemaking, Order on Reconsideration, and Memorandum Opinion and Order, 32 FCC Rcd 10988, 11011, para. 74 (2017); *see also Use of Mobile Spectrum Bands Above 24 GHz For Mobile Radio Services et al.*, GN Docket No. 14-177, Report and Order and Further Notice of Proposed Rulemaking, 31 FCC Rcd 8014, 8083-84, paras. 188-189 (2016).

⁸ 47 CFR § 1.1200(a).

⁹ 47 CFR § 1.1206.

Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

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 **December 10, 2020**. 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 **December 21, 2020**. Replies to such pleadings must be filed no later than **December 29, 2020**. All filings concerning matters referenced in this Public Notice should refer to WT Docket No. 20-387.

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.

Submissions in this matter may be filed electronically (*i.e.*, through ECFS) or by filing paper copies.

- Electronic Filers: Submissions may be filed electronically using the Internet by accessing the ECFS: <http://apps.fcc.gov/ecfs/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing.

¹⁰ 47 CFR § 1.45(c).

- Filings can be sent by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701. U.S. Postal Service first-class, Express, and Priority mail must be addressed to 45 L Street NE Washington, DC 20554.
- Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand or messenger delivered filings. This is a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID-19. *See* FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy, Public Notice, 35 FCC Rcd 2788 (OMD 2020). <https://www.fcc.gov/document/fcc-closes-headquarters-open-window-and-changes-hand-delivery-policy>.
- During the time the Commission's building is closed to the general public and until further notice, if more than one docket or rulemaking number appears in the caption of a proceeding, paper filers need not submit two additional copies for each additional docket or rulemaking number; an original and one copy are sufficient.

One copy of each pleading, *ex parte* submission, or other filing must be delivered electronically, by email, to: (1) Kathy Harris, Mobility Division, Wireless Telecommunications Bureau, at Kathy.Harris@fcc.gov; (2) Linda Ray, Broadband Division, Wireless Telecommunications Bureau, at Linda.Ray@fcc.gov; (3) Stacy Ferraro, Competition and Infrastructure Policy Division, Wireless Telecommunications Bureau, at Stacy.Ferraro@fcc.gov; and (4) Pam Megna, Industry Analysis Division, Office of Economics and Analytics, at Pam.Megna@fcc.gov. Any submission emailed to these individuals should include in the subject line of the email: (1) WT Docket No. 20-387; (2) the name of the submitting party; and (3) a brief description or title identifying the type of document being submitted.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (TTY).

For further information, contact Stacy Ferraro, Competition and Infrastructure Policy Division, Wireless Telecommunications Bureau, at Stacy.Ferraro@fcc.gov or (202) 418-0795, or Pam Megna, Industry Analysis Division, Office of Economics and Analytics, at Pam.Megna@fcc.gov or (202) 418-0482.

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