



PUBLIC NOTICE

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WIRELESS TELECOMMUNICATIONS BUREAU CONSOLIDATES REVIEW OF VERIZON WIRELESS - SPECTRUMCO - COX, VERIZON WIRELESS - LEAP WIRELESS, AND T-MOBILE - VERIZON WIRELESS TRANSACTIONS

WT Docket Nos. 12-4 and 12-175

ULS File Nos. 0004942973, 0004942992, 0004952444, 0004949596, and 0004949598

In this Public Notice, we consolidate our review of four sets of applications filed by Cellco Partnership d/b/a Verizon Wireless (“Verizon Wireless”), Leap Wireless International Inc. (“Leap Wireless”),¹ SpectrumCo LLC (“SpectrumCo”), Cox TMI Wireless, LLC (“Cox”), and T-Mobile License LLC (“T-Mobile”) for spectrum suitable for the provision of mobile broadband service.

On November 23, 2011, Verizon Wireless and Leap Wireless filed applications, pursuant to Section 310(d) of the Communications Act of 1934, as amended (“Communications Act”),² seeking Commission consent to: assign a 700 MHz Lower Band Block A license from Verizon Wireless to Leap Wireless;³ assign from Cricket to Verizon Wireless 23 Personal Communications Service (“PCS”) licenses and 13 Advanced Wireless Service (“AWS-1”) licenses in full, disaggregated portions of one PCS license and one AWS-1 license, and partitioned portions of three AWS-1 licenses; and assign partitioned portions of Savary Island’s AWS-1 licenses to Verizon Wireless⁴ (collectively, the “Verizon Wireless - Leap Wireless Applications”). On December 14, 2011, the Wireless Telecommunications Bureau (“Bureau”) released a public notice accepting the Verizon Wireless - Leap Wireless Applications for filing and establishing an initial pleading cycle for the transactions.⁵

¹ Leap Wireless holds a direct 100 percent ownership interest in Cricket Communications, Inc. Cricket Communications, Inc. holds a 100 percent ownership interest in Cricket License Company, LLC (“Cricket”) and an 85 percent ownership interest in Savary Island License A, LLC and Savary Island License B, LLC (collectively, “Savary Island”). See FCC 602 Ownership Disclosure Information for the Wireless Telecommunications Services, File No. 0004963672 (filed Nov. 21, 2011). The instant applications are filed by Savary Island License A, LLC (File No. 0004942973), Savary Island License B, LLC (File No. 0004942992), and Cricket License Company, LLC (File Nos. 0004952444, 0004949596, and 0004949598).

² 47 U.S.C. § 310(d).

³ See File No. 0004952444.

⁴ See File Nos. 0004942973, 0004942992, 0004949596, and 0004949598.

⁵ Verizon Wireless and Leap Wireless Seek FCC Consent to the Exchange of Lower 700 MHz Band A Block, AWS-1, and Personal Communications Service Licenses, ULS File Nos. 0004942973, etc., *Public Notice*, 26 FCC Rcd 16810 (rel. Dec. 14, 2011). The pleading cycle subsequently was revised. See *infra* notes 8, 11 and accompanying text.

On December 16, 2011, Verizon Wireless and SpectrumCo filed an application, pursuant to Section 310(d) of the Communications Act, seeking Commission approval to assign 122 AWS-1 licenses from SpectrumCo to Verizon Wireless. On December 21, 2011, Verizon Wireless and Cox filed an application, pursuant to Section 310(d) of the Communications Act, seeking Commission approval to assign 30 AWS-1 licenses from Cox to Verizon Wireless.

On December 27, 2011, MetroPCS Communications, Inc. (“MetroPCS”) and NTELOS Holdings Corp. (“NTELOS”) filed a motion to consolidate the Commission’s consideration of the SpectrumCo, Cox, and Leap applications, and to defer action pending consolidation (“MetroPCS/NTELOS Motion”).⁶ In an Order issued December 30, 2012, the Bureau determined that it would be in the public interest to adopt for the Verizon Wireless - Leap Wireless Applications the identical pleading cycle that was to be established subsequently for the Verizon Wireless - SpectrumCo and Verizon Wireless - Cox applications but did not formally consolidate those transactions pending review of the record.⁷

On January 11, 2012, the Bureau opened WT Docket No. 12-4 to evaluate the applications for assignment of AWS-1 licenses from SpectrumCo and Cox to Verizon Wireless.⁸ On January 19, 2012, the Bureau established a pleading cycle and consolidated these applications for purposes of the Commission’s review.⁹ Also on January 19, 2012, the Bureau established the same pleading cycle for the Verizon Wireless - Leap Wireless Applications.¹⁰

On June 25, 2012, Verizon Wireless and T-Mobile filed five applications requesting Commission approval for the full and partial assignments of AWS-1 licenses by and between T-Mobile and Verizon Wireless (“T-Mobile - Verizon Wireless Applications”).¹¹ The licenses that Verizon Wireless would assign to T-Mobile include 47 licenses that Verizon Wireless has proposed to acquire from SpectrumCo, Cox, and Leap Wireless.¹²

⁶ MetroPCS and NTELOS Motion To Defer Action Pending Consolidation, ULS File Nos. 0004942973, etc. (filed Dec. 27, 2011).

