

# Reference Copy Only. Do Not Mail to the FCC as an Application.

Submitted:  
File Number: 0002069013

## FCC 601 Main Form FCC Application for Wireless Telecommunications Bureau Radio Service Authorization

Approved by OMB  
3060 - 0798  
See instructions for  
public burden estimate

1) Radio Service Code: <b>CW</b>	1a) Existing Radio Service Code:
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### General Information

2) (Select only one) ( <b>AM</b> ) <b>NE</b> - New <b>RO</b> - Renewal Only <b>AU</b> - Administrative Update <b>NT</b> - Required Notifications <b>MD</b> - Modification <b>RM</b> - Renewal/Modification <b>WD</b> - Withdrawal of Application <b>EX</b> - Requests for Extension of Time <b>AM</b> - Amendment <b>CA</b> - Cancellation of License <b>DU</b> - Duplicate License <b>RL</b> - Registered Location/Link	
3a) If this application is for a <u>D</u> evelopmental License, <u>D</u> emonstration License, or a <u>S</u> pecial Temporary Authorization (STA), enter the code and attach the required exhibit as described in the instructions. Otherwise enter ' <u>N</u> ' (Not Applicable).	( <b>N</b> ) <u>D</u> <u>M</u> <u>S</u> <u>N/A</u>
3b) If this application is for Special Temporary Authority due to an emergency situation, enter 'Y'; otherwise enter 'N'. Refer to Rule 1.915 for an explanation of situations considered to be an emergency.	(    ) <u>Y</u> es <u>N</u> o
4) If this application is for an Amendment or Withdrawal, enter the file number of the pending application currently on file with the FCC.	File Number <b>0002069013</b>
5) If this application is for a Modification, Renewal Only, Renewal/Modification, Cancellation of License, Duplicate License, or Administrative Update, enter the call sign of the existing FCC license. If this is a request for Registered Location/Link, enter the FCC call sign assigned to the geographic license.	Call Sign
6) If this application is for a New, Amendment, Renewal Only, or Renewal/Modification, enter the requested authorization expiration date (this item is optional).	MM    DD ____ / ____
7) Is this application "major" as defined in §1.929 of the Commission's rules when read in conjunction with the applicable radio service rules found in Parts 22 and 90 of the Commission's rules? (NOTE: This question only applies to certain site-specific applications. See the instructions for applicability and full text of §1.929).	(    ) <u>Y</u> es <u>N</u> o
8) Are attachments being filed with this application?	( <b>Y</b> ) <u>Y</u> es <u>N</u> o

### Fees, Waivers, and Exemptions

9) Is the applicant exempt from FCC application fees?	( <b>N</b> ) <u>Y</u> es <u>N</u> o
10) Is the applicant exempt from FCC regulatory fees?	( <b>N</b> ) <u>Y</u> es <u>N</u> o
11a) Does this application include a request for a Waiver of the Commission's rule(s)? If 'Yes', attach an exhibit providing rule number(s) and explaining circumstances.	( <b>N</b> ) <u>Y</u> es <u>N</u> o
11b) If 11a is 'Y', enter the number of rule section(s) being waived.	Number of Rule Section(s): _____
12) Are the frequencies or parameters requested in this filing covered by grandfathered privileges, previously approved by waiver, or functionally integrated with an existing station?	( <b>N</b> ) <u>Y</u> es <u>N</u> o

**Applicant Information**

13) FCC Registration Number (FRN): <b>0012189718</b>			
14) Applicant/Licensee legal entity type: (Select One.) <input type="checkbox"/> Individual <input type="checkbox"/> Corporation <input type="checkbox"/> Unincorporated Association <input type="checkbox"/> Trust <input type="checkbox"/> Government Entity <input type="checkbox"/> Consortium <input type="checkbox"/> General Partnership <input checked="" type="checkbox"/> Limited Liability Company <input type="checkbox"/> Limited Liability Partnership <input type="checkbox"/> Limited Partnership <input type="checkbox"/> Other (Description of Legal Entity) _____			
15) If the licensee name is being updated, is the update a result from the sale (or transfer of control) of the license(s) to another party and for which proper Commission approval has not been received or proper notification not provided?			( ) <u>Yes</u> <b>No</b>
16) First Name (if individual):	MI:	Last Name:	Suffix:
17) Legal Entity Name (if other than individual): <b>Vista PCS, LLC</b>			
18) Attention To:			
19) P.O. Box:	And/Or	20) Street Address: <b>2100 Electronics Lane</b>	
21) City: <b>Ft. Myers</b>	22) State: <b>FL</b>	23) Zip Code: <b>33912</b>	
24) Telephone Number: <b>(239)489-1699</b>		25) FAX: <b>(239)489-1928</b>	
26) E-Mail Address:			

