



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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Monday November 4, 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

Iowa Wireless Services Holding Corporation ("Iowa Wireless" or "Petitioner"), a common carrier wireless licensee, 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 its 100% parent company, Iowa Wireless Services, LLC ("IWS-LLC"). The Petition is being filed in connection with an internal corporate reorganization within the vertical ownership chain of VoiceStream PCS I Iowa Corporation ("VoiceStream PCS"), which is one of two members of IWS-LLC. The reorganization will result in the insertion of a new foreign-organized holding company, Deutsche Telekom Holding B.V. ("DT Holding B.V."), into the ownership chain of VoiceStream PCS and, in turn, of IWS-LLC and Iowa Wireless. DT Holding B.V. is a limited liability company organized in the Netherlands. Iowa Wireless states that there will be no additional changes to Iowa Wireless's ownership structure, which the Commission has previously approved pursuant to section 310(b)(4) of the Act. See, e.g., Iowa Wireless Services Holding Corporation, Petition for Declaratory Ruling, Public Notice, 21 FCC Rcd 14739 (2006) (authorizing foreign ownership of IWS-LLC by Deutsche Telekom (and its German shareholders) and by named DT subsidiaries up to and including 60 percent equity and voting interests).

Iowa Wireless and IWS-LLC are both organized in Delaware. According to the Petition, IWS-LLC's membership interests are held as follows: INS Wireless, Inc., a U.S.-organization corporation, holds a 46% equity and managing member interest; VoiceStream PCS, also a U.S.-organized corporation, holds a 54% equity and non-managing member interest. INS Wireless, Inc. is wholly owned and controlled by Iowa Network Services, Inc., a U.S.-organized company. VoiceStream PCS is wholly owned and controlled by T-Mobile USA, Inc., which is, in turn, wholly owned and controlled by T-Mobile US, Inc. ("T-Mobile US"), both of which are organized in the United States.

The Petitioner 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.

Petitioner explains that, under a planned internal corporate reorganization to streamline and simplify DT's corporate structure, 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, Iowa Wireless now seeks specific approval for the insertion of DT Holding B.V. into its vertical ownership chain.

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), Iowa Wireless 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. Iowa Wireless also 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 in T-Mobile US; 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. Iowa Wireless states that the Commission has previously granted such authority for all of these controlling interest holders, with the exception of DT Holding B.V.

Iowa Wireless does not seek approval in the instant Petition to increase the amount of indirect foreign ownership in Iowa Wireless permissible under the Commission's prior declaratory rulings. It asserts 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 19, 2013, and reply comments on or before November 26, 2013.

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>