



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
1919 M STREET, N.W.
WASHINGTON, D.C. 20554

DA 98-1492

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DA 98-1492

**SBC COMMUNICATIONS, INC. AND AMERITECH CORPORATION SEEK FCC
CONSENT FOR A PROPOSED TRANSFER OF CONTROL AND
COMMISSION SEEKS COMMENT ON PROPOSED PROTECTIVE ORDER FILED BY
SBC AND AMERITECH**

CC DOCKET NO. 98-141

Released: July 30, 1998

ON PROPOSED TRANSFER OF CONTROL:

Petitions/Comments due: September 15, 1998

Oppositions/Responses due: October 15, 1998

ON PROPOSED PROTECTIVE ORDER:

Petitions/Comments due: August 6, 1998

Oppositions/Responses due: August 13, 1998

On July 24, 1998, SBC Communications, Inc. (SBC) and Ameritech Corporation (Ameritech) filed joint applications under Sections 214 and 310(d) of the Communications Act, 47 U.S.C. § § 214 and 310(d), requesting Commission approval of the transfer of control to SBC of licenses and authorizations controlled or requested by Ameritech or its affiliates or subsidiaries. This transfer of control would take place as the result of a proposed merger of SBC and Ameritech. After the proposed merger, Ameritech would become a wholly owned subsidiary of SBC, and the licenses and authorizations currently held by the affiliates or subsidiaries of Ameritech would continue to be held by those entities.¹

¹ Pursuant to the Agreement and Plan of Merger, SBC (Delaware), Inc., a wholly-owned subsidiary of SBC formed to accomplish this merger, will merge into Ameritech.

SBC and Ameritech submit that the proposed merger is likely to produce benefits in the markets for wireless, wireline and long distance service. SBC and Ameritech further submit that the proposed merger will serve the public interest, and that no aspect of the merger will produce significant anticompetitive effects in any telecommunications market.

Interested parties may file comments regarding or petitions to deny the applications no later than **September 15, 1998**. Oppositions or responses to these comments and petitions may be filed no later than **October 15, 1998**. For administrative convenience, the various applications listed below have been consolidated into one general docket. Accordingly, new file numbers will *not* be assigned to the individual applications for transfer of control. All filings regarding any aspect of the proposed merger should reference the Common Carrier docket assigned to this proceeding, **CC Docket No. 98-141**.

In addition, by this public notice, the Common Carrier Bureau (Bureau) is establishing a separate, abbreviated pleading cycle with respect to the protective order, under which counsel to parties to this proceeding will be able to obtain access to confidential information provided by the applicants in connection with this proceeding.

1. EX PARTE STATUS OF THIS PROCEEDING

Because this proceeding involves broad public policy issues, the Bureau will treat the proceeding as "permit but disclose" for purposes of the Commission's *ex parte* rules. *See generally* 47 C.F.R. §§ 1.1200-1.1216. Should circumstances warrant, the Bureau may designate this proceeding and all interrelated proceedings as restricted. As a "permit but disclose" proceeding, *ex parte* presentations will be governed by the procedures set forth in Section 1.1206 of the Commission's rules applicable to non-restricted proceedings.²

Parties making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must contain a summary of the substance of the presentation and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. *See* 47 C.F.R. § 1.1206(b)(2), as revised. Other rules pertaining to oral and written presentations are set forth in Section 1.1206 (b) as well. Interested parties are to file with the Commission Secretary, Magalie Roman Salas, 1919 M Street, N.W., Room 222, Washington, D.C. 20554, and serve Janice Myles of the Policy and Program Planning Division, Common Carrier Bureau, Room 544, 1919 M Street, N.W., Washington D.C. 20554, and International Transcription Service, Inc., 1231 20th Street, N.W., Washington, D.C. 20036,

² An *ex parte* presentation is any communication (spoken or written) directed to the merits or outcome of a proceeding made to a Commissioner, a Commissioner's assistant, or other decision-making staff member, that, if written, is not served on other parties to the proceeding or, if oral, is made without an opportunity for all parties to be present. 47 C.F.R. Sec. 1.1201.

with copies of any written *ex parte* presentations in these proceedings filed in the manner specified above. We also require all written *ex parte* presentations or summaries of oral *ex parte* presentations in this proceeding to be served on all parties to the proceeding.