**27) Demographics (Optional):**

<b>Race:</b> <input type="checkbox"/> American Indian or Alaska Native <input type="checkbox"/> Asian <input type="checkbox"/> Black or African-American <input type="checkbox"/> Native Hawaiian or Other Pacific Islander <input type="checkbox"/> White	<b>Ethnicity:</b> <input type="checkbox"/> Hispanic or Latino <input type="checkbox"/> Not Hispanic or Latino	<b>Gender:</b> <input type="checkbox"/> Male <input type="checkbox"/> Female
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**Real Party in Interest**

28) Name of Real Party in Interest of Applicant (If different from applicant):	29) FCC Registration Number (FRN) of Real Party in Interest:
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**Contact Information (If different from the applicant)**

30) First Name: <b>Russell</b>	MI: <b>D</b>	Last Name: <b>Lukas</b>	Suffix:
31) Company Name: <b>Lukas, Nace, Gutierrez &amp; Sachs, Chartered</b>			
32) Attention To:			
33) P.O. Box:	And /Or	34) Street Address: <b>1650 Tysons Boulevard, Suite 1500</b>	
35) City: <b>McLean</b>	36) State: <b>VA</b>	37) Zip Code: <b>22102</b>	
38) Telephone Number: <b>(703)584-8678</b>		39) FAX: <b>(703)584-8696</b>	
40) E-Mail Address: <b>rlukas@fcclaw.com</b>			

**Regulatory Status**

41) This filing is for authorization to provide or use the following type(s) of radio service offering (enter all that apply):

Common Carrier    ( ) Non-Common Carrier    ( ) Private, internal communications    ( ) Broadcast Services    ( ) Band Manager

**Type of Radio Service**

42) This filing is for authorization to provide the following type(s) of radio service (enter all that apply):

Fixed     Mobile    ( ) Radiolocation    ( ) Satellite (sound)    ( ) Broadcast Services

43) Interconnected Service? (  ) Yes  No

**Alien Ownership Questions**

44) Is the applicant a foreign government or the representative of any foreign government? (  ) Yes  No

45) Is the applicant an alien or the representative of an alien? (  ) Yes  No

46) Is the applicant a corporation organized under the laws of any foreign government? (  ) Yes  No

47) Is the applicant a corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country? (  ) Yes  No

48a) Is the applicant directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country? (  ) Yes  No

48b) If the answer to the above question is 'Y', has the applicant received a ruling(s) under Section 310(b)(4) of the Communications Act with respect to the same radio service involved in this application? ( ) Yes  No

If the answer to 48b is 'N', attach to this application a date-stamped copy of a request for a foreign ownership ruling pursuant to Section 310(b)(4) of the Communications Act.

**Basic Qualification Questions**

49) Has the applicant or any party to this application had any FCC station authorization, license or construction permit revoked or had any application for an initial, modification or renewal of FCC station authorization, license, or construction permit denied by the Commission? (  ) Yes  No

50) Has the applicant or any party to this application, or any party directly or indirectly controlling the applicant, ever been convicted of a felony by any state or federal court? (  ) Yes  No

51) Has any court finally adjudged the applicant or any party directly or indirectly controlling the applicant guilty of unlawfully monopolizing or attempting unlawfully to monopolize radio communication, directly or indirectly, through control of manufacture or sale of radio apparatus, exclusive traffic arrangement, or any other means or unfair methods of competition? (  ) Yes  No

**Aeronautical Advisory Station (Unicom) Certification**

52) ( ) I certify that the station will be located on property of the airport to be served, and, in cases where the airport does not have a control tower, RCO, or FAA flight service station, that I have notified the owner of the airport and all aviation service organizations located at the airport within ten days prior to application.

