



# PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION

445 12<sup>th</sup> Street, S.W., TW-A325

WASHINGTON, DC 20554

**DA 01-2608**

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

**Released: November 8, 2001**

## **TELECORP PCS, INC. AND AT&T WIRELESS SERVICES, INC. SEEK FCC CONSENT TO TRANSFER CONTROL OF LICENSES**

**WT Dkt. No. 01-315**

### **PLEADING CYCLE ESTABLISHED**

<b>Petitions/Comments Due:</b>	<b>December 10, 2001</b>
<b>Oppositions Due:</b>	<b>December 20, 2001</b>
<b>Replies Due:</b>	<b>December 28, 2001</b>

TeleCorp PCS, Inc. (“TeleCorp”) and AT&T Wireless Services, Inc. (“AT&T Wireless”) have filed applications pursuant to Sections 214 and 310(d) of the Communications Act of 1934, as amended,<sup>1</sup> seeking Commission approval to transfer control of licenses and authorizations currently controlled by subsidiaries and affiliates of TeleCorp. This transfer of control would take place as the result of a proposed merger, whereby TeleCorp would become a wholly-owned subsidiary of AT&T Wireless. As listed below, these applications pertain to licenses for the Personal Communications Services (“PCS”), Fixed Microwave Services, 39 GHz, Local Multipoint Distribution Service (“LMDS”), and International Section 214 authorizations.

### **APPLICATIONS**

This Public Notice lists three groups of applications. The first group consists of applications related to the transfer of control of licenses and authorizations from TeleCorp to AT&T Wireless. The second group consists of applications related to the divestiture of certain TeleCorp licenses to Skagit Wireless, L.L.C. (“Skagit Wireless”). The third group consists of applications related to the divestiture of certain AT&T Wireless licenses to David Michelman as trustee and the divestiture of certain TeleCorp licenses to Derby Divestiture Trust.

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<sup>1</sup> 47 U.S.C. §§ 214, 310(d).

## I. TRANSFER OF CONTROL APPLICATIONS FROM TELECORP TO AT&T WIRELESS

The following are applications for consent to transfer control of licenses in the PCS, Fixed Microwave Services, 39 GHz, LMDS, and international Section 214 authorizations from TeleCorp to AT&T Wireless. Comments regarding the TeleCorp to AT&T Wireless transfer of control should reference the lead application, TeleCorp Holding Corp. II, L.L.C., File Number 0000634850.

### A. SECTION 310 APPLICATIONS

#### 1. Part 24 – PCS

The following applications for consent to transfer control of licenses granted pursuant to Part 24 of the Commission's rules have been assigned the file numbers below:

<u>File Number</u>	<u>Licensee</u>	<u>Lead Call Sign</u>
0000634850 <sup>2</sup>	TeleCorp Holding Corp. II, L.L.C.	KNLH626
0000634851	TeleCorp of Puerto Rico, Inc.	WPOK287
0000634855	TeleCorp PCS, L.L.C.	KNLG381
0000634859	Tritel A/B Holding Corp.	WPOI255
0000634866	Tritel C/F Holding Corp.	WPOK615
0000634869	Wisconsin Acquisition Corp.	KNLF581
0000634824	AirCom PCS, Inc.	KNLF604
0000634838	DigiCall, Inc.	KNLG908
0000634842	DigiCom, Inc.	KNLG909
0000634843	QuinCom, Inc.	KNLG912
50003-CW-TC-02 <sup>3</sup>	TeleCorp Holding Corp. II, L.L.C.	WPQP423
50002-CW-TC-02 <sup>4</sup>	Tritel A/B Holding Corp.	File No. 0000505527 <sup>5</sup>

#### 2. Part 101 – Fixed Microwave Services

The following applications for consent to transfer control of licenses granted pursuant to Part 101 of the Commission's rules have been assigned the file numbers below:

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<sup>2</sup> File No. 0000634850 has been designated as the lead application in this transaction, and all pleadings and other submissions filed in this matter that pertain generally to the transaction and not to a particular application will be available through this file number.

<sup>3</sup> This application is attached to file no. 0000634850.

<sup>4</sup> This application is attached to file no. 0000634859.

<sup>5</sup> This application requests a disaggregation of WPOH940. Since the application is still pending, a call sign has not been assigned to the applicable spectrum.

