



NEWS

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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. Cir. 1974).

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FCC CHAIRMAN JULIUS GENACHOWSKI ANNOUNCES INCREASED COORDINATION WITH DEPARTMENT OF JUSTICE FOR MERGER REVIEW

Washington, D.C.: Today, Federal Communications Commission (FCC) Chairman Julius Genachowski announced that FCC staff has begun consultations with staff of the Antitrust Division of the Department of Justice (DOJ) about how the two agencies can apply their different statutory standards to wireless merger divestitures in a more coordinated manner.

In April 2010, the Wireless Telecommunications Bureau approved Verizon Wireless's divestitures to Atlantic Tele-Network in connection with Verizon Wireless's acquisition of ALLTEL.¹ It was noted at the time that, while the Commission encouraged procedures to facilitate Verizon Wireless's transaction-related divestiture of certain properties to entities such as small businesses and new entrants, DOJ's consent decree in the Verizon Wireless/ALLTEL transaction emphasized the importance of divesting to a strong competitor. In a separate statement commenting on the Bureau's approval, Commissioner Clyburn observed 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."²

Because DOJ and FCC have overlapping jurisdiction for review of proposed communication mergers, the two agencies work together when reviewing proposed transactions and have recently taken several steps to strengthen that coordination. Today's announcement makes clear that divestiture issues will be an important part of this ongoing process.

Chairman Genachowski said, "Increased coordination between DOJ and the FCC on divestitures will benefit small businesses, new entrants and all parties to merger transactions. I am particularly grateful to Commissioner Clyburn for highlighting this issue, and for her focus on, insight into and contributions to ensuring our progress in this area."

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¹ See, FCC News Release, 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 (Apr. 20, 2010), available at http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-297636A1.pdf.

² *Id.*