

# LUKAS, NACE, GUTIERREZ & SACHS, LLP

8300 GREENSBORO DRIVE, SUITE 1200  
MCLEAN, VIRGINIA 22102  
703 584 8678 • 703 584 8696 FAX

WWW.FCCLAW.COM

RUSSELL D. LUKAS  
DAVID L. NACE  
THOMAS GUTIERREZ\*  
ELIZABETH R. SACHS\*  
DAVID A. LAFURIA  
PAMELA L. GIST  
TODD SLAMOWITZ\*  
BROOKS E. HARLOW\*  
TODD B. LANTOR\*  
STEVEN M. CHERNOFF\*  
KATHERINE PATSAS NEVITT\*

CONSULTING ENGINEERS  
ALI KUZEHKANANI  
LEILA REZANAVAZ  
—  
OF COUNSEL  
GEORGE L. LYON, JR.  
LEONARD S. KOLSKY\*  
JOHN CIMKO\*  
J. K. HAGE III\*  
JOHN J. MCAVOY\*  
HON. GERALD S. MCGOWAN\*  
TAMARA DAVIS BROWN\*  
JEFFREY A. MITCHELL  
ROBERT S. KOPPEL\*

\*NOT ADMITTED IN VA  
Writer's Direct Dial:  
(202) 828-9470  
tgutierrez@fcclaw.com

October 4, 2011

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room TW-A325  
Washington, DC 20554

Re: Application for Assignment of License from  
700 MHz LLC to AT&T Mobility Spectrum, LLC  
File No. 0004621016

Dear Ms. Dortch:

This letter responds, on behalf of 700 MHz LLC, to the letter to you dated August 19, 2011 involving the referenced proceeding and several others, by Cincinnati Bell Wireless, LLC and others. It also follows up on correspondence between this office and the Wireless Telecommunications Bureau, also involving the referenced proceeding.

A small group of wireless carriers has twice written urging that the Commission somehow “consolidate” this very small license assignment proceeding with two much larger transactions that involve AT&T Mobility Spectrum, LLC (“AT&T Mobility”), or an affiliate. From the outset, the request for consolidation has been ludicrous. No one can seriously contend that the referenced single CMA market transaction that involves one license for 12 MHz could meaningfully impact on the Commission’s consideration of the two much larger AT&T transactions.<sup>1</sup> Nevertheless, the consolidation effort appears to have been somewhat successful by default: the otherwise uncontested referenced application has now been on file for, without action, more than seven months, including more than three months after having been placed on public notice.

---

<sup>1</sup> The AT&T and T-Mobile proposed merger (File No. 0004669383 and the AT&T and Qualcomm proposed nationwide spectrum assignment (File No. 0004566825).

Recently, another development has transpired that makes the consolidation request even more absurd: On August 31, 2011 the Department of Justice announced that it was filing suit to prevent the contemplated AT&T/T-Mobile merger – the key proceeding with which the referenced application has been requested to be consolidated. Subsequently, Sprint also filed suit against the AT&T/T-Mobile transaction. The impact of this is that the AT&T/T-Mobile transaction will continue to be without any FCC action for many more months, at the very least. As a result, unless the Commission acts to deny the petition to consolidate, at least with respect to the referenced application, the referenced application will also go without any action for several additional months. By the close of that inactivity time period, the underlying agreement may well have expired by its own terms. No one would be well served if this small transaction were to die due to lack of governmental inaction.

In view of the above, and for all of the reasons set forth in the June 22, 2011 submission from this office, 700 MHz LLC renews its request that the motion to consolidate be summarily dismissed and the subject application be promptly granted.

Respectfully submitted,

700 MHZ LLC

A handwritten signature in black ink, appearing to read "Tom Gutierrez", written in a cursive style.

Thomas Gutierrez

Lukas, Nace, Gutierrez & Sachs, LLP  
8300 Greensboro Drive, Suite 1200  
McLean, VA 22102  
(202) 828-9470

Its Attorney