



# NEWS

**Federal Communications Commission**  
445 12<sup>th</sup> Street, S.W.  
Washington, D. C. 20554

News Media Information 202 / 418-0500  
Internet: <http://www.fcc.gov>  
TTY: 1-888-835-5322

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This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action.  
See MCI v. FCC, 515 F 2d 385 (D.C. Circ 1974).

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**NEWS MEDIA CONTACT:**  
Rick Kaplan, (202) 418-2100  
Email: [Rick.Kaplan@fcc.gov](mailto:Rick.Kaplan@fcc.gov)

## **STATEMENT OF COMMISSIONER MIGNON L. CLYBURN ON THE WIRELESS TELECOMMUNICATIONS BUREAU'S CONSENT TO THE TRANSFER OF LICENSES FROM VERIZON WIRELESS TO ATLANTIC TELE-NETWORK**

This proceeding, which led to the Wireless Telecommunications Bureau approving Verizon Wireless' request, in June 2009, to divest spectrum licenses and assets to Atlantic Tele- Network, is Exhibit A why the Commission must review the way in which it provides guidance and the substance of its guidance to divesting licensees. If the Commission does not take a hard look at how we approach such divestitures, we undoubtedly will squander golden opportunities to open up the wireless landscape to new entrants and small businesses that can provide competition and bring a new spirit to the wireless world.

The properties the Commission ordered Verizon Wireless to divest in this proceeding are worth billions of dollars. They also provide a rare, and promising, opportunity for new entrants and smaller wireless service providers to acquire assets and provide competitive alternatives to larger carriers. As such, various parties had asked the Commission to impose conditions requiring a process that would ensure regional, local, or new wireless providers have a meaningful opportunity to acquire the divested assets. Rather than imposing such conditions, however, the Commission chose instead merely to "encourage" Verizon Wireless to consider and implement mechanisms to assist such providers, new entrants, small businesses, and businesses owned by minorities or socially disadvantaged groups in acquiring the divested assets.

It is clear that by simply "encouraging" Verizon Wireless to affirmatively take actions that would further the Commission's longstanding goals in this arena, the Commission issued an order with limited teeth on this score. Without any affirmative directive regarding the specific ways in which Verizon Wireless should assist regional, local, and rural wireless providers, new entrants, small businesses, and businesses owned by minorities or socially disadvantaged groups in seeking to acquire Divestiture Assets, the Commission circumscribed its ability to foster a positive environment for these entities.

Further complicating matters is that Verizon Wireless and the U.S. Department of Justice (DOJ) entered into a consent decree that suggests Verizon Wireless should seek to divest to

strong business entities with the ability to compete effectively in providing wireless communications services. It appears that Verizon Wireless had limited or no guidance about what procedures it should implement to reconcile the Commission's and DOJ's potentially discordant goals. There also was no process established through which Verizon Wireless could approach the Commission with any questions it might have nor was there guidance suggesting that the Commission should monitor the divestiture process to ensure compliance with the goals in its divestiture order.

In my view, it is time we address these important concerns in order to effectuate our stated aims. It is important that we have a process that is clear, that is coordinated across government, and that enables new entrants and small businesses to have a realistic opportunity to enjoy the fruits of such divestitures. I look forward to working with my colleagues and the Bureau in order to ensure a more robust process in the future.