



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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DA 12-1431
Released: August 31, 2012

AT&T SEEKS FCC CONSENT TO THE ASSIGNMENT AND TRANSFER OF CONTROL OF WCS AND AWS-1 LICENSES

WT Docket No. 12-240

PLEADING CYCLE ESTABLISHED

Petitions to Deny Due: October 1, 2012
Oppositions Due: October 11, 2012
Replies Due: October 22, 2012

I. INTRODUCTION

AT&T Mobility Spectrum LLC and New Cingular Wireless PCS, LLC, both indirect wholly-owned subsidiaries of AT&T Inc. (collectively, “AT&T”), have filed applications pursuant to Section 310(d) of the Communications Act of 1934, as amended,¹ seeking consent to assign or transfer control of a number of Wireless Communications Service (“WCS”) and Advanced Wireless Service (“AWS-1”) licenses to AT&T. The applications are related to three separate transactions involving: (1) wholly-owned subsidiaries of Comcast Corporation (“Comcast”); (2) Horizon Wi-Com, LLC (“Horizon”); and (3) subsidiaries of NextWave Wireless, Inc. (“NextWave” and together with AT&T, Comcast, and Horizon, the “Applicants”). Comcast proposes to assign to AT&T 13 WCS licenses (A, B and C Block),² Horizon proposes to assign to AT&T eight WCS licenses (A Block),³ and NextWave proposes to transfer control of 30 WCS licenses (A, B, C and D Blocks) and 12 AWS-1 licenses.⁴ The Applicants state that the proposed license assignments and transfers of control would result in a more efficient use of underutilized spectrum, enable AT&T to expand its wireless broadband capacity, and provide more robust mobile broadband services to the public across the country.

According to the applications, if the proposed transactions are consummated, AT&T would be acquiring 10-25 megahertz of A, B, and C Block WCS spectrum from Comcast in 149 Cellular Market Areas (“CMAs”). In addition, AT&T would be acquiring 10 megahertz of A Block WCS spectrum from Horizon in 132 CMAs. Further, AT&T would be acquiring 5-30 megahertz of A, B, C, and D Block WCS spectrum from NextWave in 476 CMAs. As a result of the proposed transactions, AT&T would

¹ 47 U.S.C. § 310(d).

² ULS File Nos. 0005301644, 0005301653, 0005301658, 0005301664, 0005301665, 0005301673, 0005301689, and 0005301703 (filed Aug. 1, 2012).

³ ULS File Nos. 0005305382 and 0005305388 (filed Aug. 1, 2012).

⁴ ULS File Nos. 0005346050 and 0005346124 (filed Aug. 13, 2012).

hold a maximum of 30 megahertz of WCS spectrum. Finally, AT&T would be acquiring 10-30 megahertz of AWS-1 spectrum from NextWave in 28 CMAs.

II. SECTION 310(d) APPLICATIONS

The following applications for consent to the assignment or transfer of control of licenses have been assigned the following file numbers:

<u>File No.</u>	<u>Licensee/Assignor/Transferor</u>	<u>Assignee/Transferee</u>	<u>Lead Call Sign</u>
0005301644	Comcast WCS ME02, Inc.	New Cingular Wireless PCS, LLC	KNLB204
0005301653	Comcast WCS ME04, Inc.	New Cingular Wireless PCS, LLC	KNLB275
0005301658	Comcast WCS ME05, Inc.	New Cingular Wireless PCS, LLC	KNLB276
0005301664	Comcast WCS ME16, Inc.	AT&T Mobility Spectrum LLC	KNLB278
0005301665	Comcast WCS ME19, Inc.	AT&T Mobility Spectrum LLC	KNLB280
0005301673	Comcast WCS ME22, Inc.	New Cingular Wireless PCS, LLC	KNLB282
0005301689	Comcast WCS ME26, Inc.	New Cingular Wireless PCS, LLC	KNLB283
0005301703	Comcast WCS ME28, Inc.	AT&T Mobility Spectrum LLC	KNLB284
0005305382	Horizon Wi-Com, LLC	New Cingular Wireless PCS, LLC	KNLB312
0005305388	Horizon Wi-Com, LLC	AT&T Mobility Spectrum LLC	KNLB210
0005346050	NextWave Wireless Inc.	AT&T Inc.	WQGD515
0005346124	NextWave Wireless Inc.	AT&T Inc.	KNLB200

III. EX PARTE STATUS OF THIS PROCEEDING

Pursuant to Section 1.1200(a) of the Commission's rules,⁵ the Commission may adopt modified or more stringent *ex parte* procedures in particular proceedings if the public interest so requires. We announce that this proceeding will be governed by permit-but-disclose *ex parte* procedures that are applicable to non-restricted proceedings under Section 1.1206 of the Commission's rules.⁶

Parties making oral *ex parte* presentations are directed to the Commission's revised *ex parte* rules. Parties are reminded that memoranda summarizing the presentation must contain the presentation's substance and not merely list the subjects discussed.⁷ More than a one- or two-sentence description of the views and arguments presented is generally required.⁸ Other rules pertaining to oral and written presentations are set forth in Section 1.1206(b) as well.⁹

⁵ 47 C.F.R. § 1.1200(a).

