

Information and Instructions

**Instructions for Schedule for Assignment of Lease/Sublease or Transfer of Control  
of Lessee/Sublessee  
FCC Form 603-T, Schedule E**

Schedule E is a supplementary schedule that is used to provide information regarding an Assignment of a Spectrum Lease/Sublease or the Transfer of Control of the Lessee/Sublessee. A single Schedule E is used for all of the Call Sign(s) listed on the Main Form.

**The Lease/Sublease Identifier(s), along with the corresponding Call Sign(s), are required to be submitted in an attachment. The Lease/Sublease Identifier(s) were issued upon proper notification to the FCC or approval by the FCC for a New Lease/Sublease.**

Item 1a Enter 'Y' if this Application/Notification is for a *pro forma* Assignment of Lease/Sublease or a *pro forma* Transfer of Control of Lessee/Sublessee. If the response to Item 1a is 'Y', also complete Item 1b. Otherwise enter 'N'.

A *pro forma* assignment of Lease/Sublease is one for which the actual controlling party of the Lease/Sublease does not change. For example, if a Lease/Sublease is assigned by one wholly-owned subsidiary of a parent corporation to another wholly-owned subsidiary of the same corporation, this would be a *pro forma* assignment of a Lease/Sublease.

A *pro forma* transfer of control of Lessee/Sublessee is one for which the actual controlling party of the Lessee/Sublessee does not change. For example, a corporate restructuring that changes the chain of ownership to the controlling corporation may give rise to a *pro forma* transfer of control of a Lessee/Sublessee.

Item 1b Enter 'Y' in this item if this is a notification of a *pro forma* assignment or transfer of control of a Lease/Sublease that is subject to the Commission's streamlined forbearance procedures. See Federal Communications Bar Association's Petition for Forbearance from Section 310(d) of the Communications Act Regarding Non-Substantial Assignments of Licenses and Transfers of Control Involving Telecommunications Carriers Licensed by the Wireless Telecommunications Bureau, *Memorandum Opinion and Order*, 13 FCC Rcd. 6293 (1998). This purpose should be selected only where the assignment or transfer is a *pro forma* Assignment of Lease/Sublease or a Transfer of Control of Lessee/Sublessee that does not require prior Commission consent. Otherwise enter 'N'. This item can be answered only if 'Y' was entered in Item 1a.

Item 2 Enter 'Y' if this Application/Notification is for an involuntary Assignment of Lease/Sublease or an involuntary Transfer of Control of Lessee/Sublessee as defined in 47 CFR Part 1 or the applicable service rules.

Item 3a If the Lease/Sublease involves Cellular Radiotelephone, broadband PCS, or Specialized Mobile Radio (SMR) spectrum, enter 'Y'. If the response to 3a is 'Y', complete 3b and 3c.

Item 3b If the Lessee/Sublessee/Transferee holds a 10 percent or greater direct or indirect interest in any entity that has access (through license authorizations, Leases, or Subleases) to 10 MHz or more of Cellular Radiotelephone, broadband PCS, or SMR spectrum in each geographic area or market, enter 'Y'. Otherwise, enter 'N'. If the response to this Item is 'Y', in an attachment, specify all geographic areas/markets (e.g., BTA, MSA, county, etc.) where there are spectrum overlaps and the total amount of spectrum that the Transferee will hold and/or lease in that geographic area/market. If the Lessee/Sublessee/Transferee or any of the Lessee's/Sublessee's/Transferee's affiliates have pending Applications/Notifications to acquire leased/subleased spectrum on file with the Commission and if this spectrum is in the same geographic area(s)/market(s) as the spectrum that is the subject of this Application/Notification, include the spectrum in the pending Applications/Notifications in the list of geographic areas/markets where there are spectrum overlaps and in the total amount of spectrum that the Lessee/Sublessee/Transferee will hold and/or Lease/Sublease in each geographic area/market. Also provide in an attachment the competitors that are providing service in each geographic area/market.

Item 3c If the response to Item 3b is 'Y' and if the assignment/transfer will result in the loss of one or more service provider(s)/competitor(s) in any of the overlap geographic areas/markets, enter 'Y'.

Item 4a Indicate the type(s) of radio service offerings the Lessee/Sublessee plans to provide.

All entities that are telecommunications carriers should select common carrier on this form. The term 'telecommunications carrier' means any provider of telecommunications services, except that such term does not include aggregators of telecommunications services (the term 'aggregator' means any person that, in the ordinary course of its operations, makes telephones available to the public or to transient users of its premises, for interstate telephone calls using a provider of operator services). A telecommunications carrier shall be treated as a common carrier under the Communications Act and the Commission's rules (*i.e.*, as an entity that holds itself out for hire indiscriminately, in interstate or foreign communications by wire or radio, or in interstate or foreign radio transmission of energy, for the purpose of carrying transmissions provided by the customer), only to the extent that it is engaged in providing telecommunications services.

