



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 15-1236
Released: October 30, 2015

SPRINTCOM, INC., SHENANDOAH PERSONAL COMMUNICATIONS, LLC, AND NTELOS HOLDINGS CORP. SEEK CONSENT TO THE ASSIGNMENT OF LICENSES AND SPECTRUM LEASE AUTHORIZATIONS AND TO THE TRANSFER OF CONTROL OF SPECTRUM LEASE AUTHORIZATIONS AND AN INTERNATIONAL SECTION 214 AUTHORIZATION

WT Docket No. 15-262

PLEADING CYCLE ESTABLISHED

Petitions to Deny Due: November 30, 2015
Oppositions Due: December 10, 2015
Replies Due: December 17, 2015

I. INTRODUCTION

SprintCom, Inc. (“SprintCom”), a wholly-owned subsidiary of Sprint Corporation (together with SprintCom, “Sprint”), Shenandoah Personal Communications, LLC (“Shentel PC”), a wholly-owned subsidiary of Shenandoah Telecommunications Company (together with Shentel PC, “Shentel”), and NTELOS Holdings Corp. (“NTELOS” and together with Sprint and Shentel, the “Applicants”) have filed applications pursuant to Sections 214 and 310(d) of the Communications Act of 1934, as amended,¹ seeking Commission consent to: (i) the assignment to Sprint from NTELOS of Advanced Wireless Services (“AWS-1”), Broadband Radio Service (“BRS”), Personal Communications Service (“PCS”), Common Carrier Fixed Point to Point microwave, and Private Point to Point microwave licenses; (ii) the assignment to Sprint from NTELOS of grandfathered BRS and Educational Broadband Service (“EBS”) spectrum leases; and (iii) the transfer of control to Shentel from NTELOS of an international section 214 authorization (collectively, the “Applications”).² In addition, NTELOS’s approximately 297,500 subscribers, along with wireless network equipment and other assets, would be transferred to Shentel as part of the proposed transaction.

According to the Applicants, Shentel is the exclusive wireless communications affiliate of Sprint in primarily rural portions of Pennsylvania, Maryland, Virginia, and West Virginia. As of June 30, 2015, Shentel provided digital wireless service to more than 440,000 customers. The Applicants further maintain that NTELOS is a regional provider of digital wireless communications services to its approximately 297,500

¹ 47 U.S.C. §§ 214, 310(d).

² The Applicants also filed applications for the transfer of control to Shentel from NTELOS of BRS, PCS, 800 MHz Specialized Mobile Radio Service and 1910-1915/1990-1995 MHz radio service spectrum leases. The Applicants represent that those leases would be terminated at the closing of the proposed transaction.

customers primarily in Virginia and West Virginia, but also in the parts of Maryland, North Carolina, Pennsylvania, Ohio, and Kentucky that are all the subject of the proposed transaction.

In the proposed transaction, NTELOS would become a wholly-owned subsidiary of Shentel. As a result of the transaction, Shentel would acquire all of NTELOS’s operations, including its wireless network assets and spectrum, retail stores, and retail subscribers. Shentel would, immediately after consummation of the transaction, assign to Sprint all of the Commission spectrum licenses currently held by NTELOS, as well as grandfathered BRS and EBS spectrum leases acquired from NTELOS. Shentel would convert NTELOS’s retail wireless customers into Sprint-branded customers. Post-transaction, Shentel would offer Sprint-branded wireless service in NTELOS’s services areas, as well as in the areas in which Shentel currently acts as Sprint’s affiliate marketing a Sprint-branded service.

The Applicants assert that the proposed transaction will promote competition and improve service for rural customers. They represent that, post-transaction, Shentel would upgrade the remainder of NTELOS’s current network to Sprint’s enhanced LTE architecture. The Applicants further represent that Shentel would invest approximately \$350 million and deploy approximately 150 additional cell sites to expand coverage in the NTELOS service area.

Our preliminary review of the spectrum exhibit submitted by the Applicants indicates that as a result of the proposed transaction, Sprint would be assigned or would lease up to an additional 135 megahertz of spectrum, in 153 counties covering all or parts of 38 Cellular Market Areas in portions of Kentucky, Maryland, North Carolina, Ohio, Pennsylvania, Virginia, and West Virginia. Post-transaction, Sprint would be attributed with a maximum of 240.5 megahertz of spectrum in total in those geographic areas.