<u>File Number</u>	<u>Licensee</u>	<u>Lead Call Sign</u>
0000634892	TeleCorp Communications, Inc.	WPQN959
0000634914	TeleCorp Communications, Inc.	WPRT868

### 3. Part 101 – 39 GHz

The following application for consent to transfer control of licenses granted pursuant to Part 101 of the Commission’s rules has been assigned the file number below:

<u>File Number</u>	<u>Licensee</u>	<u>Lead Call Sign</u>
0000634910	Zephyr Wireless, L.L.C.	WPQV904

### 4. Part 101 – LMDS

The following application for consent to transfer control of licenses granted pursuant to Part 101 of the Commission’s rules has been assigned the file number below:

<u>File Number</u>	<u>Licensee</u>	<u>Lead Call Sign</u>
0000634894	TeleCorp LMDS, Inc.	WPOH988

## B. INTERNATIONAL SECTION 214 APPLICATIONS

The following applications for consent to transfer control of international Section 214 authorizations from TeleCorp to AT&T Wireless have been assigned the following file numbers:

<u>Authorization Holder</u>	<u>Authorization Number</u>	<u>File Number</u>
TeleCorp PCS, Inc.	ITC-214-20001019-00629	ITC-T/C-20011019-00554
TeleCorp Communications, Inc.	ITC-214-19990305-00237	ITC-T/C-20011019-00552
Tritel Communications, Inc.	ITC-214-20001016-00596	ITC-T/C-20011019-00553

## II. ASSIGNMENT OF LICENSES FROM TELECORP TO SKAGIT WIRELESS

The following are Section 310 applications for consent to assign PCS licenses, granted pursuant to Part 24 of the Commission’s rules, from TeleCorp to Skagit Wireless. Comments regarding the assignment of licenses from TeleCorp to Skagit Wireless should reference the lead application, Tritel C/F Holding Corp., File Number 0000635066. The applications have been assigned the file numbers below:

<u>File Number</u>	<u>Licensee</u>	<u>Lead Call Sign</u>
0000635066 <sup>6</sup>	Tritel C/F Holding Corp.	WPOK659
50000-CW-AA-02 <sup>7</sup>	TeleCorp Holding Corp. II, L.L.C.	KNLG949
50001-CW-AA-02 <sup>8</sup>	Tritel C/F Holding Corp.	KNLG230

### III. SPECTRUM AGGREGATION LIMIT AND DIVESTITURE APPLICATIONS

TeleCorp and AT&T Wireless state that, absent divestitures, the transaction will result in certain overlaps of the Commission's spectrum aggregation limits ("spectrum cap"). TeleCorp and AT&T Wireless have committed to divest in conformance with the Commission's rules.

#### A. ASSIGNMENT OF LICENSES FROM AT&T WIRELESS TO DAVID MICHELMAN

The following are Section 310 applications for consent to assign PCS licenses, granted pursuant to Part 24 of the Commission's rules, from AT&T Wireless to David Michelman. Comments regarding the assignment of licenses from AT&T Wireless to David Michelman should reference the lead application, AT&T Wireless PCS, LLC, File Number 0000634714. The applications have been assigned the file numbers below:

<u>File Number</u>	<u>Licensee</u>	<u>Lead Call Sign</u>
0000634714 <sup>9</sup>	AT&T Wireless PCS, LLC	KNLF221
0000634728	AT&T Wireless PCS, LLC	KNLF256
0000634719	AT&T Wireless PCS, LLC	KNLF287
0000634722	AT&T Wireless PCS, LLC	KNLF251
0000634724	AT&T Wireless PCS, LLC	KNLF286

#### B. ASSIGNMENT OF LICENSES FROM TELECORP TO DERBY DIVESTITURE TRUST

The following are Section 310 applications for consent to assign PCS licenses, granted pursuant to Part 24 of the Commission's rules, from TeleCorp to Derby Divestiture Trust. Comments regarding the assignment of licenses from TeleCorp to Derby Divestiture Trust should reference the lead application, Tritel C/F Holding Corp., File Number 0000636248. The applications have been assigned the file numbers below:

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<sup>6</sup> File No. 0000635066 has been designated as the lead application in this transaction, and all pleadings and other submissions filed in this matter that pertain generally to the transaction and not to a particular application will be available through this file number.

<sup>7</sup> This application is attached to file no. 0000635066.

<sup>8</sup> *See id.*

<sup>9</sup> File No. 0000634714 has been designated as the lead application in this transaction, and all pleadings and other submissions filed in this matter that pertain generally to the transaction and not to a particular application will be available through this file number.

<u>File Number</u>	<u>Licensee</u>	<u>Lead Call Sign</u>
0000636248 <sup>10</sup>	Tritel C/F Holding Corp.	WPJT403
0000636242	Tritel C/F Holding Corp.	WPOK618

### **DESIGNATED ENTITY AND ENTREPRENEURIAL ELIGIBILITY ISSUES**

TeleCorp and AT&T Wireless state that this transaction will include the transfer of C and F Block PCS licenses to AT&T Wireless. The Commission’s Rules state that “[n]o assignment or transfer of control of a license for frequency Block C or frequency Block F won in closed bidding pursuant to the eligibility requirements of § 24.709 will be granted,” except when, among other instances, “[t]he application for assignments or transfer of control is filed on or after the date the licensee has notified the Commission pursuant to § 24.203(c) that its five-year construction requirement has been satisfied.”<sup>11</sup> TeleCorp and AT&T Wireless state that five-year build-out notifications have been filed for all of the C and F block licenses implicated in the transfer of control applications to AT&T Wireless. TeleCorp has not filed notifications for all of its C and F Block licenses, and the parties intend that those TeleCorp C and F Block licenses without build-out notifications on file will be transferred to Skagit Wireless. Skagit Wireless states that it meets the Commission’s entrepreneurial eligibility requirements for C and F Block licenses.

