

STATEMENT OF
COMMISSIONER ROBERT M. MCDOWELL
CONCURRING IN PART

RE: Applications of Cellco Partnership d/b/a Verizon Wireless and Atlantis Holdings LLC For Consent to Transfer Control of Licenses, Authorizations, and Spectrum Manager and *De Facto* Transfer Leasing Arrangements, WT Docket No. 08-95; Petition for Declaratory Ruling that the Transaction is Consistent with Section 310(b)(4) of the Communications Act, File No. ISP-PDR-20080613-00012, *Memorandum Opinion and Order and Declaratory Ruling*, FCC 08-258

I am voting to approve this order because I am satisfied that the spectrum divestitures set forth in the order essentially enforce the same limits on consolidation that we have applied since the Commission adopted its case-by-case approach to evaluating proposed mobile transactions. Accordingly, the parties have voluntarily taken steps to prevent consolidation in individual markets from advancing to a point that may threaten competition and potentially harm consumers. I am particularly pleased that the transaction has the potential to benefit customers in rural America by enabling Verizon Wireless to bring its technical expertise and commitment to deploying cutting-edge, high speed wireless broadband technology to these areas.

With respect to roaming obligations, I am pleased by Verizon Wireless's commitment to keep in place for four years its current roaming rates. The company has also agreed to keep the rates set forth in Alltel's existing agreements with each non-nationwide carrier for the full term of a current agreement, or for four years from the closing date of this transaction, whichever occurs later. I support this condition because it is limited in scope and merger-specific. For the same reason, I am glad we have taken this opportunity to opine on the protections afforded to all carriers pursuant to sections 201, 202 and 208 of the Communications Act. Going forward, carriers requiring roaming now have more legal clarity should they need to avail themselves of the Commission's complaint process.

On the other hand, I can only concur to the universal service condition imposed here. First, this condition is not merger-specific. In addition, while I may agree with some of the universal service policies contained in this order, I see no need to potentially prejudice the Commission's ongoing rulemaking on this important matter. This is especially the case given that I, along with three of my colleagues, have made public our commitment to wrap up our work on universal service reform no later than December 18, 2008. Moreover, the text of today's order is unclear as to whether our action today would be superseded by action in the universal service proceeding.

Nonetheless, I am please to support the overall order. Many thanks to the bureaus and my colleagues for their work on this matter.

