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Via Electronic Filing

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street SW
Washington, DC 20554

Re: *Promoting Investment in the 3550-3700 MHz Band (GN Docket No. 17-258)*

Dear Ms. Dortch:

On April 26, 2018, AT&T Services, Inc. (AT&T) submitted a letter responding to the Wireless Internet Services Providers Association's (WISPA's) demonstration that census-tract license areas are suitable for urban deployments using Priority Access License (PAL) spectrum in the 3.5 GHz band.¹ AT&T claims that the analysis is flawed because WISPA assumes—consistent with the current Part 96 rules—that Spectrum Access Systems (SASs) can harmonize PAL channel assignments by assigning the same licensee the same channels across geographically contiguous PALs.

AT&T's current argument is both unfounded and a reversal of its own prior position. As WISPA has explained, AT&T's arguments generally spring from an inaccurate conception of the relationship between PAL boundaries and the operation of SASs.

Beyond those points well-stated by WISPA, it is important to recognize the context of AT&T's current advocacy. AT&T itself proposed that "PALs issued to the same licensee in adjacent census tracts should be assigned the same 10 MHz blocks in contiguous license areas if it is at all possible to do so," and the Commission adopted AT&T's proposal as part of Rules 96.25(b)(1)(i) and 96.59(b).² But now, flipping its position, AT&T suggests that it will not be feasible to design an algorithm to "assign geographically contiguous PALs held by the same Priority Access Licensee to the same channels"³ as contemplated by Part 96. According to AT&T, the need to harmonize frequency assignments in a given geographic area may have

¹ Letter from Stacey Black, AT&T Services, Inc., to Marlene H. Dortch, Secretary, FCC, in GN Docket No. 17-258 (filed Apr. 26, 2018) (AT&T Letter).

² Comments of AT&T in GN Docket No. 12-354 at 8 (filed Dec. 5, 2013) (AT&T Comments).

³ 47 C.F.R. § 96.25(b)(1)(i).

GN Dkt. 17-258
May 4, 2018

second order “daisy chaining” effects in adjacent geographic areas, making a suitable algorithm “exceptionally difficult”⁴ to design.

AT&T is correct that providing a licensee spectrally consistent coverage across multiple adjacent markets may require harmonizing PAL channel assignments across those markets. But this does not render designing a suitable mechanism impractical. In fact, because these assignments will occur infrequently, and need not be established or changed in real time, any number of approaches could be used to arrive at a channel plan that maximizes contiguity of PAL spectrum.⁵

AT&T emphasizes that the WInnForum has not yet adopted a final channel-assignment process. But as AT&T knows from its own participation in the group, the WInnForum has been occupied building solutions to other operational requirements, some of which—such as including optimization of GAA spectrum assignments—are significantly more involved than the PAL harmonization issue that AT&T raises and thus are being addressed earlier. The WInnForum has also rightly prioritized features and test protocols necessary for the Commission’s approval of SAS operators and implementations. By focusing on these more pressing matters, the WInnForum is doing exactly what the Commission expects of it, and this prioritization does not indicate that putting a channel assignment process in place for contiguous PALs is somehow impracticable.

As the feasibility condition of Rules 96.25(b) and 96.59(b) contemplates, and as AT&T itself anticipated when it proposed such a rule,⁶ there may be situations where it is not possible for any channel-assignment mechanism to assign a single frequency to every contiguous PAL that a licensee holds. Such situations, which have been well understood since the very beginning of the 3.5 GHz rulemaking process, should not cause the Commission to depart from the sound general rule it has adopted. These situations may arise in particular cases where a particular configuration of licensees’ PAL holdings precludes a fully harmonized outcome, but not because the channel-assignment process itself is prohibitively difficult to create. It is not.

Moreover, AT&T and other large carriers have proposed an approach that could resolve this issue without compromising the CBRS band’s flexibility and utility for other licensees: the Commission could permit bidders on PAL spectrum to bid on particular channels.⁷ This would allow the prospective licensee itself to decide the value of obtaining a geographically contiguous coverage area at a given frequency during the auction process. Although Google⁸ has previously explained the benefits of allowing the SAS to dynamically assign PAL channels,⁸ allowing

⁴ AT&T Letter at 1.

⁵ The WInnForum can determine alternate channel assignments in advance to quickly respond to changed channel availability due to the presence of Navy radar systems.

⁶ AT&T Comments at 6 (“PALs issued to the same licensee in adjacent census tracts should be assigned the same 10 MHz blocks in contiguous license areas if it is at all possible to do so.”).

⁷ See, e.g., AT&T Comments at 5; Letter from Steve Sharkey, T-Mobile USA, Inc. to Marlene H. Dortch, Secretary, FCC in GN Docket No. 17-258 at 3 (filed Feb. 14, 2018).

⁸ See, e.g., Comments of Google Inc. and Alphabet Access in Response to Petitions for Rulemaking in GN Docket No. 12-354 at 27 (filed July 24, 2017).

GN Dkt. 17-258
May 4, 2018

bidding on specific channels would address the issues that AT&T and T-Mobile now find concerning, if the Commission should agree with those carriers' current assessments.

Accordingly, AT&T's proposal to radically increase the size of every PAL in the country is unnecessary to facilitate efficient use of PAL spectrum by large carriers. It would preclude successful use of PALs by other operators with small and non-contiguous service territories, without being essential for major carriers like AT&T. The Commission should recognize that AT&T's newfound concerns about the process of designing a suitable channel-assignment algorithm are misplaced, and maintain its existing rules for PAL size.

Respectfully submitted,



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