Additionally, TeleCorp and AT&T Wireless acknowledge that unjust enrichment payments on bidding credits and installment payments will be due on the transfer of control to AT&T Wireless of certain of the PCS, LMDS and 39 GHz licenses.

### **GENERAL INFORMATION**

The applications referenced herein 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 may file comments or petitions to deny no later than December 10, 2001. Oppositions to the comments or petitions to deny may be filed no later than December 20, 2001. Replies to the oppositions may be filed no later than December 28, 2001. All filings concerning matters referenced in this Public Notice should refer to DA 01-2608 and WT Docket No. 01-315, as well as the specific file numbers of the individual applications or other matters to which the filings pertain.

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<sup>10</sup> File No. 0000636248 has been designated as the lead application in this transaction, and all pleadings and other submissions filed in this matter that pertain generally to the transaction and not to a particular application will be available through this file number.

<sup>11</sup> 47 C.F.R. § 24.839(a), (a)(6).

**All documents filed in this proceeding should indicate in the caption that this matter is before the Wireless Telecommunications Bureau, Commercial Wireless Division, Policy and Rules Branch.**

An original and four copies of all pleadings must be filed with the Commission's Secretary, Magalie Roman Salas, 445 12th Street, S.W., TW-A325, Washington, D.C. 20554, in accordance with Section 1.51(c) of the Commission's rules, 47 C.F.R. § 1.51(c).<sup>12</sup> **In addition, one copy of each pleading must be delivered to each of the following locations:** (1) the Commission's duplicating contractor, Qualex International ("Qualex"), 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554; (2) Office of Media Relations, Reference Operations Division, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554; (3) Lauren Kravetz Patrich, Commercial Wireless Division, Wireless Telecommunications Bureau, 445 12th Street, S.W., Room 4-A163, Washington, D.C. 20554; (4) Erin McGrath, Commercial Wireless Division, Wireless Telecommunications Bureau, 445 12th Street, S.W., Room 4-B454, Washington, D.C. 20554; (5) Jeff Tobias, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau, 445 12th Street, S.W., Room 2-C828, Washington, D.C. 20554; (6) Imani Ellis-Cheek, Telecommunications Division, International Bureau, 445 12th Street, S.W., Room 4-A820, Washington, D.C. 20554; and (7) Neil Dellar, Transactions Team, Office of General Counsel, 445 12th Street, S.W., Room 8-C818, Washington, D.C. 20554.

**Due to recent events, the Commission has implemented new procedures regarding the delivery of mail and packages. To expedite the delivery of documents, we request that the filings discussed above be delivered to the Commission's Capitol Heights facility at 9300 East Hampton Drive, Capitol Heights, MD 20743. After a security check, the Capitol Heights facility will route and distribute the individual packages to the addressees.**

Copies of the applications and any subsequently filed documents in this matter may be obtained from Qualex, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, telephone (202) 863-2893. The applications and documents are also available for public inspection and copying during normal reference room hours at the FCC Reference Information Center, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. In addition, applications filed under Parts 24 and 101 of the Commission's rules are available electronically through the Wireless Telecommunications Bureau's Universal Licensing System, which may be accessed on the Commission's Internet web site at Internet: <http://www.fcc.gov>. Lastly, filings related to this transaction will be available on the Office of General Counsel's Transaction Team website at <http://www.fcc.gov/transaction/>.

Instead of filing paper comments, parties may file comments using the Commission's Electronic Comment Filing System (ECFS). See Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24,121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Generally,

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<sup>12</sup> On October 17-18, 2001, the Commission announced modified procedures for parties wishing to hand-deliver, or deliver by overnight courier, documents to the FCC's Office of the Secretary. See Public Notice Nos. DA 01-2430, DA 01-2436 and DA 01-2451. Those modified filing procedures remain in effect.

only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking 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](mailto: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.

For further information, contact Lauren Kravetz Patrich or Erin McGrath, Commercial Wireless Division, Wireless Telecommunications Bureau, at (202) 418-7240 (Part 24 only); Jeff Tobias, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau, at (202) 418-1617 (Part 101 only); or Imani Ellis-Cheek, Telecommunications Division, International Bureau, at (202) 418-1028 (International Section 214 authorizations only).

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