2. TRANSFER OF CONTROL APPLICATIONS

The applications for transfer of control of Ameritech's authorizations and licenses to SBC include numerous Title II and Title III authorizations, licenses, certificates, and pending applications. Below is a non-exhaustive list of the types of authorizations and licenses involved in this transaction. They are separated by type of authorization and license, and, within each category, by the Ameritech subsidiary or affiliate that holds the authorization or license. Each Ameritech subsidiary or affiliate may hold multiple authorizations or licenses of a particular type. Interested parties should refer to the transfer of control applications for a listing of the authorizations or licenses. We note that at the time of issuance of this Notice, certain applications may not be immediately available to parties at the Commission or International Transcription Service, Inc. because they were filed at Mellon Bank in Pittsburgh, Pennsylvania; nevertheless, we anticipate that these applications will be available shortly. Parties should be aware that applications may have to be filed to identify any additional authorizations in the services noted.

Section 214 Applications

The following are applications for consent to transfer control from Ameritech to SBC of section 214 authorizations or interests in such authorizations held or requested by Ameritech or its affiliates or subsidiaries.

Ameritech Communications, Inc.	(ITC-96-272 <i>et al.</i>) (multiple authorizations)
Ameritech Mobile Communications, Inc.	(ITC-96-243)
Ameritech Illinois Metro, Inc.	(W-P-C-7158)

Section 310 Applications

Experimental Radio Service (Part 5)

The following is an application for consent to transfer control from Ameritech to SBC of an Experimental Radio Service authorization held by a subsidiary of Ameritech.

Ameritech Wireless Communications, Inc.	(KA2XBR)
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Public Mobile Services (Part 22)

The following are applications for consent to transfer control from Ameritech to SBC of Public Mobile Services authorizations held by affiliates or subsidiaries of Ameritech.

Ameritech Mobile Services, Inc.	(KDS485 <i>et al.</i>) (multiple authorizations)
Ameritech Mobile Services of Wisconsin, Inc.	(KNKM413)
Chicago SMSA Limited Partnership	(KNKA549 <i>et al.</i>) (multiple authorizations)
Cincinnati SMSA Limited Partnership	(KNKA222 <i>et al.</i>) (multiple authorizations)
Cybertel Cellular Telephone Company	(KNKA234)
Cybertel Corporation	(KNKN201)
Cybertel Minneapolis Paging Corporation	(KDN408 <i>et al.</i>) (multiple authorizations)
Cybertel St. Louis Paging Corporation	(KAA888 <i>et al.</i>) (multiple authorizations)
Cybertel RSA Cellular, L.P.	(KNKN570 <i>et al.</i>) (multiple authorizations)
Detroit SMSA Limited Partnership	(KNKA231 <i>et al.</i>) (multiple authorizations)
Illinois RSA 6 and 7 Limited Partnership	(KNKN996 <i>et al.</i>) (multiple authorizations)
Illinois SMSA Limited Partnership	(KNKA777 <i>et al.</i>) (multiple authorizations)
Madison SMSA Limited Partnership	(KNKA498 <i>et al.</i>) (multiple authorizations)
Milwaukee SMSA Limited Partnership	(KNKN727 <i>et al.</i>) (multiple authorizations)
The Ohio Bell Telephone Company	(KUC971 <i>et al.</i>) (multiple authorizations)

Personal Communications Services (Part 24)

The following are applications for consent to transfer control from Ameritech to SBC of Personal Communications Services authorizations held by affiliates or subsidiaries of Ameritech.

Ameritech Mobile Services, Inc.	(KNKV228) (narrowband)
Ameritech Wireless Communications, Inc.	(KNLF231 <i>et al.</i>) (broadband) (multiple authorizations)

Satellite Communications (Part 25)

The following are applications for consent to transfer control from Ameritech to SBC of Satellite Communications authorizations held by a subsidiary of Ameritech.

