

**DISSENTING STATEMENT OF
COMMISSIONER MICHAEL J. COPPS**

Re: AT&T Mobility II LLC and Aloha Spectrum Holdings Company LLC Seek FCC Consent for Assignment of Licenses and Authorizations

Today's decision authorizes the transfer of licenses for 12 MHz of extremely valuable spectrum in the 700 MHz band, covering 196 million Americans, to the nation's largest wireless carrier. It affects 72 of the top 100 markets in the United States—and every single one of the top 10 markets. By any measure, it represents an important development in the wireless marketplace—a marketplace that has seen round after round of consolidation in recent years.

Most unfortunately, today's order contains only an extremely abbreviated analysis of the competitive effects of this change in ownership. Instead, we have a rush to judgment that seems hard to square with the FCC's statutory duty to promote competition in the wireless marketplace and diverse ownership of spectrum licenses.

To begin with, the Order applies the Commission's faulty new 95 MHz spectrum screen—a figure that (as I argued in greater detail in my dissent to another spectrum acquisition this fall) is based on sloppy math and inaccurate assumptions. And even though today's Order concedes that this transaction will cause the applicant to *exceed* the far-too-generous 95 MHz figure in 11 different locations across the country, it requires no divestiture or remedy of any sort to temper the effects of this acquisition on wireless competition. Our license transfer orders also traditionally analyze the public interest benefits of a transaction—but not this one, which is largely silent on the issue.

Because today's hasty decision seems destined to reduce competition and diversity in the wireless marketplace, and because I see little demonstration of countervailing benefits and precious little serious analysis of any sort, I must respectfully dissent.