



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
445 TWELFTH STREET, S.W.
WASHINGTON, D.C. 20554

DA 04-2254

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

Released: July 22, 2004

**QWEST WIRELESS, LLC AND CELLCO PARTNERSHIP
d/b/a VERIZON WIRELESS SEEK COMMISSION CONSENT FOR
THE ASSIGNMENT OF SIXTY-TWO BROADBAND
PERSONAL COMMUNICATIONS SERVICES LICENSES**

WT Docket No. 04-264

PLEADING CYCLE ESTABLISHED

Petitions/Comments Due: August 23, 2004
Oppositions Due: September 2, 2004
Replies Due: September 10, 2004

Qwest Wireless, LLC (“Qwest Wireless”) and Cellco Partnership d/b/a Verizon Wireless (“Verizon Wireless”) (collectively, “the Applicants”) have filed an application pursuant to Section 310(d) of the Communications Act of 1934, as amended,¹ seeking Commission approval for the assignment of sixty-two broadband Personal Communications Services (“PCS”) licenses from Qwest Wireless to Verizon Wireless.² This assignment will occur pursuant to an Asset Purchase Agreement between Qwest Wireless and Verizon Wireless involving the sixty-two PCS licenses and certain related PCS assets of Qwest Wireless.³ The licenses involved in this transaction include full and previously partitioned and/or disaggregated A-, D-, and E-Block PCS licenses.⁴ Verizon Wireless will receive between 3 MHz and 20 MHz of spectrum in all or parts of sixty-two Basic Trading Areas.⁵

¹ 47 U.S.C. § 310(d).

² This transaction does not involve the assignment of any other Commission licenses or authorizations (*e.g.*, microwave licenses or international Section 214 authorizations).

³ The Applicants state that no customer or customer accounts will be transferred to Verizon Wireless as part of this transaction. Further, they assert that Qwest Wireless will continue to serve substantially all its customers, and will compete for new customers, by reselling the broadband PCS wireless service of Sprint Spectrum, L.P. in almost all the market areas covered by the licenses being assigned to Verizon Wireless. *See* Application, File No. 0001789538, Exhibit 1, at 1 (filed July 8, 2004). Qwest Wireless notes that there are approximately 3,000 customers who Qwest Wireless will be unable to migrate to Sprint’s network. Qwest Wireless is working to accommodate these customers by facilitating their transition to an alternative service provider and will submit any filings with the Commission that may be necessary to effect such a transaction. *See id.*, Exhibit 1, at 3 n.4.

⁴ *See id.*, Exhibit 1, at 3; *see also id.*, Exhibit 2, at 1-2.

⁵ *See id.*, Exhibit 2, at 1-2; *see also id.*, Exhibit 5, at 1-17.

I. SECTION 310(d) APPLICATION

The following application for consent to assign PCS licenses granted pursuant to Part 24 of the Commission's rules has been assigned the file number below:

<u>File Number</u>	<u>Licensee</u>	<u>Lead Call Sign</u>
0001789538	Qwest Wireless, LLC	KNLG234

II. EX PARTE STATUS OF THIS PROCEEDING

Pursuant to section 1.1200(a) of the Commission's rules,⁶ 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.⁷

Parties making oral *ex parte* presentations are directed to the Commission's statement re-emphasizing the public's responsibility in permit-but-disclose proceedings and are reminded that memoranda summarizing the presentation must contain the presentation's substance and not merely list the subjects discussed.⁸ More than a one- or two-sentence description of the views and arguments presented is generally required.⁹ Other rules pertaining to oral and written presentations are set forth in section 1.1206(b) as well.¹⁰ We urge parties to use the Electronic Comment Filing System ("ECFS") to file *ex parte* submissions.¹¹

III. 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. Final action on this application will not be taken earlier than thirty-one days following the date of this Public Notice.¹²

Interested parties may file petitions to deny no later than **August 23, 2004**. 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,

⁶ 47 C.F.R. § 1.1200(a).

⁷ *Id.* § 1.1206.

⁸ See Commission Emphasizes the Public's Responsibilities in Permit-But-Disclose Proceedings, *Public Notice*, 15 FCC Red. 19945 (2000).

⁹ See 47 C.F.R. § 1.1206(b)(2).

¹⁰ *Id.* § 1.1206(b).

¹¹ See discussion *infra* Part III.

¹² See 47 U.S.C. § 309(b).

seeking reconsideration of decisions, and filing appeals of a final decision to the courts. Oppositions to such pleadings may be filed no later than **September 2, 2004**. Replies to such pleadings may be filed no later than **September 10, 2004**. All filings concerning matters referenced in this Public Notice should refer to **DA 04-2254** and **WT Docket No. 04-264**, as well as the specific file numbers of the individual application or other matters to which the filing pertains.

Under the Commission's current procedures for the submission of filings and other documents,¹³ submissions in this matter may be filed electronically (*i.e.*, through ECFS) or by hand delivery to the Commission's Massachusetts Avenue location.

- **If filed by ECFS,**¹⁴ comments shall be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket 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.
- **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 (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. 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 mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, 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 (BCPI), at FCC@BCPIWEB.COM or (202) 488-5563 (facsimile); (2) Kathy Harris, Mobility Division, Wireless Telecommunications Bureau, at Kathy.Harris@fcc.gov or (202) 418-7224 (facsimile); (3) Erin McGrath, Mobility Division, Wireless Telecommunications Bureau, at Erin.Mcgrath@fcc.gov or (202) 418-7447 (facsimile); (4) Susan Singer, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau, at Susan.Singer@fcc.gov or (202) 418-7447 (facsimile); and (5) Ann Bushmiller, Transaction Team, Office of General Counsel, at Ann.Bushmiller@fcc.gov or (202) 418-7540 (facsimile).

¹³ See Implementation of Interim Electronic Filing Procedures for Certain Commission Filings, *Order*, 16 FCC Rcd. 21,483 (2001); see also FCC Announces a New Filing Location for Paper Documents and a New Fax Number for General Correspondence, *Public Notice*, 16 FCC Rcd. 22,165 (Dec. 14, 2001); Reminder: Filing Locations for Paper Documents and Instructions for Mailing Electronic Media, *Public Notice*, 18 FCC Rcd. 16705 (2003).

¹⁴ See Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24,121 (1998).

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 the Commission's ECFS, which may be accessed on the Commission's Internet website at <http://www.fcc.gov>. In addition, applications filed under Parts 22, 24, 27, 90, and 101 of the Commission's rules are available electronically through ULS, which may be accessed on the Commission's Internet website. Additional information regarding the transaction will be available on the FCC's Office of General Counsel's website, <http://www.fcc.gov/ogc>, which will contain a fully indexed, unofficial listing and electronic copies of all materials in this docket. Alternate formats of this public notice (computer diskette, large print, audio recording, and Braille) are available to persons with disabilities by contacting Brian Millin at (202) 418-7426 (voice), (202) 418-7365 (TTY), or send an e-mail to access@fcc.gov.

For further information, contact Erin McGrath, Mobility Division, Wireless Telecommunications Bureau, at (202) 418-2042, or Susan Singer, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau, at (202) 418-1340.

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