



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: 13-1678
Released: July 31, 2013

T-MOBILE LICENSE LLC AND BARAT WIRELESS, L.P., SEEK FCC CONSENT TO THE PARTIAL ASSIGNMENT OF AN ADVANCED WIRELESS SERVICES E BLOCK LICENSE FROM BARAT TO T-MOBILE LICENSE

ULS File Nos. 0005848361

PLEADING CYCLE ESTABLISHED

Petitions to Deny Due: August 14, 2013
Oppositions Due: August 26, 2013
Replies Due: September 3, 2013

I. INTRODUCTION

T-Mobile License LLC (“T-Mobile License”), a wholly-owned subsidiary of T-Mobile US, Inc. (“T-Mobile”),¹ and Barat Wireless, L.P. (“Barat,” and together with T-Mobile License, the “Applicants”), an indirect wholly-owned subsidiary of United States Cellular Corporation, have filed an application pursuant to Section 310(d) of the Communications Act of 1934, as amended,² seeking approval of the partial assignment, using partitioning, of an Advanced Wireless Services (“AWS”) E block license from Barat to T-Mobile License. The portion of the license being assigned includes the majority of the Mississippi Valley Regional Economic Area (“REA”),³ with the exception of certain counties in the eastern half of Tennessee.

¹ T-Mobile is an indirect, wholly-owned subsidiary of Deutsche Telekom, a publicly traded German company. The Applicants state that the Commission has already approved, pursuant to Section 310(b)(4), Deutsche Telekom’s foreign ownership of T-Mobile and its licensee subsidiaries. See T-Mobile License LLC Application, File No. 0005848361, Exhibit 1, Description of Transaction and Public Interest Statement (“Public Interest Statement”), at 3-4. T-Mobile License requests that the Commission condition its grant of the assignment application on compliance with the provisions of the National Security Agreement (“NSA”) entered into on January 12, 2001, as amended, between Deutsche Telekom and the Department of Justice, the Federal Bureau of Investigation and the Department of Homeland Security, which is appended to the *DT-Voicestream Order*, 16 FCC Rcd 9779 (2001). See Public Interest Statement at 5. See also *T-Mobile-SunCom Order*, 23 FCC Rcd 2515 (2008) (appending the NSA amendment); Applications of Deutsche Telekom AG, T-Mobile USA, Inc., and MetroPCS Communications, Inc. for Consent to Transfer of Control of Licenses and Authorizations, *Memorandum Opinion and Order and Declaratory Ruling*, 28 FCC Rcd 2322 (2013), Appendix B (appending Amendment No. 2 to the NSA Agreement).

² 47 U.S.C. § 310(d).

³ The license is for a portion of REA004.

The Applicants state that the proposed partial assignment will help T-Mobile meet the growing demands of consumers in the Mississippi Valley REA as well as facilitate its ability to deliver a strong competitive service offering, without adversely affecting competition, eliminating a competitor or triggering the spectrum screen in any of the affected geographic areas. The Applicants assert that the additional spectrum will help facilitate the deployment of 4G Long Term Evolution in new metropolitan areas in the Mississippi Valley REA, benefiting consumers and increasing overall competition in the marketplace.

Preliminary review of the application indicates that, post-assignment, T-Mobile would hold a maximum of 80 megahertz of total spectrum in the partitioned area. The Applicants have each certified in the application that they will independently satisfy the substantial service requirements for their respective partitioned areas.

II. SECTION 310(d) APPLICATIONS

The following application for consent to the partial assignment of a license has been assigned the following file number:

<u>File No.</u>	<u>Licensee</u>	<u>Assignee</u>	<u>Lead Call Sign</u>
0005848361	Barat Wireless, LP	T-Mobile License LLC	WQGV768

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 partial 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.

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).

Interested parties must file petitions to deny no later than **August 14, 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 **August 26, 2013**. Replies to such pleadings must be filed no later than **September 3, 2013**. All filings concerning matters referenced in this Public Notice should refer to ULS File Nos. 0005848361.

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.

- **If filed by ULS**, pleadings may be filed via <https://wireless2.fcc.gov/UlsEntry/pleadings/pleadingsType.jsp>.
- **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) Paroma Sanyal, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau, at paroma.sanyal@fcc.gov or (202) 418-7447 (facsimile); and (4) Jim Bird, Office of General Counsel, at jim.bird@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.

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).

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 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 Paroma Sanyal, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau, at (202) 418-2425.

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