Ameritech New Media, Inc.	(E960476 <i>et al.</i>) (multiple authorizations)
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Private Land Mobile Radio Services (Part 90)

The following are applications for consent to transfer control from Ameritech to SBC of Private Land Mobile Radio Services authorizations held by a subsidiary of

Ameritech.

Ameritech Center Phase I, Inc.	(WNWJ928)
Ameritech Corporation	(WPJQ381)
Ameritech Information Systems, Inc.	(WPEJ853 <i>et al.</i>) (multiple authorizations)
Ameritech Mobile Communications, Inc.	(WPBZ638)
Ameritech New Media, Inc.	(WPKU241 <i>et al.</i>) (multiple authorizations)
Ameritech Publishing, Inc.	(WNFK464)
Cybertel Minneapolis Paging Corporation	(WNBG933)
Illinois Bell Telephone Company	(KD7581 <i>et al.</i>) (multiple authorizations)
Indiana Bell Telephone Company, Inc.	(KC7982 <i>et al.</i>) (multiple authorizations)
Michigan Bell Telephone Company	(KA40787 <i>et al.</i>) (multiple authorizations)
The Ohio Bell Telephone Company	(WPLR857 <i>et al.</i>) (multiple authorizations)
SecurityLink from Ameritech, Inc.	(KB25186 <i>et al.</i>) (multiple authorizations)
Wisconsin Bell, Inc.	(KA68672 <i>et al.</i>) (multiple authorizations)

General Mobile Radio Services (Part 95)

The following is an application for consent to transfer control from Ameritech to SBC of a General Mobile Radio Service authorization held by affiliates or subsidiaries of Ameritech.

The Ohio Bell Telephone Company (KAC2144)

Fixed Microwave Services (Part 101)

The following are applications for consent to transfer control from Ameritech to SBC of Fixed Microwave Services authorizations held by subsidiaries of Ameritech.

Cincinnati SMSA Limited Partnership	(WMR228 <i>et al.</i>) (multiple authorizations)
Cybertel Cellular Telephone Company	(WHB478 <i>et al.</i>) (multiple authorizations)
Cybertel Corporation	(WLV479 <i>et al.</i>) (multiple authorizations)
Cybertel RSA Cellular, L.P.	(WHB541 <i>et al.</i>) (multiple authorizations)
Detroit SMSA Limited Partnership	(WLV282)
Illinois Bell Telephone Company	(KB9808 <i>et al.</i>) (multiple authorizations)
Illinois RSA 6 and 7 Limited Partnership	(WMS695 <i>et al.</i>) (multiple authorizations)
Illinois SMSA Limited Partnership	(WMJ427 <i>et al.</i>) (multiple authorizations)
Indiana Bell Telephone Company	(KA2886 <i>et al.</i>) (multiple authorizations)
Michigan Bell Telephone Company	(KJ3819 <i>et al.</i>) (multiple authorizations)
Milwaukee SMSA Limited Partnership	(WPJC600 <i>et al.</i>) (multiple authorizations)
The Ohio Bell Telephone Company	(KA4351 <i>et al.</i>) (multiple authorizations)
Wisconsin Bell, Inc.	(KB9805 <i>et al.</i>) (multiple authorizations)

3. SECTION 212 REQUEST

Pursuant to Section 212 of the Communications Act, 47 U.S.C. § 212, and Part 62 of the Commission's Rules, 47 C.F.R. § § 62.1-62.26, SBC requests that, upon Commission approval of and subsequent consummation of the proposed merger between SBC and Ameritech, the Commission declare that SBC's local exchange carrier subsidiaries will be "commonly owned carriers" within the meaning of Section 62.2 of the Commission's Rules. SBC states that grant of this request would serve as a blanket authorization for the merged company and its subsidiaries to have and maintain common officers and directors without further prior application to the Commission.