⁶ 47 C.F.R. § 1.1206.

⁷ See 47 C.F.R. § 1.1206(b)(1).

⁸ See *id.*

⁹ *Id.* § 1.1206(b).

IV. GENERAL INFORMATION

The assignment and transfer of control applications have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules or policies.

Interested parties must file petitions to deny no later than **October 1, 2012**. Persons and entities that file petitions to deny become parties to the proceeding. They may participate fully in the proceeding, including seeking access to any confidential information that may be filed under a protective order, seeking reconsideration of decisions, and filing appeals of a final decision to the courts. Oppositions to such pleadings must be filed no later than **October 11, 2012**. Replies to such pleadings must be filed no later than **October 22, 2012**. All filings concerning matters referenced in this Public Notice should refer to WT Docket No. 12-240.

To allow the Commission to consider fully all substantive issues regarding these applications in as timely and efficient a manner as possible, petitioners and commenters should raise all issues in their initial filings. New issues may not be raised in responses or replies.¹⁰ A party or interested person seeking to raise a new issue after the pleading cycle has closed must show good cause why it was not possible for it to have raised the issue previously. Submissions after the pleading cycle has closed that seek to raise new issues based on new facts or newly discovered facts should be filed within 15 days after such facts are discovered. Absent such a showing of good cause, any issues not timely raised may be disregarded by the Commission.

Under the Commission's current procedures for the submission of filings and other documents,¹¹ submissions in this matter may be filed electronically through the Commission's Universal Licensing System ("ULS") or by hand delivery to the Commission.

- **If filed by ECFS,**¹² comments shall be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket number. Parties may also submit an electronic comment by Internet e-mail.
- **If filed by paper,** the original and four copies of each filing must be filed by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, D.C. 20554. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

¹⁰ See 47 C.F.R. § 1.45(c).

¹¹ See FCC Announces Change in Filing Location for Paper Documents, *Public Notice*, 24 FCC Red 14312 (2009).

¹² See Electronic Filing of Documents in Rulemaking Proceedings, GC Docket No. 97-113, Report and Order, 13 FCC Red 11322 (1998).

One copy of each pleading must be delivered electronically, by e-mail or facsimile, or if delivered as paper copy, by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (according to the procedures set forth above for paper filings), to: (1) the Commission's duplicating contractor, Best Copy and Printing, Inc., at FCC@BCPIWEB.COM or (202) 488-5563 (facsimile); (2) Kathy Harris, Mobility Division, Wireless Telecommunications Bureau, at kathy.harris@fcc.gov or (202) 418-7447 (facsimile); (3) Linda Ray, Broadband Division, Wireless Telecommunications Bureau, at linda.ray@fcc.gov or (202) 418-7247 (facsimile); (4) Kate Mataves, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau, at catherine.mataves@fcc.gov or (202) 418-7447 (facsimile); and (5) Jim Bird, Office of General Counsel, at jim.bird@fcc.gov or (202) 418-1234 (facsimile).

Copies of the applications and any subsequently-filed documents in this matter may be obtained from Best Copy and Printing, Inc. in person at 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, via telephone at (202) 488-5300, via facsimile at (202) 488-5563, or via e-mail at FCC@BCPIWEB.COM. The applications and any associated documents are also available for public inspection and copying during normal reference room hours at the following Commission office: FCC Reference Information Center, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. The applications are also available electronically through ULS, which may be accessed on the Commission's Internet website. 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 and Governmental Affairs Bureau at (202) 418-0530 (voice) or (202) 418-0432 (TTY). Contact the FCC to request reasonable accommodations for filing comments (accessible format documents, sign language interpreters, CART, etc.) by e-mail: FCC504@fcc.gov; phone: (202) 418-0530 or TTY: (202) 418-0432.

For further information, contact Kathy Harris, Mobility Division, Wireless Telecommunications Bureau, at (202) 418-0609, or Kate Mataves, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau, at (202) 391-6272.

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