**Broadband Radio Service and Educational Broadband Service Cable Cross-Ownership**

53a) Will the requested facilities be used to provide multichannel video programming service? ( ) Yes  No

53b) If the answer to question 53a is yes, does applicant operate, control or have an attributable interest (as defined in Section 27.1202 of the Commission's Rules) in a cable television system whose franchise area is located within the geographic service area of the requested facilities? ( ) Yes  No

**Note:** If the answer to question 53b is 'Y', attach an exhibit explaining how the applicant complies with Section 27.1202 of the Commission's Rules or justifying a waiver of that rule. If a waiver of the Commission Rule(s) is being requested, Item 11a must be answered 'Y'.

**Broadband Radio Service and Educational Broadband Service (Part 27)**

54) (For EBS only) Does the applicant comply with the programming requirements contained in Section 27.1203 of the Commission's Rules? ( ) Yes  No

**Note:** If the answer to item 54 is 'N', attach an exhibit explaining how the applicant complies with Section 27.1203 of the Commission's Rules or justifying a waiver of that rule. If a waiver of the Commission Rule(s) is being requested, Item 11a must be answered 'Y'.

55) (For BRS and EBS) Does the applicant comply with Sections 27.50, 27.55, and 27.1221 of the Commission's Rules? ( ) Yes  No

**Note:** If the answer to item 55 is 'N', attach an exhibit justifying a waiver of that rule(s). If a waiver of the Commission Rule(s) is being requested, Item 11a must be answered 'Y'.

**General Certification Statements**

1)	The applicant waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application.
2)	The applicant certifies that grant of this application would not cause the applicant to be in violation of any pertinent cross-ownership or attribution rules.* *If the applicant has sought a waiver of any such rule in connection with this application, it may make this certification subject to the outcome of the waiver request.
3)	The applicant certifies that all statements made in this application and in the exhibits, attachments, or documents incorporated by reference are material, are part of this application, and are true, complete, correct, and made in good faith.
4)	The applicant certifies that neither the applicant nor any other party to the application is subject to a denial of Federal benefits pursuant to §5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862, because of a conviction for possession or distribution of a controlled substance. This certification does not apply to applications filed in services exempted under §1.2002(c) of the rules, 47 CFR § 1.2002(c). See §1.2002(b) of the rules, 47 CFR § 1.2002(b), for the definition of "party to the application" as used in this certification.
5)	The applicant certifies that it either (1) has current required ownership data on file with the Commission, (2) is filing updated ownership data simultaneously with this application, or (3) is not required to file ownership data under the Commission's rules.
6)	The applicant certifies that the facilities, operations, and transmitters for which this authorization is hereby requested are either: (1) categorically excluded from routine environmental evaluation for RF exposure as set forth in 47 C.F.R. 1.1307(b); or, (2) have been found not to cause human exposure to levels of radiofrequency radiation in excess of the limits specified in 47 C.F.R. 1.1310 and 2.1093; or, (3) are the subject of one or more Environmental Assessments filed with the Commission.
7)	The applicant certifies that it has reviewed the appropriate Commission rules defining eligibility to hold the requested license(s), and is eligible to hold the requested license(s).
8)	The applicant certifies that it is not in default on any payment for Commission licenses and that it is not delinquent on any non-tax debt owed to any federal agency.

**Signature**

56) Typed or Printed Name of Party Authorized to Sign

First Name: <b>James</b>	MI: <b>A</b>	Last Name: <b>Dwyer</b>	Suffix: <b>Jr.</b>
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57) Title:  
**Chief Executive Officer**

Signature: <b>James A Dwyer</b>	58) Date: <b>02/02/2006</b>
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**FAILURE TO SIGN THIS APPLICATION MAY RESULT IN DISMISSAL OF THE APPLICATION AND FORFEITURE OF ANY FEES PAID.**

**Upon grant of this license application, the licensee may be subject to certain construction or coverage requirements. Failure to meet the construction or coverage requirements will result in termination of the license. Consult appropriate FCC regulations to determine the construction or coverage requirements that apply to the type of license requested in this application.**

**WILLFUL FALSE STATEMENTS MADE ON THIS FORM OR ANY ATTACHMENTS ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. Code, Title 18, §1001) AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. Code, Title 47, §312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, §503).**

