



# 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 14-1287**  
**Released: September 8, 2014**

**AT&T INC. AND PLATEAU WIRELESS SEEK FCC CONSENT TO THE ASSIGNMENT OF  
ADVANCED WIRELESS SERVICES, CELLULAR, LOWER 700 MHZ, AND MICROWAVE  
LICENSES, AND INTERNATIONAL SECTION 214 AUTHORIZATIONS  
FROM PLATEAU WIRELESS TO AT&T INC**

**WT Docket No. 14-144**

**PLEADING CYCLE ESTABLISHED**

**Petitions to Deny Due: October 8, 2014**  
**Oppositions Due: October 20, 2014**  
**Replies Due: October 27, 2014**

## **I. INTRODUCTION**

AT&T Inc. (together with its subsidiaries, “AT&T”), E.N.M.R. Telephone Cooperative (“E.N.M.R.”), Plateau Telecommunications, Inc. (“Plateau Telecommunications”), New Mexico RSA 4 East Limited Partnership, and Texas RSA 3 Limited Partnership (together with E.N.M.R., Plateau Telecommunications, and New Mexico RSA 4 East Limited Partnership, “Plateau Wireless,” and together with AT&T, the “Applicants”) have filed applications pursuant to section 310(d) of the Communications Act of 1934, as amended,<sup>1</sup> seeking to assign three Advanced Wireless Services (“AWS-1”) licenses, three cellular licenses, two Lower 700 MHz C Block licenses, and 23 common carrier fixed point-to-point microwave licenses to an indirect, wholly-owned subsidiary of AT&T.<sup>2</sup> The subject licenses encompass largely rural parts of New Mexico and Texas. The Applicants also seek to assign three international section 214 authorizations to the same indirect, wholly-owned subsidiary of AT&T.<sup>3</sup> In addition, Plateau Wireless’s approximately 40,000 subscribers, along with network equipment and other assets, would be transferred to AT&T as part of the proposed transaction.

The Applicants assert that, as a result of the instant transaction, the customers of both AT&T and Plateau Wireless would benefit from a broader, denser, and more advanced network, and further, Plateau Wireless customers would gain access to AT&T’s larger array of services. In addition, the Applicants

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<sup>1</sup> 47 U.S.C. § 310(d).

<sup>2</sup> The licenses held by Plateau Wireless would be assigned, just prior to closing, to a newly-formed limited liability company, Powell Acquisition Company LLC. At closing, ownership of Powell Acquisition Company LLC would be transferred to AT&T.

<sup>3</sup> The Applicants indicate that one of the three international section 214 authorizations, File No. ITC-214-20030912-00436, only would be partially assigned to AT&T.

contend that the transaction would allow AT&T to expand its network capacity and coverage quickly in the primarily rural license areas and that roaming costs would be reduced.

Our preliminary review indicates that AT&T would be assigned 32 to 57 megahertz of spectrum in total in 24 counties covering all of three Cellular Market Areas (“CMAs”), including 12 megahertz of 700 MHz B Block spectrum in 20 counties covering two CMAs, 25 megahertz of cellular spectrum covering 21 counties in all or parts of three CMAs, and 20 megahertz of AWS-1 spectrum covering all 24 counties. Post-transaction, AT&T would hold 135 to 173 megahertz of spectrum in total, and 18 to 55 megahertz of below-1-GHz spectrum, in these three CMAs in parts of New Mexico and Texas.

The *Mobile Spectrum Holdings Report and Order* requires that we treat any proposed increase in below-1-GHz spectrum holdings resulting in the acquiring entity holding approximately one-third or more of the suitable and available spectrum below 1 GHz as an “enhanced factor” in our case-by-case review.<sup>4</sup> As a result of the instant transaction, AT&T would hold more than 45 megahertz of the 134 megahertz of currently suitable and available below-1-GHz spectrum in 11 counties covering all of one CMA (CMA 654 Texas 3-Parmer).

## II. SECTION 310(d) APPLICATIONS

The applications for the assignment of licenses from Plateau Wireless to AT&T have been assigned the following file numbers:

| <u>File No.</u> | <u>Licensee/Assignor</u>                  | <u>Assignee</u>                | <u>Lead Call Sign</u> |
|-----------------|---|--------------------------------|-----------------------|
| 0006366669      | Plateau Telecommunications, Inc.          | Powell Acquisition Company LLC | WPWV424               |
| 0006366771      | E.N.M.R. Telephone Cooperative            | Powell Acquisition Company LLC | KNKN320               |
| 0006366777      | New Mexico RSA 4 East Limited Partnership | Powell Acquisition Company LLC | KNKN598               |
| 0006366780      | Texas RSA 3 Limited Partnership           | Powell Acquisition Company LLC | KNKN652               |

