

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 13-2172
Released: November 13, 2013

CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS AND STELERA WIRELESS, LLC, SEEK FCC CONSENT TO THE ASSIGNMENT OF AWS-1 LICENSES FROM STELERA TO VERIZON WIRELESS

ULS File Nos. 0005971506, 0005971510

PLEADING CYCLE ESTABLISHED

Petitions to Deny Due: November 27, 2013
Oppositions Due: December 9, 2013
Replies Due: December 16, 2013

I. INTRODUCTION

Cellco Partnership d/b/a Verizon Wireless (“Verizon Wireless”)¹ and Stelera Wireless, LLC, Debtor-in-Possession (“Stelera DIP” and, together with Verizon Wireless, the “Applicants”), have filed two applications pursuant to Section 310(d) of the Communications Act of 1934, as amended,² seeking approval of the assignments of Advanced Wireless Services (“AWS-1”) licenses from Stelera DIP to Verizon Wireless. The Applicants request consent to assign 15 AWS-1 licenses in full and portions of three AWS-1 licenses from Stelera DIP to Verizon Wireless.³ The AWS-1 licenses involved in this transaction were granted to Stelera Wireless, LLC (f/k/a Red Rock Spectrum Holdings, LLC) (“Stelera”) in 2006 pursuant to the results of Auction No. 66. On July 18, 2013, Stelera filed a voluntary petition for relief under Chapter 11 of the United States Bankruptcy Code in the United States Bankruptcy Court for the Western District of Oklahoma, at which time the licenses were involuntarily assigned to Stelera DIP.

According to the Applicants, the proposed assignments will serve the public interest because they will provide Verizon Wireless with additional spectrum capacity, which will enable it to meet the demands of its customers for Long-Term Evolution in the markets.

Preliminary review of the applications indicates that, pursuant to the proposed transaction, Verizon Wireless would acquire 10-40 megahertz of AWS-1 spectrum in 114 counties covering parts or all of 19 Cellular Market Areas (“CMAs”) in Colorado, Kansas, New Mexico, and Texas. Post-transaction, Verizon Wireless would hold 87-132 megahertz of spectrum in these CMAs, 20-50 megahertz of which is AWS-1 spectrum.

¹ Verizon Wireless is a general partnership, ultimately owned by Verizon Communications Inc. and Vodafone Group Plc.

² 47 U.S.C. § 310(d).

³ See File Nos. 0005971506 and 0005971510.

II. SECTION 310(d) APPLICATIONS

The following applications for consent to the assignment of a license have been assigned the following file numbers:

<u>File No.</u>	<u>Licensee</u>	<u>Assignee</u>	<u>Lead Call Sign</u>
0005971506	Stelera Wireless, LLC, Debtor-in-Possession	Cellco Partnership	WQGB394
0005971510	Stelera Wireless, LLC, Debtor-in-Possession	Cellco Partnership	WQGB414

III. 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 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.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

IV. GENERAL INFORMATION

The assignment application referenced herein has 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 **November 27, 2013**. 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 **December 9, 2013**. Replies to such pleadings must be filed no later than **December 16, 2013**. All filings concerning matters referenced in this Public Notice should refer to ULS File Nos. 0005971506 and 0005971510.

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 *Id.* § 1.1206(b).

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 (*i.e.*, 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.
- **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.

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) Linda Ray, Broadband Division, Wireless Telecommunications Bureau, at linda.ray@fcc.gov or (202) 418-7247 (facsimile); (3) Catherine Matraves, Spectrum and Competition Policy Division, WTB, at catherine.matraves@fcc.gov or (202) 418-7447 (facsimile); and (4) 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 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

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).

interpreters, CART, etc.) by e-mail: FCC504@fcc.gov; phone: (202) 418-0530 or TTY: (202) 418-0432.

For further information, contact Linda Ray, Broadband Division, Wireless Telecommunications Bureau, at (202) 418-0257, or Catherine Matraves, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau, at (202) 391-6272.

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