Schedule for Geographically Licensed Services

Market/Channel Block

1) Market Designator	2) Market Name	3) Channel Block	4) Sub-Market Designator	5) Percentage of Bidding Credit	6) Open/Closed Bidding	7) I Am Seeking A Tribal Lands Bidding Credit In This Market
BTA007	Albany-Schenectady, NY	C4	4		Open	<input type="radio"/> Yes <input checked="" type="radio"/> No
BTA010	Allentown-Bethlehem-Easton, PA	C4	4		Open	<input type="radio"/> Yes <input checked="" type="radio"/> No
BTA020	Asheville-Hendersonville, NC	C4	4		Open	<input type="radio"/> Yes <input checked="" type="radio"/> No
BTA047	Bloomington-Bedford, IN	C3	3		Open	<input type="radio"/> Yes <input checked="" type="radio"/> No
BTA074	Charlotte-Gastonia, NC	C4	4		Open	<input type="radio"/> Yes <input checked="" type="radio"/> No
BTA081	Cincinnati, OH	C3	3		Open	<input type="radio"/> Yes <input checked="" type="radio"/> No
BTA093	Columbus, IN	C3	3		Open	<input type="radio"/> Yes <input checked="" type="radio"/> No
BTA095	Columbus, OH	C3	3		Open	<input type="radio"/> Yes <input checked="" type="radio"/> No
BTA096	Cookeville, TN	C1	1		Open	<input type="radio"/> Yes <input checked="" type="radio"/> No
BTA098	Corbin, KY	C1	1		Open	<input type="radio"/> Yes <input checked="" type="radio"/> No
BTA106	Dayton-Springfield, OH	C3	3		Open	<input type="radio"/> Yes <input checked="" type="radio"/> No
BTA117	Du Bois-Clearfield, PA	C1	1		Open	<input type="radio"/> Yes <input checked="" type="radio"/> No
BTA135	Evansville, IN	C3	3		Open	<input type="radio"/> Yes <input checked="" type="radio"/> No
BTA138	Fargo, ND	C1	1		Open	<input type="radio"/> Yes <input checked="" type="radio"/> No
BTA142	Fergus Falls, MN	C1	1		Open	<input type="radio"/> Yes <input checked="" type="radio"/> No
BTA166	Grand Forks, ND	C1	1		Open	<input type="radio"/> Yes <input checked="" type="radio"/> No
BTA179	Hagerstown, MD-Chambersburg, P	C4	4		Open	<input type="radio"/> Yes <input checked="" type="radio"/> No
BTA189	Hickory-Lenoir-Morganton, NC	C4	4		Open	<input type="radio"/> Yes <input checked="" type="radio"/> No
BTA196	Houston, TX	C3	3		Open	<input type="radio"/> Yes <input checked="" type="radio"/> No

1) Market Designator	2) Market Name	3) Channel Block	4) Sub-Market Designator	5) Percentage of Bidding Credit	6) Open/Closed Bidding	7) I Am Seeking A Tribal Lands Bidding Credit In This Market
BTA203	Indiana, PA	C1	1		Open	( ) Yes ( X ) No
BTA220	Joplin, MO-Miami, OK	C4	4		Open	( ) Yes ( X ) No
BTA229	Kingsport-Johnston City, TN-Br	C1	1		Open	( ) Yes ( X ) No
BTA244	Las Cruces, NM	C4	4		Open	( ) Yes ( X ) No
BTA261	Longview, WA	C4	4		Open	( ) Yes ( X ) No
BTA284	Martinsville, VA	C1	1		Open	( ) Yes ( X ) No
BTA318	New Haven-Waterbury-Meriden, C	C3	3		Open	( ) Yes ( X ) No
BTA319	New London-Norwich, CT	C3	3		Open	( ) Yes ( X ) No
BTA324	Norfolk-Virginia Beach-Newport	C3	3		Open	( ) Yes ( X ) No
BTA329	Oklahoma City, OK	C3	3		Open	( ) Yes ( X ) No
BTA350	Pittsburgh, PA	C4	4		Open	( ) Yes ( X ) No
BTA361	Poughkeepsie-Kingston, NY	C4	4		Open	( ) Yes ( X ) No
BTA364	Providence-Pawtucket, RI-New B	C3	3		Open	( ) Yes ( X ) No
BTA376	Roanoke, VA	C4	4		Open	( ) Yes ( X ) No
BTA412	Scranton-Wilkes Barre-Hazleton	C3	3		Open	( ) Yes ( X ) No
BTA413	Seattle-Tacoma, WA	C3	3		Open	( ) Yes ( X ) No
BTA414	Sedalia, MO	C1	1		Open	( ) Yes ( X ) No
BTA480	Worcester-Fitchburg-Leominster	C3	3		Open	( ) Yes ( X ) No