## III. SECTION 214 APPLICATIONS

The following applications for consent to the assignment of international section 214 authorizations have been assigned the following file numbers:

| <u>File No.</u>        | <u>Authorization Holder</u>               | <u>Assignee</u>                | <u>Authorization Number</u>         |
|------------------------|---|--------------------------------|-------------------------------------|
| ITC-ASG-20140714-00209 | E.N.M.R. Telephone Cooperative            | Powell Acquisition Company LLC | ITC-214-20030912-00436 <sup>5</sup> |
| ITC-ASG-20140714-00210 | Texas RSA 3 Limited Partnership           | Powell Acquisition Company LLC | ITC-214-20030912-00441              |
| ITC-ASG-20140714-00211 | New Mexico RSA 4 East Limited Partnership | Powell Acquisition Company LLC | ITC-214-20030912-00435              |

<sup>4</sup> See Policies Regarding Mobile Spectrum Holdings; Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions, WT Docket No. 12-269, GN Docket No. 12-268, *Report and Order*, 29 FCC 6133, 6240 ¶¶ 286-88 (rel. June 2, 2014) (“*Mobile Spectrum Holdings Report and Order*”).

<sup>5</sup> This would be a partial assignment.

#### IV. *EX PARTE* STATUS OF THIS PROCEEDING

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

Parties making oral *ex parte* presentations are directed to the Commission's *ex parte* rules. Parties are reminded that memoranda summarizing the presentation must contain the presentation's substance and not merely list the subjects discussed.<sup>8</sup> More than a one- or two-sentence description of the views and arguments presented is generally required.<sup>9</sup> Other rules pertaining to oral and written presentations are set forth in section 1.1206(b) as well.<sup>10</sup>

#### V. GENERAL INFORMATION

The assignment applications 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.

Interested parties must file petitions to deny no later than **October 8, 2014**. 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 **October 20, 2014**. Replies to such pleadings must be filed no later than **October 27, 2014**. All filings concerning matters referenced in this Public Notice should refer to WT Docket No. 14-144.

**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.<sup>11</sup> 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,<sup>12</sup> submissions in this matter may be filed electronically through the Commission's Electronic Comment Filing System ("ECFS") or by hand delivery to the Commission.

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<sup>6</sup> 47 C.F.R. § 1.1200(a).

<sup>7</sup> 47 C.F.R. § 1.1206.

<sup>8</sup> See 47 C.F.R. § 1.1206(b)(1).

<sup>9</sup> See *id.*

<sup>10</sup> 47 C.F.R. § 1.1206(b).

<sup>11</sup> See 47 C.F.R. § 1.45(c).

<sup>12</sup> See FCC Announces Change in Filing Location for Paper Documents, *Public Notice*, 24 FCC Rcd 14312 (2009).

- **To file electronically,**<sup>13</sup> comments shall be sent as an electronic file via the Internet to <http://apps.fcc.gov/ecfs>. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket number. Parties may also submit an electronic comment by email.
- **To file 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., S.W., 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 email 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](mailto:FCC@BCPIWEB.COM) or (202) 488-5563 (facsimile); (2) Scott Patrick, Mobility Division, Wireless Telecommunications Bureau, at [scott.patrick@fcc.gov](mailto:scott.patrick@fcc.gov) or (202) 418-7447 (facsimile); (3) Linda Ray, Broadband Division, Wireless Telecommunications Bureau, at [linda.ray@fcc.gov](mailto:linda.ray@fcc.gov) or (202) 418-7247 (facsimile); (4) Kate Matraives, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau, at [catherine.matraives@fcc.gov](mailto:catherine.matraives@fcc.gov) or (202) 418-7447 (facsimile); (5) David Krech, Policy Division, International Bureau, at [david.krech@fcc.gov](mailto:david.krech@fcc.gov) or (202) 418-2824 (facsimile); and (6) Jim Bird, Office of General Counsel, at [TransactionTeam@fcc.gov](mailto: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 email at [FCC@BCPIWEB.COM](mailto: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 email to [fcc504@fcc.gov](mailto: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 email: [FCC504@fcc.gov](mailto:FCC504@fcc.gov); phone: (202) 418-0530; or TTY: (202) 418-0432.

For further information, contact Scott Patrick, Mobility Division, Wireless Telecommunications Bureau, at (202) 418-2853, or Kate Matraives, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau, at (202) 391-6272.

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<sup>13</sup> See Electronic Filing of Documents in Rulemaking Proceedings, GC Docket No. 97-113, *Report and Order*, 13 FCC Rcd 11322 (1998).