



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION

445 12th Street, S.W., TW-A325

WASHINGTON, DC 20554

DA 02-454

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

Released: February 27, 2002

**VOICESTREAM PCS BTA I CORPORATION
AND COOK INLET REGION, INC. SEEK FCC CONSENT
FOR TRANSFER OF CONTROL OF BROADBAND PCS LICENSES**

PLEADING CYCLE ESTABLISHED

Comments/Petitions due: March 29, 2002

Replies/Oppositions due: April 8, 2002

On February 2, 2002 and February 4, 2002, Cook Inlet Region, Inc. ("Cook"), an Alaska Regional Corporation organized under the Alaska Native Claims Settlement Act, 47 U.S.C. §§ 1601 *et seq.*, and VoiceStream PCS BTA I Corporation ("VoiceStream"), an indirect wholly owned subsidiary of VoiceStream Wireless Corporation, filed applications under section 310(d) of the Communications Act of 1934, as amended (the "Act"), 47 U.S.C. § 310(d), seeking Commission consent to a transfer of control of licenses from Cook to VoiceStream. These applications are being filed in connection with a transaction pursuant to which Cook's wholly owned subsidiary, Cook Inlet Mobile Corporation ("CIMC"), will exchange its membership interest in Cook Inlet/VS GSM IV PCS Holdings, LLC ("CIVS IV Holdings") for VoiceStream common stock and cash.¹ CIVS IV Holdings holds, directly or indirectly, 100 percent of the membership interests in three Commission licensee subsidiaries. In addition, in light of Deutsche Telekom AG's ("DT's") 100 percent indirect ownership of VoiceStream, DT's indirect foreign ownership in the licensee subsidiaries will increase from 83.65 percent to 100 percent following the transaction.

¹ In a related transaction, Cook Inlet/VS GSM IV PCS, LLC ("CIVS IV") has filed an application seeking Commission consent to the *pro forma* assignment of four broadband PCS licenses to Cook Inlet/VS GSM VI PCS, LLC ("CIVS VI"). See File No. 0000757150. Because the five-year construction requirements have not been met for these four licenses, they cannot be transferred to VoiceStream. See 47 C.F.R. § 24.839(a)(6). Accordingly, CIVS IV states that prior to consummation of the transfers of control to VoiceStream, it will assign the four licenses to CIVS VI. The parties state that CIVS VI, a newly created subsidiary, has an identical ownership structure as CIVS IV. CIVS VI has petitioned the Commission to issue a declaratory ruling that the proposed level of indirect foreign ownership in CIVS VI is consistent with the public interest pursuant to section 310(b)(4) of the Act.

SECTION 310(b)(4) DECLARATORY RULING

Pursuant to section 310(b)(4) of the Act, 47 U.S.C. § 310(b)(4), CIVS IV, CIVS IV License Sub I, LLC, and BCN Communications, L.L.C. have petitioned the Commission for a declaratory ruling to allow the authorized level of indirect foreign ownership in the three licensee entities by DT to increase from 85 percent to 100 percent.

The petition for a declaratory ruling under section 310(b)(4) of the Act has been assigned File No. ISP-PDR-20020201-00004.

SECTION 310 APPLICATIONS

Part 24 - Personal Communications Service

The following applications for consent to transfer control from Cook to VoiceStream have been assigned the following file numbers.

<u>File No.</u>	<u>Licensee</u>	<u>Lead Call Sign</u>
0000756925	Cook Inlet/VS GSM IV PCS, LLC	KNLG361
0000756955	CIVS IV License Sub I, LLC	KNLF504
0000756953	BCN Communications, LLC	WPOJ697

GENERAL INFORMATION

The transfer of control applications referenced herein 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.

Final action on these applications will not be taken earlier than 31 days following the date of this Public Notice. *See* 47 U.S.C. § 309(b). Interested parties may file comments or petitions to deny no later than **March 29, 2002**. Replies or oppositions to such pleadings may be filed no later than **April 8, 2002**. All filings concerning matters referenced in this Public Notice should refer to **DA 02-454**, as well as the specific file numbers of the individual applications or other matters to which the filings pertain.

Due to the threat of contamination that resulted in the disruption of regular mail, the Commission released on November 29, 2001, an Order temporarily amending certain procedural rules on an emergency basis.² Pleadings must be filed electronically (*i.e.*, by e-mail or

² *See* In the Matter of Implementation of Interim Electronic Filing Procedures for Certain Commission Filings, *Order*, FCC 01-345 (rel. Nov. 29, 2001).

facsimile), by overnight delivery service, or by hand delivery to the Commission's Massachusetts Avenue location.³

- **If filed electronically** by e-mail, pleadings shall be filed at the following e-mail addresses: WTBSecretary@fcc.gov and IBSecretary@fcc.gov. Please also copy all those listed below. For security purposes, it is recommended that documents filed via electronic mail be converted to PDF format.
- **If filed by facsimile**, pleadings shall be faxed to 202-418-0187. The fax transmission should include a cover sheet listing contact name, phone number, and an e-mail address (if available).
- **If filed by hand delivery**, documents shall be delivered to the Commission's contractor, Vistrionix, at 236 Massachusetts Avenue, NE, Suite 110, Washington, DC 20002. All hand deliveries must be held together with rubber bands or fasteners, and any envelopes must be disposed of before entering the building.
- **If filed by overnight delivery service** other than U.S. Postal Service (USPS) Express Mail and Priority Mail, filings must be addressed to 9300 East Hampton Drive, Capitol Heights, MD 20743. USPS first-class mail, Express Mail, and Priority Mail should continue to be addressed to the Commission's headquarters at 445 12th Street, SW, Washington, DC 20554.

In addition, one copy of each pleading must be sent to each of the following:

- (1) The Commission's duplicating contractor, Qualex International (phone: (202) 863-2893) via e-mail: qualexint@aol.com, or by facsimile: (202) 863-2898.
- (2) John Branscome, Commercial Wireless Division, Wireless Telecommunications Bureau; via e-mail: jbransco@fcc.gov, or by facsimile: (202) 418-7447.
- (3) Erin McGrath, Commercial Wireless Division, Wireless Telecommunications Bureau; via e-mail: emcgrath@fcc.gov, or by facsimile: (202) 418-7447.
- (4) Rita Cookmeyer, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau; via e-mail: rcookmey@fcc.gov, or by facsimile: (202) 418-2933.
- (5) Imani K. Ellis-Cheek, Telecommunications Division, International Bureau; via e-mail: iellis@fcc.gov, or by facsimile: (202) 418-1028.

³ See FCC Announces a New Filing Location for Paper Documents and a New Fax Number for General Correspondence, *Public Notice*, DA 01-2919 (rel. Dec. 14, 2001).

Copies of the application and any subsequently-filed documents in this matter may be obtained from Qualex International, in person at 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, via telephone at (202) 863-2893, via facsimile at (202) 863-2898, or via e-mail at qualexint@aol.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 the Wireless Telecommunications Bureau's Universal Licensing System, which may be accessed on the Commission's Internet website at <http://www.fcc.gov>.

For further information, contact John Branscome or Erin McGrath, Commercial Wireless Division, Wireless Telecommunications Bureau, at (202) 418-7240; Rita Cookmeyer, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, at (202) 418-0660; or Imani K. Ellis-Cheek, Telecommunications Division, International Bureau, at (202) 418-1460 (section 310(b)(4)).

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