II. SECTION 310(d) APPLICATIONS

The following applications for the assignment of licenses³ have been assigned the following file numbers:

<u>File No.</u>	<u>Assignor</u>	<u>Assignee</u>	<u>Lead Call Sign</u>
0006917154 ⁴	NTELOS Inc.	SprintCom	KNLG677
0006917350	NTELOS Licenses Inc.	SprintCom, Inc.	B075
0006917353	Richmond 20 MHz, LLC	SprintCom, Inc.	WQRQ806
0006917374	Virginia PCS Alliance, L.C.	SprintCom, Inc.	KNLF386
0006917481	West Virginia PCS Alliance, L.C.	SprintCom, Inc.	KNLG674

³ The parties also seek consent to assign to Sprint the grandfathered BRS spectrum lease between Alice Twedt (licensee) and CFW Cable Inc. (lessee) (now known as NTELOS Cable Inc.) involving stations WNTH817, WNTH887, and WNTU756, and the grandfathered EBS spectrum lease between Lynchburg City Schools (licensee) and NTELOS Cable Inc. (lessee) involving station WQCK987. No separate application forms are required to assign these grandfathered leases to Sprint. See 47 C.F.R. §§ 27.1214-15.

⁴ The Applicants have designated this application as the lead application.

The following applications for the transfer of control of long-term *de facto* transfer leasing arrangements have been assigned the following file numbers:

<u>File No.</u>	<u>Lessee</u>	<u>Transferee</u>	<u>Lead Lease No.</u>
0006918539	NTELOS Inc.	Shenandoah Personal Communications, LLC	L000015440
0006918521	West Virginia PCS Alliance, L.C.	Shenandoah Personal Communications, LLC	L000007335

III. SECTION 214 APPLICATION

The following application for consent to the transfer of control of an international section 214 authorization has been assigned the following file number:

<u>File No.</u>	<u>Authorization Holder</u>	<u>Transferee</u>	<u>Authorization Number</u>
ITC-T/C-20150826-00215	NTELOS Inc.	Shenandoah Personal Communications, LLC	ITC-214-19970710-00390

IV. EX PARTE STATUS OF THIS PROCEEDING

Pursuant to section 1.1200(a) of the Commission's rules,⁵ 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.⁶

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.⁷ More than a one- or two-sentence description of the views and arguments presented is generally required.⁸ Other rules pertaining to oral and written presentations are set forth in section 1.1206(b) as well.⁹

V. GENERAL INFORMATION

The assignment and long-term *de facto* transfer spectrum leasing transfer of control 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.

⁵ 47 C.F.R. § 1.1200(a).

⁶ 47 C.F.R. § 1.1206.

⁷ See 47 C.F.R. § 1.1206(b)(1).

⁸ See *id.*

⁹ 47 C.F.R. § 1.1206(b).

Interested parties must file petitions to deny no later than **November 30, 2015**. 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 **December 10, 2015**. Replies to such pleadings must be filed no later than **December 17, 2015**. All filings concerning matters referenced in this Public Notice should refer to WT Docket No. 15-262.

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.¹⁰ 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,¹¹ submissions in this matter may be filed electronically through the Commission's Electronic Comment Filing System ("ECFS") or by hand delivery to the Commission.

- **To file electronically,**¹² access ECFS via the Internet at <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.
- **To file by paper,** the original and one copy 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) Scott Patrick, Mobility Division, Wireless Telecommunications Bureau, at scott.patrick@fcc.gov or (202) 418-2643 (facsimile); (2) Linda Ray, Broadband Division, Wireless Telecommunications Bureau, at linda.ray@fcc.gov or (202) 418-7247 (facsimile); (3) Stacy Ferraro, Competition and Infrastructure Policy Division, Wireless Telecommunications Bureau, at stacy.ferraro@fcc.gov or (202) 418-2643 (facsimile); (4) David Krech, Policy Division, International Bureau, at david.krech@fcc.gov or (202) 418-2824 (facsimile); (5) Sumita Mukhoty,

¹⁰ See 47 C.F.R. § 1.45(c).

¹¹ See FCC Announces Change in Filing Location for Paper Documents, *Public Notice*, 24 FCC Rcd 14312 (2009).

¹² See Electronic Filing of Documents in Rulemaking Proceedings, GC Docket No. 97-113, *Report and Order*, 13 FCC Rcd 11322 (1998).

Policy Division, International Bureau, at sumita.mukhoty@fcc.gov or (202) 418-2824 (facsimile); and (6) Jim Bird, Office of General Counsel, at TransactionTeam@fcc.gov or (202) 418-1234 (facsimile).

The applications and any associated documents are 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 also are available electronically through ULS (wireless applications) or IBFS (international section 214 application), both of 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 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; phone: (202) 418-0530; or TTY: (202) 418-0432.

For further information, contact Scott Patrick, Mobility Division, Wireless Telecommunications Bureau, at (202) 418-2853, Linda Ray, Broadband Division, Wireless Telecommunications Bureau, at (202) 418-0257, or Stacy Ferraro, Competition and Infrastructure Policy Division, Wireless Telecommunications Bureau, at (202) 418-0795.

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