4. REQUEST FOR EXEMPTION

Under 47 C.F.R. § § 22.123(a), 24.423(g)(3), 24.823(g)(3), 25.116(b)(3), 90.164(b), and 101.29(c)(4), applicants have requested a blanket exemption from cut-off rules that may apply to applications under Parts 22, 24, 25, 90 and 101.

5. PROPOSED PROTECTIVE ORDER

On July 29, 1998, SBC and Ameritech filed a letter seeking confidential treatment of certain materials requested by the Commission and submitted a proposed protective order. Where confidential treatment of materials is appropriate, we intend to adopt a protective order. This approach will ensure the confidentiality of such materials where appropriate, but enable the parties that sign the protective order to have access to the materials subject to the terms and conditions of the protective order. To this end, we request public comment on the proposed protective order submitted by SBC and Ameritech, which is attached to this Notice.

Interested parties are to file comments on the proposed protective order no later than **August 6, 1998**. Reply comments are to be filed no later than **August 13, 1998**.

6. GENERAL INFORMATION

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.

Final action will not be taken on the applications earlier than 31 days following the date of this Notice. Interested parties may file pleadings as indicated above regarding the applications. An original and 12 copies of all pleadings, in accordance with Section 1.51(c) of the Commission's Rules, 47 C.F.R. §1.51(c) must be filed with the Commission's Secretary, Magalie Roman Salas, 1919 M Street, N.W., Room 222, Washington, D.C. 20554. In addition, copies of each pleading must be filed with other offices, in the following manner: (1) one copy with

International Transcription Service, Inc., the Commission's duplicating contractor, at its office at 1231 20th Street, N.W., Washington, D.C. 20036, telephone (202) 857-3800; (2) two copies with the Chief, Policy and Program Planning Division, Common Carrier Bureau, 1919 M Street, N.W., Room 544, Washington, D.C. 20554; (3) two copies with the Chief, International Bureau, 2000 M Street, N.W., Room 800, Washington, D.C. 20554; (4) one copy with Jeanine Poltronieri, Wireless Telecommunications Bureau, 2025 M Street, N.W., Room 5002, Washington D.C. 20554; and (5) one copy with the Chief, Commercial Wireless Division, 2100 M Street, N.W., Room 7023, Washington, D.C. 20554.

In addition to filing paper comments, parties may also file comments using the Commission's Electronic Comment Filing System (ECFS). See Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24,121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form <your e-mail address.>" A sample form and directions will be sent in reply.

Parties are also encouraged to file a copy of all pleadings on a 3.5 inch diskette in an IBM-compatible format using Wordperfect 5.1 for Windows software in a "read only" mode. Diskette submissions should be in addition to, and not a substitute for, the hard copy filing requirements reviewed above. All diskettes should be clearly labeled with: (1) the party's name; (2) the name of the proceeding and docket number; (3) the type of filing submitted (*e.g.*, comments or oppositions); and (4) the date of submission. The diskettes should be accompanied by a cover letter and filed with Cecilia Stephens of the Policy and Program Planning Division, Common Carrier Bureau, Room 544, 1919 M Street, N.W., Washington D.C. 20554.

Copies of the applications and any subsequently filed documents in this matter may be obtained from International Transcription Service, Inc., 1231 20th Street, N.W., Washington, D.C. 20036, telephone (202) 857-3800. Electronic versions of the applications will also be available on the FCC's Internet Home Page (<http://www.fcc.gov>), and through the Commission's Electronic Comment Filing System. To the extent that parties file electronic versions of responsive pleadings, such filings also will be available on the FCC's Internet Home Page and through the Commission's Electronic Comment Filing System. Copies of the applications and documents are also available for public inspection and copying during normal reference room hours at the Commission's Reference Center, 1919 M Street, N.W., Room 239 Washington, D.C. 20554.

For further information, contact Radhika Karmarkar, Lisa Choi, or Bill Dever, Policy and Program Planning Division, Common Carrier Bureau, at (202) 418-1580.

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