The term 'telecommunications service' means the offering of telecommunications (*i.e.*, the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received) for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.

Non-common carriers do not hold themselves out indiscriminately for hire as carriers of communications provided by the customer. A person engaged in radio broadcasting shall not, insofar as such person is so engaged, be deemed a common carrier. Thus, those entities meeting this definition would select non-common carrier for this item.

Private internal users are those entities that utilize telecommunications services purely for internal business purposes or public safety communications and not on a for hire or for profit basis. Such entities should select 'Private' for this item.

The term 'Broadcast Services' shall have the same meaning as that for "broadcasting" in § 3(6) of the Communications Act of 1934, *i.e.*, the dissemination of radio communications intended to be received by the public, directly or by the intermediary of relay stations." 47 U.S.C. 153(6). Entities meeting this definition should select 'Broadcast Services' for this item.

Item 4b If the response to 4a differs from that of the Licensee with regard to its License authorization(s), enter 'Y'. Otherwise, enter 'N'.

Item 5a Indicate the type(s) of radio services the Lessee/Sublessee plans to provide.

Item 5b If the response to 5a differs from that of the Licensee with regard to its License authorization(s), enter 'Y'. Otherwise, enter 'N'.

Item 6a Indicate whether the Lessee/Sublessee plans to provide interconnected service. Enter 'Y' if yes. Otherwise, enter 'N'.

Item 6b If the response to 6a differs from that of the Licensee with regards to its License authorization(s), enter 'Y'. Otherwise, enter 'N'.

### **Certifications**

By signing the Main Form, FCC Form 603-T, the Licensee and Lessee/Sublessee certify that the applicable statements listed in this schedule are true, complete, correct, and made in good faith.

**Schedule for Assignment of Lease/Sublease or Transfer of Control of Lessee/Sublessee**

**General Transaction Information**

1a) Is this a <i>pro forma</i> Assignment of a Lease/Sublease or a <i>pro forma</i> Transfer of Control of the Lessee/Sublessee?	( ) <u>Yes</u> <u>No</u>
1b) If the answer to Item 1a is 'Y', is this filing being submitted under the Commission's forbearance procedures for telecommunications licenses or telecommunications carriers?	( ) <u>Yes</u> <u>No</u>
2) Is this filing a reporting of an involuntary assignment of a Lease/Sublease or an involuntary transfer of control of Lessee/Sublessee?	( ) <u>Yes</u> <u>No</u>

**CMRS Spectrum**

3a) Does the transaction involve Cellular Radiotelephone, broadband PCS, or Specialized Mobile Radio (SMR) spectrum (referred to for purposes of this question as CMRS spectrum)?  If the answer to Item 3a is 'Y', complete the following two questions.	( ) <u>Yes</u> <u>No</u>
3b) Does the Lessee/Sublessee/Transferee hold direct or indirect interests (of 10 percent or more) in any entity that already has access to 10 MHz or more of CMRS spectrum (through License(s), Lease(s), or Sublease(s)) in the same geographic area?	( ) <u>Yes</u> <u>No</u>
3c) Does the Lease/Sublease reduce the number of entities providing CMRS in the affected market(s)?	( ) <u>Yes</u> <u>No</u>

**Regulatory Status**

4a) The Lessee/Sublessee will provide radio offerings on the following basis (enter all that apply):  ( ) Common Carrier    ( ) Non-common Carrier    ( ) Private, internal communications    ( ) Broadcast Services	
4b) Does the regulatory status indicated in response to Item 4a differ from the regulatory status authorized with regard to the Licensee?	( ) <u>Yes</u> <u>No</u>
5a) The Lessee/Sublessee will provide the following type(s) of radio service (enter all that apply):  ( ) Fixed    ( ) Mobile    ( ) Radiolocation    ( ) Satellite (sound)    ( ) Broadcast services	
5b) Does the type(s) of radio service indicated in response to Item 5a differ from the type(s) of radio service authorized to be provided by the Licensee?	( ) <u>Yes</u> <u>No</u>
6a) Does the Lessee/Sublessee propose to provide interconnected service?	( ) <u>Yes</u> <u>No</u>
6b) Does the response to Item 6a differ from whether the Licensee provides interconnected service?	( ) <u>Yes</u> <u>No</u>