TRIBAL LANDS INFORMATION - Complete only when attaching the required certification(s) from the tribal government(s)

8) Market Designator	9) Channel Block	10) Name of Tribal Lands	11) Area, in square kms, of tribal lands contained within designated market	12) Indicate with an "x" those tribal lands where applicant has secured the required certification(s) from the tribal governments [attach certification(s)]	13) The amount of bidding credit as defined by FCC Rules (by Market)	14) Additional amount of bidding credit requested (attach justification)

15) Agreement Identifier: Action Requested:  Add  Delete

Type of Agreement:  Collusion-Based  Designated Entity  Other (Description of Type of Agreement) \_\_\_\_\_

Agreement Name:
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**Party(ies) to Agreement(s)**

Action Requested:  Add  Delete

<input type="checkbox"/> Entity Name:	Legal Entity Name			FCC Registration Number (FRN):		
<input type="checkbox"/> Individual Name:	First	MI	Last	Suffix		
FCC Registration Number (FRN):						

**16) Designated Entity/Closed Bidding Agreement Info**

Have you entered into any agreements which would impact your Designated Entity or closed bidding status?

(N ) Yes No

If 'Yes', attach an exhibit.

**17) Additional Demographic Information (Not Required)**

Applicant Status:

Minority Owned Business  Rural Telephone Company  Woman Owned Business

**(18) Revenue Information for Applicant**

**Purpose** (Check if Modifying)

Modify

**Financial Statement**

Applicant used audited financial statements.

Applicant used unaudited statements prepared in accordance with Generally Accepted Accounting Principles (GAAP) and certified by Applicant's chief financial officer or the equivalent.

**Gross Revenue Disclosure**

**Most Recent Reportable Year**

The Applicant and any predecessors-in-interest were not in existence for a full year of the relevant period.

Year End Date: \_\_\_\_\_ (Date Format: MM/DD/YYYY)

Gross Revenues \$ \_\_\_\_\_ (Format: 99999.99)

**One Year Prior to Most Recent Reportable Year**

The Applicant and any predecessors-in-interest were not in existence for a full year of the relevant period.

Year End Date: \_\_\_\_\_ (Date Format: MM/DD/YYYY)

Gross Revenues \$ \_\_\_\_\_ (Format: 99999.99)

**Two Years Prior Most Recent Reportable Year**

The Applicant and any predecessors-in-interest were not in existence for a full year of the relevant period.

Year End Date: \_\_\_\_\_ (Date Format: MM/DD/YYYY)

Gross Revenues \$ \_\_\_\_\_ (Format: 99999.99)

Average Gross Revenues: \$ **0.00** \_\_\_\_\_

**Asset Disclosure**

Total Assets as of Application Filing Deadline: \$ **0.00** \_\_\_\_\_



**FCC 601  
Schedule B**

**(19) Revenue Information for Disclosable Interest Holder (DIH)**

**Purpose** (Select One)

<input type="checkbox"/> Add	<input type="checkbox"/> Modify	<input type="checkbox"/> Delete
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**Disclosable Interest Holder**

<input type="checkbox"/> Entity Name:			FCC Registration Number (FRN):	
<input type="checkbox"/> Individual Name: First	MI	Last	Suffix	FCC Registration Number (FRN):

**Financial Statement**

<input type="checkbox"/> Disclosable Interest Holder used audited financial statements.
<input type="checkbox"/> Disclosable Interest Holder used unaudited statements prepared in accordance with Generally Accepted Accounting Principles (GAAP) and certified by Applicant's chief financial officer or the equivalent.

