



# PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION  
445 TWELFTH STREET, S.W.  
WASHINGTON, D.C. 20554

News media information 202/418-0500 Fax-On-Demand 202/418-2830 Internet: <http://www.fcc.gov> <ftp.fcc.gov>

**DA 14-374**  
**Released: March 20, 2014**

**AT&T INC. AND MILKYWAY BROADBAND, LLC SEEK FCC CONSENT  
TO THE ASSIGNMENT OF LOWER 700 MHZ LICENSES  
FROM MILKYWAY BROADBAND TO AT&T**

**ULS File No. 0006127952**

**PLEADING CYCLE ESTABLISHED**

**Petitions to Deny Due: April 3, 2014**  
**Oppositions Due: April 14, 2014**  
**Replies Due: April 21, 2014**

**I. INTRODUCTION**

AT&T Inc., through its indirect and wholly-owned subsidiary, AT&T Mobility Spectrum LLC (collectively, “AT&T”), and MilkyWay Broadband, LLC (“MilkyWay,” and together with AT&T, the “Applicants”) have filed an application pursuant to section 310(d) of the Communications Act of 1934, as amended,<sup>1</sup> seeking the assignment of 15 Lower 700 MHz C Block licenses to AT&T. The subject licenses cover geographic areas throughout the United States. The proposed transaction involves only the assignment of spectrum; no customers or networks would be transferred.

According to the Applicants, the proposed transaction would enable AT&T to augment network capacity, better accommodate its overall growth, and facilitate the provision of additional products and services to its customers in the markets that the transaction would affect. The Applicants further assert that the additional spectrum would be used to deploy AT&T’s 4G network and would increase network capacity to the benefit of all AT&T subscribers.

Preliminary review of the application indicates that, as a result of the transaction, AT&T would be assigned 12 megahertz of Lower 700 MHz C Block spectrum in 71 counties in 15 Cellular Market Areas (“CMAs”) across parts of Florida, Georgia, New Jersey, South Carolina, Texas, Utah, and Virginia. Post-transaction, AT&T would hold 65 to 165 megahertz of spectrum in these counties in these CMAs.

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<sup>1</sup> 47 U.S.C. § 310(d).

## II. SECTION 310(d) APPLICATION

The application for the assignment of licenses has been assigned the following file number:

<u>File No.</u>	<u>Licensee/Assignor</u>	<u>Assignee</u>	<u>Lead Call Sign</u>
0006127952	MilkyWay Broadband, LLC	AT&T Mobility Spectrum LLC	WQBQ605

## III. EX PARTE STATUS OF THIS PROCEEDING

Pursuant to section 1.1200(a) of the Commission's rules,<sup>2</sup> 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.<sup>3</sup>

Parties making oral *ex parte* presentations are directed to the Commission's *ex parte* rules. Parties are reminded that memoranda summarizing the presentation must contain the presentation's substance and not merely list the subjects discussed.<sup>4</sup> More than a one- or two-sentence description of the views and arguments presented is generally required.<sup>5</sup> Other rules pertaining to oral and written presentations are set forth in section 1.1206(b) as well.<sup>6</sup>

## IV. GENERAL INFORMATION

The assignment application has been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return the 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 **April 3, 2014**. 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 **April 14, 2014**. Replies to such pleadings must be filed no later than **April 21, 2014**. All filings concerning matters referenced in this Public Notice should refer to ULS File No. 0006127952.

**To allow the Commission to consider fully all substantive issues regarding the application 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.<sup>7</sup> 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.**

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<sup>2</sup> 47 C.F.R. § 1.1200(a).

<sup>3</sup> 47 C.F.R. § 1.1206.

<sup>4</sup> See 47 C.F.R. § 1.1206(b)(1).

<sup>5</sup> See *id.*

<sup>6</sup> 47 C.F.R. § 1.1206(b).

<sup>7</sup> See 47 C.F.R. § 1.45(c).

Under the Commission's current procedures for the submission of filings and other documents,<sup>8</sup> submissions in this matter may be filed electronically through the Commission's Universal Licensing System ("ULS") or by hand delivery to the Commission.

- **To file electronically**, visit the ULS web site at <http://wireless.fcc.gov/uls/> and click on the "Submit a Pleading" link, complete the administrative information, and upload your pleading.
- **To file 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., S.W., 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.

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](mailto:FCC@BCPIWEB.COM) or (202) 488-5563 (facsimile); (2) Scott Patrick, Mobility Division, Wireless Telecommunications Bureau, at [scott.patrick@fcc.gov](mailto:scott.patrick@fcc.gov) or (202) 418-7447 (facsimile); (3) Kate Matraves, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau, at [catherine.matraves@fcc.gov](mailto:catherine.matraves@fcc.gov) or (202) 418-7447 (facsimile); and (4) Jim Bird, Office of General Counsel, at [TransactionTeam@fcc.gov](mailto:TransactionTeam@fcc.gov) or (202) 418-1234 (facsimile).

Copies of the application 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 email at [FCC@BCPIWEB.COM](mailto:FCC@BCPIWEB.COM). The application 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 application also is 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 email to [fcc504@fcc.gov](mailto: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 email: [FCC504@fcc.gov](mailto:FCC504@fcc.gov); phone: (202) 418-0530 or TTY: (202) 418-0432.

For further information, contact Scott Patrick, Mobility Division, Wireless Telecommunications Bureau, at (202) 418-2853, or Kate Matraves, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau, at (202) 391-6272.

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<sup>8</sup> See FCC Announces Change in Filing Location for Paper Documents, *Public Notice*, 24 FCC Rcd 14312 (2009).