



# PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION  
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**Report No. TEL-01345NS**

**Thursday February 19, 2009**

**NON STREAMLINED INTERNATIONAL APPLICATIONS/PETITIONS ACCEPTED FOR FILING  
Section 214 Applications (47 C.F.R. § 63.18); Authorize Switched Services over Private Lines (47 C.F.R. § 63.16)  
and Section 310(b)(4)**

Unless otherwise specified, the following procedures apply to the applications listed below:

The applications listed below have been found, upon initial review, to be acceptable for filing. These applications are not subject to the streamlined processing procedures set forth in Section 63.12 of the Commission's rules, 47 C.F.R. § 63.12. These applications shall not be deemed granted until the Commission affirmatively acts upon the application, either by public notice or by written order. Operation for which authorization is sought may not commence except in accordance with any terms or conditions imposed by the Commission.

Unless otherwise specified, interested parties may file comments with respect to these applications within 28 days of the date of this public notice. We request that such comments refer to the application file number shown below. No application listed below shall be granted by the Commission earlier than the day after the date specified in this public notice for the filing of comments.

Unless otherwise specified, ex parte communications between outside parties and Commission staff concerning these applications are permitted subject to the Commission's rules for "permit-but-disclose proceedings." See 47 C.F.R. § 1.1206.

Copies of all applications listed here are available for public inspection in the FCC Reference and Information Center, located in room CY-A257 at the Portals 2 building, 445 12th Street SW, Washington DC 20554. The center can be contacted at (202) 418-0270. People with Disabilities: 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](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty). All applications listed are subject to further consideration and review, and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

## Petition for Declaratory Ruling

T-Mobile USA, Inc. ("T-Mobile" or "Petitioner") requests a declaratory ruling under section 310(b)(4) of the Communications Act, as amended, that would allow up to 100 percent indirect foreign ownership in Cook Inlet GSM IV PCS Holdings, LLC ("Cook IV"). As part of its request, T-Mobile seeks approval of the intermediate foreign holding companies in Cook IV's vertical ownership chain as described below. In addition, T-Mobile requests that such approval extend not only to Cook IV but also to T-Mobile's other wholly-owned licensee subsidiaries: Omnipoint NY MTA License LLC; Powertel Memphis Licenses, Inc.; T-Mobile License LLC (f/k/a VoiceStream PCS BTA I License Corporation); T-Mobile West Corporation (f/k/a VoiceStream Houston, Inc.); VoiceStream Pittsburgh, L.P.; Cook Inlet GSM IV PCS Holdings LLC; SunCom Wireless License Company, LLC; and SunCom Wireless Puerto Rico License Company, LLC (the "T-Mobile Licensee Subsidiaries").

Cook IV and the T-Mobile Licensee Subsidiaries are U.S.-organized companies that are directly or indirectly wholly owned by T-Mobile, a Delaware corporation. T-Mobile is wholly owned by T-Mobile Global Holding GmbH ("T-Mobile Global"), which in turn is wholly owned by T-Mobile International AG ("T-Mobile International"). T-Mobile International is wholly owned by Deutsche Telekom AG ("DT"), a publicly traded company organized in Germany. The Federal Republic of Germany ("FRG") holds a 14.83 percent direct interest in DT, and Kreditanstalt für Wiederaufbau ("KfW"), a bank organized under the laws of Germany and controlled by the FRG, holds a 16.87 percent direct interest in DT. The FRG holds an 80 percent interest in KfW. Petitioner states that like DT, T-Mobile Global and T-Mobile International are organized under the laws of Germany, a World Trade Organization ("WTO") Member country. According to the Petition, T-Mobile Global and T-Mobile International are established as holding companies and the majority of their officers and directors are German residents and nationals.

Petitioner states that the Commission has previously approved indirect foreign ownership of T-Mobile and its licensee subsidiaries in the VoiceStream-DT Order, IB Docket No. 00-187, FCC 01-142, 16 FCC Rcd 9779 (2001), authorizing up to 100 percent indirect foreign investment by DT and its German shareholders, and by the German government through its investment in DT (up to and including 43 percent).

Petitioner asserts that, pursuant to the rules and policies established in the Commission's Foreign Participation Order, 12 FCC Rcd 23891 (1997), Order on Reconsideration, 15 FCC Rcd 18158 (2000), the indirect foreign ownership of Cook IV, including the current foreign-organized intermediate holding companies situated above Cook IV and the other T-Mobile Licensee Subsidiaries, is consistent with the public interest.

**REMINDER:**

Applicants must certify that neither the applicant nor any party to the application is subject to a denial of federal benefits by federal and/or state courts under authority granted in 21 U.S.C. § 862. See 47 C.F.R. §§ 1.2001–2003.

An updated version of Section 63.09-.25 of the rules, and other related sections, is available at <http://www.fcc.gov/ib/pd/pf/telecomrules.html>