



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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Report No. TEL-01639NS

Monday October 28, 2013

Non Streamlined International Applications/Petitions 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

T-Mobile US, Inc. ("T-Mobile US"), on behalf of its subsidiaries and affiliates holding common carrier radio licenses ("Joint Petitioners"), has filed a petition with the Commission for a declaratory ruling ("Petition") pursuant to section 310(b)(4) of the Communications Act of 1934, as amended, 47 U.S.C. § 310(b)(4), and section 1.990(a)(1) of the Commission's rules, 47 C.F.R. § 1.990(a)(1), that it would not serve the public interest to prohibit more than 25 percent foreign ownership in T-Mobile US, a Delaware corporation. The Petition is being filed in connection with an internal corporate reorganization that will result in the insertion of a new direct parent company, Deutsche Telekom Holding B.V. ("DT Holding B.V."), into T-Mobile US's ownership chain. DT Holding B.V. is a limited liability company organized in the Netherlands. T-Mobile US states that there will be no additional changes to T-Mobile US's ownership structure.

T-Mobile US states that the Commission recently reviewed and approved the current ownership structure of and foreign interests in T-Mobile US in the DT/MetroPCS Order, 28 FCC Rcd 2322, 2359 (2013). T-Mobile US is majority owned (74%) and controlled by T-Mobile Global Holding GmbH ("T-Mobile Holding"), a limited liability company organized in Germany. T-Mobile Holding is wholly owned and controlled by T-Mobile Global Zwischenholding GmbH ("T-Mobile Global"), a German limited liability company that is, in turn, wholly owned and controlled by Deutsche Telekom AG ("DT"), a publicly-traded German corporation. Two shareholders hold a ten percent or greater equity and/or voting interest in DT: (1) the Federal Republic of Germany ("FRG") holds approximately a 15 percent direct equity and voting interest in DT, and (2) Kreditanstalt für Wiederaufbau ("KfW") - a German bank that is 80 percent owned by the FRG and 20 percent owned by the German federal states - holds a 17 percent direct equity and voting interest in DT.

As noted above, DT has decided to implement an internal corporate reorganization to streamline and simplify its corporate structure. Pursuant to this reorganization, T-Mobile Holding will contribute all its shares of T-Mobile US to DT Holding B.V., a wholly-owned subsidiary of T-Mobile Holding. Following the transaction, DT Holding B.V. will hold the 74 percent direct interest in T-Mobile US. Because DT Holding B.V. was not specifically approved as part of the DT/MetroPCS Order, T-Mobile US, on behalf of the Joint Petitioners, seeks specific approval for the insertion of DT Holding B.V. into the vertical ownership chain of T-Mobile US.

In addition, pursuant to the new rules adopted in the Foreign Ownership Second Report and Order, FCC 13-50, 28 FCC Rcd 5741 (2013), 78 Fed. Reg. 41314 (July 10, 2013), T-Mobile US, on behalf of the Joint Petitioners, requests that the Commission's declaratory ruling include all authority available under the new rules, including the standard terms and conditions set forth in section 1.994 of the rules. In addition, it requests that the ruling specifically permit: (1) the specific foreign entities with a non-controlling interest in T-Mobile US, as described in the Petition (i.e., KfW and FRG), to increase their equity and/or voting interests, at some future time, up to and including a non-controlling indirect 49.99 percent equity and/or voting interest; and (2) the specific foreign entities with a controlling interest in T-Mobile US (i.e., DT Holding B.V., T-Mobile Holding, T-Mobile Global, and DT) to increase their interests, at some future time, up to and including 100 percent of T-Mobile US's equity and/or voting interests. T-Mobile US states that the Commission has previously granted such authority for all of these controlling interest holders, with the exception of DT Holding B.V.

T-Mobile US, DT, and all intermediate owners of T-Mobile US affirm that they are subject to a Network Security Agreement, originally entered into as of January 12, 2001 (appended to the DT/VoiceStream Order, 16 FCC Rcd 9779 (2001)), first modified as of February 22, 2008 (appended to the T-Mobile/SunCom Order, 23 FCC Rcd 2515 (2008)), and recently modified as of March 5, 2013 (appended to the DT/MetroPCS Order, 28 FCC Rcd 2322 (2013)). DT Holding B.V. agrees that once the proposed transaction closes, it will also be subject to the existing Network Security Agreement.

T-Mobile US states that grant of its Petition will serve the public interest by facilitating foreign investment in a U.S. telecommunications company that will allow expanded and improved service to U.S. consumers.

Interested parties may file comments on or before November 12, 2013, and reply comments on or before November 19, 2013.

International Telecommunications Certificate

Service(s): Global or Limited Global Resale Service

Application for authority to provide resale service in accordance with section 63.18(e)(2) of the Commission's rules, 47 C.F.R. § 63.18(e)(2).

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>