**Gross Revenue Disclosure**

**Most Recent Reportable Year**

<input type="checkbox"/> The DIH and any predecessors-in-interest were not in existence for a full year of the relevant period.
Year End Date: _____ (Date Format: MM/DD/YYYY)
Gross Revenues \$ _____ (Format: 99999.99)

**One Year Prior to Most Recent Reportable Year**

<input type="checkbox"/> The DIH and any predecessors-in-interest were not in existence for a full year of the relevant period.
Year End Date: _____ (Date Format: MM/DD/YYYY)
Gross Revenues \$ _____ (Format: 99999.99)

**Two Years Prior Most Recent Reportable Year**

<input type="checkbox"/> The DIH and any predecessors-in-interest were not in existence for a full year of the relevant period.
Year End Date: _____ (Date Format: MM/DD/YYYY)
Gross Revenues \$ _____ (Format: 99999.99)

Average Gross Revenues: \$ _____
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**Asset Disclosure**

Total Assets as of Application Filing Deadline: \$ _____
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**FCC 601  
Schedule B**

**(20) Revenue Information for Affiliate**

**Purpose (Select One)**

<input type="checkbox"/> Add	<input type="checkbox"/> Modify	<input type="checkbox"/> Delete
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**Affiliate**

<input type="checkbox"/> Entity Name:			FCC Registration Number (FRN):	
<input type="checkbox"/> Individual Name: First	MI	Last	Suffix	FCC Registration Number (FRN):

**Financial Statement**

<input type="checkbox"/> Affiliate used audited financial statements.
<input type="checkbox"/> Affiliate used unaudited statements prepared in accordance with Generally Accepted Accounting Principles (GAAP) and certified by Applicant's chief financial officer or the equivalent.

**Gross Revenue Disclosure**

**Most Recent Reportable Year**

<input type="checkbox"/> The Affiliate and any predecessors-in-interest were not in existence for a full year of the relevant period.
Year End Date: _____ (Date Format: MM/DD/YYYY)
Gross Revenues \$ _____ (Format: 99999.99)

**One Year Prior to Most Recent Reportable Year**

<input type="checkbox"/> The Affiliate and any predecessors-in-interest were not in existence for a full year of the relevant period.
Year End Date: _____ (Date Format: MM/DD/YYYY)
Gross Revenues \$ _____ (Format: 99999.99)

**Two Years Prior Most Recent Reportable Year**

<input type="checkbox"/> The Affiliate and any predecessors-in-interest were not in existence for a full year of the relevant period.
Year End Date: _____ (Date Format: MM/DD/YYYY)
Gross Revenues \$ _____ (Format: 99999.99)

Average Gross Revenues: \$ _____
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**Asset Disclosure**

Total Assets as of Application Filing Deadline: \$ _____
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**FCC 601  
Schedule B**

**(21) Closed Bidding Eligibility**

**Total Revenues for Most Recent Reportable Year**

The Applicant and any predecessors-in-interest were not in existence for a full year of the relevant period.

Year End Date: \_\_\_\_\_ (Date Format: MM/DD/YYYY)

Gross Revenues \$ \_\_\_\_\_ (Format: 99999.99)

**Total Revenues for One Year Prior to Most Recent Reportable Year**

The Applicant and any predecessors-in-interest were not in existence for a full year of the relevant period.

Year End Date: \_\_\_\_\_ (Date Format: MM/DD/YYYY)

Gross Revenues: \$ \_\_\_\_\_ (Format: 99999.99)

**Total Assets Disclosure**

Total Assets as of Application Filing Deadline: \$ \_\_\_\_\_ (Format: 99999.99)

**(22) Designated Entity Eligibility**

**Total Average Gross Revenues**

Aggregate Average Gross Revenue: \$ \_\_\_\_\_

**Certifications** (By signing the Main Form, the applicant certifies that the statements listed are true, complete, correct and made in good faith)

**For Applicants Claiming Eligibility as an Entrepreneur Under the General Rule**

Applicant certifies that they are eligible to obtain the licenses for which they apply.

**For Applicants Claiming Eligibility as a Publicly Traded Corporation**

Applicant certifies that they are eligible to obtain the licenses for which they apply and that they comply with the definition of a Publicly Traded Corporation, as set out in the applicable FCC rules.

**For Applicants Claiming Eligibility using a Control Group Structure**

Applicant certifies that they are eligible to obtain the licenses for which they apply.

Applicant certifies that the applicant's sole control group member is a pre-existing entity, if applicable.