⁷ See In the Matter of Applications of Verizon Wireless and Leap Wireless for Commission Consent to the Exchange of 700 MHz Band, AWS-1 and PCS Licenses, ULS File Nos. 0004942973, etc., *Order*, 26 FCC Rcd 17152 at 17153 ¶¶ 6-7 (rel. Dec. 30, 2011).

⁸ Commission Opens Docket for Proposed Assignment of Licenses to Verizon Wireless from SpectrumCo and Cox TMI Wireless, LLC, and Designates These Applications as Permit-But-Disclose Under the Commission’s *Ex Parte* Rules, WT Docket No. 12-4, *Public Notice*, 27 FCC Rcd 222 (rel. Jan. 11, 2012).

⁹ Cellco Partnership d/b/a Verizon Wireless, SpectrumCo, LLC and Cox TMI Wireless, LLC Seek FCC Consent to Assignment of AWS-1 Licenses, WT Docket No. 12-4, *Public Notice*, 27 FCC Rcd 360 (rel. Jan. 19, 2012) (“*Verizon Wireless - SpectrumCo - Cox Public Notice*”). The Bureau noted that by consolidating consideration of the Verizon Wireless - SpectrumCo and Verizon Wireless - Cox applications, it granted in part the MetroPCS/NTELOS Motion. The Bureau stated that it did not at that time consider the request by MetroPCS and NTELOS to defer action on and formally consolidate those applications with the Verizon Wireless - Leap Wireless Applications. *Id.* at 361 n.11.

¹⁰ Verizon Wireless and Leap Wireless Seek FCC Consent to the Exchange of Lower 700 MHz Band A Block, AWS-1, and Personal Communications Service Licenses, ULS File Nos. 0004942973, etc., *Public Notice*, 27 FCC Rcd 367 (rel. Jan. 19, 2012).

¹¹ Applications of Cellco Partnership d/b/a Verizon Wireless and T-Mobile License, LLC, File Nos. 0005272585, 50000AWAA12, 50001AWAA12, 0005272654, 0005273739.

¹² See Wireless Telecommunications Bureau Seeks Comment on the Impact on the Verizon Wireless - SpectrumCo and Verizon Wireless - Cox Transactions of the Applications of Verizon Wireless and T-Mobile to Assign AWS-1 Licenses, WT Docket No. 12-4, DA 12-998 at 1 (rel. June 26, 2012) (“*T-Mobile - Verizon Wireless Comment PN*”).

On June 26, 2012, the Bureau established WT Docket No. 12-175 for the T-Mobile-Verizon Wireless applications, accepted the applications for filing, and established a pleading cycle.¹³ Also on June 26, 2012, the Commission released a public notice seeking comment on the impact of the T-Mobile-Verizon Wireless applications on the transactions in WT Docket No. 12-4.¹⁴

After review of the records in WT Docket Nos. 12-4 and 12-175, as well as the record associated with the Verizon Wireless-Leap Wireless Applications, we conclude that there is a commonality of issues, particularly with respect to the aggregation of spectrum and the public interest arguments raised by the applicants and various petitioners and commenters. For administrative convenience, given the commonality of issues, we consolidate the records in WT Docket Nos. 12-4 and 12-175 and the record associated with the Verizon Wireless - Leap Wireless Applications for purposes of our review and consideration of those issues.¹⁵

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¹³ Cellco Partnership d/b/a Verizon Wireless and T-Mobile License LLC Seek FCC Consent to the Assignment of Advanced Wireless Service Licenses WT Docket No. 12-175, DA 12-999 (rel. June 26, 2012).

¹⁴ See *T-Mobile - Verizon Wireless Comment PN*.

¹⁵ By consolidating consideration of the Verizon Wireless – Leap Wireless Applications with the applications in WT Docket Nos. 12-4 and 12-175, we grant in part the MetroPCS/NTELOS Motion, to the extent not previously granted in the *Verizon Wireless - SpectrumCo - Cox Public Notice*. See *supra* note 9.