

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 15-608
Released: May 20, 2015

AT&T INC. AND CELLULAR PROPERTIES, INC. SEEK FCC CONSENT TO THE ASSIGNMENT OF TWO CELLULAR A BLOCK LICENSES, POINT-TO-POINT MICROWAVE LICENSES, AND AN INTERNATIONAL SECTION 214 AUTHORIZATION

WT Docket No. 15-78

PLEADING CYCLE ESTABLISHED

Petitions to Deny Due: June 19, 2015
Oppositions Due: June 29, 2015
Replies Due: July 7, 2015

I. INTRODUCTION

AT&T Inc. (together with its subsidiaries, “AT&T”), and Cellular Properties, Inc. (“CPI,” and together with AT&T, the “Applicants”) have filed applications pursuant to sections 214(a) and 310(d) of the Communications Act of 1934, as amended,¹ seeking the assignment of two cellular A Block licenses, associated common carrier fixed point-to-point microwave licenses, and an international section 214 authorization to an indirect, wholly-owned subsidiary of AT&T.² The proposed assignment of licenses involves eleven counties in all or parts of two Cellular Market Areas (“CMAs”) in Illinois. In addition, CPI’s subscribers, along with network equipment and other assets, would be transferred to AT&T as part of the proposed transaction.

The Applicants assert that, as a result of the instant transaction, the customers of both AT&T and CPI would benefit from a broader, denser, and more advanced network, and, further, CPI customers would gain access to AT&T’s larger array of services. In addition, the Applicants contend that the transaction would allow AT&T to expand its network capacity and coverage quickly in the primarily rural license areas and that roaming costs would be reduced.

Our preliminary review indicates that AT&T would be assigned 25 megahertz of cellular spectrum in eleven counties covering all of CMA 400 (Illinois 7-Vermilion) and part of CMA 402 (Illinois 9-Clay). Post-transaction, AT&T would hold 101 to 173 megahertz of spectrum in total, and 31 to 68 megahertz of below-1-GHz spectrum, in these two CMAs in Illinois.

¹ 47 U.S.C. §§ 214(a), 310(d).

² The licenses held by CPI would be assigned, just prior to closing, to a newly-formed limited liability company, Centaur Acquisition Company LLC. At closing, ownership of Centaur Acquisition Company LLC would be transferred to AT&T.

The *Mobile Spectrum Holdings Report and Order* requires that we treat any proposed increase in below-1-GHz spectrum holdings resulting in the acquiring entity holding approximately one-third or more of the suitable and available spectrum below 1 GHz post-transaction as an “enhanced factor” in our case-by-case review.³ As a result of the instant transaction, AT&T would hold more than 45 megahertz of the 134 megahertz of currently suitable and available below-1-GHz spectrum in three counties in CMA 402 (Illinois 9-Clay).

II. SECTION 310(d) APPLICATION

The application for the assignment of licenses from CPI to AT&T has the following file number:

<u>File No.</u>	<u>Licensee/Assignor</u>	<u>Assignee</u>	<u>Lead Call Sign</u>
0006664937	Cellular Properties, Inc.	Centaur Acquisition Company LLC	KNKN569

III. SECTION 214 APPLICATION

The application for consent to the assignment of an international section 214 authorization has been assigned the following file number:

<u>File No.</u>	<u>Authorization Holder</u>	<u>Assignee</u>	<u>Authorization Number</u>
ITC-ASG-20150424-00099	Cellular Properties, Inc.	Centaur Acquisition Company LLC	ITC-214-20150204-00027

IV. EX PARTE STATUS OF THIS PROCEEDING

Pursuant to section 1.1200(a) of the Commission’s rules,⁴ 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.⁵

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.⁶ More than a one- or two-sentence description of the views and arguments presented is generally required.⁷ Other rules pertaining to oral and written presentations are set forth in section 1.1206(b) as well.⁸

³ See Policies Regarding Mobile Spectrum Holdings; Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions, WT Docket No. 12-269, GN Docket No. 12-268, *Report and Order*, 29 FCC 6133, 6240 ¶¶ 286-88 (2014) (“*Mobile Spectrum Holdings Report and Order*”).

⁴ 47 C.F.R. § 1.1200(a).

⁵ 47 C.F.R. § 1.1206.

⁶ See 47 C.F.R. § 1.1206(b)(1).

⁷ See *id.*

⁸ 47 C.F.R. § 1.1206(b).

V. GENERAL INFORMATION

The assignment 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 **June 19, 2015**. 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 **June 29, 2015**. Replies to such pleadings must be filed no later than **July 7, 2015**. All filings concerning matters referenced in this Public Notice should refer to WT Docket No. 15-78.

To allow the Commission to consider fully all substantive issues regarding the 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.⁹ 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,¹⁰ submissions in this matter may be filed electronically through the Commission's Electronic Comment Filing System ("ECFS") or by hand delivery to the Commission.

- **To file electronically**,¹¹ comments shall be sent as an electronic file via the Internet to <http://apps.fcc.gov/ecfs>. 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 email.
- **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.

⁹ See 47 C.F.R. § 1.45(c).

¹⁰ See FCC Announces Change in Filing Location for Paper Documents, *Public Notice*, 24 FCC Red 14312 (2009).

¹¹ 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 email 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) Scott Patrick, Mobility Division, Wireless Telecommunications Bureau, at scott.patrick@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, Competition and Infrastructure Policy Division, Wireless Telecommunications Bureau, at catherine.matraves@fcc.gov or (202) 418-7447 (facsimile); (5) David Krech, Policy Division, International Bureau, at david.krech@fcc.gov or (202) 418-2824 (facsimile); and (6) Jim Bird, Office of General Counsel, at TransactionTeam@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 email at FCC@BCPIWEB.COM. The applications and any associated documents also are 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 also are 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 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; 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 Mataves, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau, at (202) 391-6272.

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