**For Applicants Claiming Eligibility as a Very Small Business, Very Small Business Consortium, Small Business, or as a Small Business Consortium**

Applicant certifies that they are eligible to obtain the licenses for which they apply.

Applicant certifies that the applicant's sole control group member is a pre-existing entity, if applicable.

**For Applicants Claiming Eligibility as a Rural Telephone Company**

Applicant certifies that they meet the definition of a Rural Telephone Company as set out in the applicable FCC rules, and must disclose all parties to agreement(s) to partition licenses won in this auction. See applicable FCC rules.

**For Applicants Claiming Tribal Lands Bidding Credit**

Applicant certifies that it will comply with the bidding credit buildout requirements and consult with the tribal government(s) regarding the siting of facilities and deployment of service on the tribal land(s) as set out in the applicable FCC rules.

**For Auction Applicants**

Applicant provided separate gross revenue information for itself, for each of Applicant's officers and directors; for each of Applicant's other controlling interests; for each of Applicant's affiliates; and for each affiliate of each of Applicant's officers, directors, and other controlling interests.

Applicant provided separate gross revenue and total asset information for itself, for each of Applicant's officers and directors; for each of Applicant's other controlling interest; for each of Applicant's affiliates; and for each affiliate of each Applicant's officers, directors, and other controlling interests.

## Attachment(s):

Type	Description	Date Entered
O	<a href="#">Request for Declaratory Ruling</a>	02/02/2006
O	<a href="#">Public Notice DA 05-771</a>	03/25/2005
O	<a href="#">Amended Exh B - Foreign Ownership</a>	03/16/2005
N	<a href="#">Amended Exh A - Ownership Information</a>	03/16/2005
N	<a href="#">Exh A - Ownership Information</a>	03/07/2005
O	<a href="#">Exh B - Foreign Ownership</a>	03/07/2005
N	<a href="#">Exh C - Closed Bidding Eligibility</a>	03/07/2005
O	<a href="#">Exh D - Designated Entities: Status as a Very Small Business</a>	03/07/2005
O	<a href="#">Exh E - Agreements and Other Instruments</a>	03/07/2005
O	<a href="#">Exh H - Geographic Overlap Statement</a>	03/07/2005

Before the  
Federal Communications Commission  
Washington, D.C. 20554

STAMP AND RETURN

In re Request of )  
 )  
VISTA PCS, LLC )  
 )  
For a Declaratory Ruling Under Section )  
310(b)(4) of the Communications Act of 1934, )  
as amended )

File No. ISP-PDR-\_\_\_\_\_

RECEIVED - FCC

NOV 30 2004

To: The International Bureau

Federal Communication Commission  
Bureau/Office

**REQUEST FOR DECLARATORY RULING**

Vista PCS, LLC (“Vista”)<sup>1</sup> hereby requests a declaratory ruling, pursuant to Section 310(b)(4) of the Communications Act, the *Foreign Participation Order*, and the streamlined procedures set forth in the Commission’s rules.<sup>2</sup> Cellco Partnership d/b/a Verizon Wireless (“Verizon Wireless”) holds an 80%, non-controlling interest in Vista; Verizon Wireless, in turn, is partly and indirectly owned by Vodafone Group Plc (“Vodafone”), a company organized under the laws of the United Kingdom. Vista, therefore, seeks a declaratory ruling authorizing Vodafone to hold the same indirect foreign ownership interest in Vista as it holds in Verizon Wireless. For the reasons discussed herein, the public interest will be served by authorizing such indirect foreign investment in Vista.

<sup>1</sup> Vista is an applicant to participate in the FCC’s forthcoming Auction No. 58 and holds no other interests in any FCC-regulated businesses or applicants for FCC licenses.

<sup>2</sup> See 47 U.S.C. § 310(b)(4); *Rules and Policies on Foreign Participation in the U.S. Telecommunications Market*, 12 FCC Rcd 23891, 24033 (1997) (“*Foreign Participation Order*”); 47 C.F.R. § 63.12.

## I. DESCRIPTION OF FOREIGN OWNERSHIP

Vista is 20% owned and controlled by Valley Communications, LLC (“Valley”), a Delaware limited liability company,<sup>3</sup> and 80% owned by Verizon Wireless, a Delaware general partnership.<sup>4</sup> Verizon Wireless is a partnership ultimately owned indirectly by Verizon Communications, Inc. (“Verizon”) and Vodafone. Verizon, a Delaware corporation, owns 55% of Verizon Wireless; Vodafone, a public limited company organized under the laws of the United Kingdom, owns 45%.

