



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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Report No. TEL-00996NS

Friday February 10, 2006

NON STREAMLINED INTERNATIONAL APPLICATIONS ACCEPTED FOR FILING

Section 214 Applications (47 C.F.R. § 63.18); Authorize Switched Services over Private Lines (47 C.F.R. § 63.16) and Section 310(b)(4)

Unless otherwise specified, the following procedures apply to the applications listed below:

The applications listed below have been found, upon initial review, to be acceptable for filing. These applications are not subject to the streamlined processing procedures set forth in Section 63.12 of the Commission's rules, 47 C.F.R. § 63.12. These applications shall not be deemed granted until the Commission affirmatively acts upon the application, either by public notice or by written order. Operation for which authorization is sought may not commence except in accordance with any terms or conditions imposed by the Commission.

Unless otherwise specified, interested parties may file comments with respect to these applications within 28 days of the date of this public notice. We request that such comments refer to the application file number shown below. No application listed below shall be granted by the Commission earlier than the day after the date specified in this public notice for the filing of comments.

Unless otherwise specified, ex parte communications between outside parties and Commission staff concerning these applications are permitted subject to the Commission's rules for "permit-but-disclose proceedings." See 47 C.F.R. § 1.1206.

Copies of all applications listed here are available for public inspection in the FCC Reference and Information Center, located in room CY-A257 at the Portals 2 building, 445 12th Street SW, Washington DC 20554. The center can be contacted at (202) 418-0270. 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). All applications listed are subject to further consideration and review, and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

Petition for Declaratory Ruling

Vista PCS, LLC ("Vista" or "Petitioner"), a winning bidder of certain broadband PCS licenses in Auction No. 58, see DA 05-459, requests that the Commission find permissible indirect foreign ownership of Vista in excess of the 25 percent benchmark set forth in Section 310(b)(4) of the Communications Act of 1934, as amended.

According to the Petitioner, Vista, a Delaware limited liability company, is owned as follows: Valley Communications, LLC ("Valley"), a Delaware limited liability company (20% of membership units), and Celco Partnership d/b/a Verizon Wireless ("Verizon Wireless"), a Delaware general partnership (80% of membership units). Ninety four percent of Valley is held by the Dwyer Nevada Family Limited Partnership - a Nevada limited partnership - which, in turn, is controlled by James A. Dwyer, a U.S. citizen. See ULS File No. 0002069013. Mr. Dwyer is also the sole controlling member of Valley. Verizon Wireless, which holds an 80 percent interest in Vista, is a general partnership that is ultimately owned by Verizon Communications, Inc. (55%) and Vodafone Group Plc. (45%). The Petitioner notes that Vodafone has previously received authorization to hold indirectly up to 65.1 percent of Verizon Wireless. See Vodafone AirTouch Plc and Bell Atlantic Corporation, Memorandum Opinion and Order, 15 FCC Rcd 16507, 16514, paragraph 19 (Wireless Tel. Bur. & Int'l. Bur. 2000). Given Verizon Wireless's ownership interest in Vista, Vista seeks a declaratory ruling allowing Vodafone to hold indirectly up to 65.1 percent of Vista.

The Petitioner asserts that, pursuant to the rules and policies established by the Commission's Foreign Participation Order, 12 FCC Rcd 23891 (1997), modified by Order on Reconsideration, 15 FCC Rcd 18158 (2000), the indirect foreign ownership of Vista in excess of the 25 percent benchmark in Section 310(b)(4) of the Act is consistent with the public interest.

Interested parties may file comments by February 24, 2006 and reply comments by March 3, 2006.

REMINDER:

Applicants must certify that neither the applicant nor any party to the application is subject to a denial of federal benefits by federal and/or state courts under authority granted in 21 U.S.C. § 862. See 47 C.F.R. §§ 1.2001–.2003.

An updated version of Section 63.09-.25 of the rules, and other related sections, is available at <http://www.fcc.gov/ib/pd/pf/telecomrules.html>