Vodafone previously received authorization from the Commission to hold its indirect interests in Verizon Wireless’s common carrier licenses.<sup>5</sup> In conjunction with the creation of the partnership, Verizon and Vodafone sought Commission approval, pursuant to Section 310(b)(4), for Vodafone to indirectly hold up to 65.1 percent of Verizon Wireless. The Commission granted the parties’ request, determining that “the public interest would be served by allowing the proposed indirect foreign ownership,” consistent with the Commission’s *Foreign Participation Order*.<sup>6</sup> Given Verizon Wireless’ interest in Vista, the instant petition seeks a declaratory ruling allowing Vodafone to indirectly hold up to 65.1 percent of Vista – the same

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<sup>3</sup> Valley holds a controlling interest in Vista and 20% of Vista’s membership units. Valley is 94% owned by the Dwyer Nevada Family Limited Partnership, a Nevada limited partnership. James A Dwyer, Jr. is the sole controlling member of Valley Communications, LLC, the sole controlling member of Vista.

<sup>4</sup> Verizon Wireless holds a non-controlling interest in Vista and 80% of Vista’s membership units.

<sup>5</sup> See *Vodafone AirTouch Plc and Bell Atlantic Corporation*, 15 FCC Rcd 16507 (WTB & IB 2000) (“*Vodafone-Bell Atlantic Order*”).

<sup>6</sup> *Id.* at 16514. The Commission’s approval covered Verizon Wireless’ authorizations for commercial mobile radio service – the very same service at issue in this auction.

foreign ownership that the Commission has already approved for Vista's investor, Verizon Wireless.<sup>7</sup>

## II. PUBLIC INTEREST STATEMENT

The public interest will be served if Vodafone's indirect ownership interest in Vista is permitted. In the *Foreign Participation Order*, the Commission concluded that allowing additional foreign investment in common carrier wireless licensees beyond the 25% benchmark of Section 310(b)(4) will promote competition in the U.S. market, thereby serving the public interest.<sup>8</sup> The Commission, therefore, adopted a presumption in favor of allowing such investment if the investment is from entities organized under the laws of WTO Members.<sup>9</sup> As the Commission previously concluded, Vodafone's principal place of business is the United Kingdom, a WTO Member.<sup>10</sup>

The Commission has already determined that the public interest would be served by allowing Vodafone to hold up to a 65.1% interest in the common carrier licenses held by Verizon Wireless.<sup>11</sup> Approval of Vodafone's indirect investment in Vista is warranted for the same

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<sup>7</sup> Vista notes that by operation of the "multiplier" rule, Verizon Wireless' 80% equity interest will be treated as a 100% intermediate interest for purposes of calculating Vodafone's indirect interest in Vista. Thus, Vodafone will have the same percentage of indirect ownership in Vista as it does in Verizon Wireless. Vista seeks authority for Vodafone to hold the full Commission-authorized level of 65.1% indirect ownership even though Vodafone currently holds a 45% indirect ownership interest in Verizon Wireless.

<sup>8</sup> *Foreign Participation Order*, 12 FCC Rcd at 23940.

<sup>9</sup> *Id.* at 23913, 23940.

<sup>10</sup> *Vodafone-Bell Atlantic Order*, 15 FCC Rcd at 16514.

<sup>11</sup> *Id.*

reasons applicable to the earlier foreign ownership grant noted above. Moreover, Vodafone's investment will enable Vista, a very small business, to participate in the upcoming auction, a result which is consistent with congressional intent and the Commission's goal of enhancing economic opportunities and access for the provision of communications services by designated entities.<sup>12</sup> The Commission should therefore issue a declaratory ruling pursuant to its streamlined processing rules granting Vista's request.

### III. CONCLUSION

For the reasons stated herein, Vista respectfully requests that the Commission authorize Vodafone to hold the indirect interest in Vista described above pursuant to the applicable streamlined processing rules.

VISTA PCS, LLC

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November 30, 2004

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<sup>12</sup> See generally 47 U.S.C. §§ 309(j)(3),(4); 47 C.F.R. § 1.2110.