

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, DC 20554

In the Matter of )  
 )  
MVDDS 5G Coalition )  
 ) File No. RM-11768  
Petition for Rulemaking to Permit MVDDS Use of )  
the 12.2-12.7 GHz Band for Two-Way Mobile )  
Broadband Service )  
 )

**REPLY STATEMENT OF AT&T  
OPPOSING PETITION FOR RULEMAKING**

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June 23, 2016

## Summary

AT&T files this Reply Statement in response to the Petitioners' Comments. Petitioners waited until the thirty day cycle for statements on their Petition had run before filing comments in support of their own Petition and presenting their "case in chief" for the first time. Ultimately, however, the comments and report filed by Petitioner do not provide any meaningful support for their Petition, and AT&T opposes opening the rulemaking they request.

## Discussion

As noted in AT&T's initial Statement,<sup>1</sup> the primary focus of Petitioners' argument is that there is a great need for new 5G spectrum, and that the 12 GHz band is ideally suited to 5G services. The commenting parties who supported the Petition did so on the same grounds, and most failed to even mention the issue of interference with DBS service in this band and how it might be addressed.<sup>2</sup> As such, they present no real argument for revisiting the current rules, which were carefully crafted to avoid the creation of harmful interference to DBS licensees by MVDDS licensees.

Petitioners, on the other hand, argue in their Comments that the technical report they submitted<sup>3</sup> establishes that MVDDS and DBS licensees can share the 12.2-12.7 GHz band under the rules they propose without harmful interference to DBS.<sup>4</sup> AT&T respectfully disagrees.

The Coexistence Study examines in great detail three very specific use cases, for two way 5G applications. The first was a point to point link over an Indiana farm field (at a power level

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<sup>1</sup> Statement of AT&T Opposing Petition for Rulemaking at 1.

<sup>2</sup> *See, e.g.*, Comments filed by the Competitive Carriers Association, the Computer and Communications Industry Association, and Public Knowledge.

<sup>3</sup> MVDDS 12.2-12.7 GHz Co-Primary Service Coexistence, prepared by Tom Peters, dated June 8, 2016 (Coexistence Study).

<sup>4</sup> MVDDS 5G Coalition Comments at 5.

1/300th of that requested by Petitioners), the second was an outdoor deployment of twenty base stations communicating with user devices in a downtown area, and the third was an indoor deployment of 5G operations at a shopping mall in a downtown area. Most of the “new technology” relied upon in this analysis is modeling based on survey data generated by the United States Geological Service using Light Detection and Ranging (LIDAR) to analyze the potential interference with DBS in these carefully constructed scenarios. Even within these narrow scenarios, the analysis still finds areas of potential interference, and of course these areas are larger than they would be under the existing rules due to the increased E.I.R.P. that was assumed.

Setting aside some of the erroneous baseline assumptions in the Report, such as where a satellite dish might be installed,<sup>5</sup> it simply fails to provide support for revisiting the current rules governing MVDDS licenses. The question is not whether it is possible to construct a discrete hypothetical scenario in a particular geography in which a two way mobile application could operate without interference to existing DBS receivers. Rather, the question is what generic mitigation techniques and technical limitations are best placed on terrestrial use of the spectrum in question to ensure avoidance of interference with DBS operations. Eliminating EIRP limits and extending MVDDS uses to two-way and mobile applications greatly increase the possibility that MVDDS deployments will interfere with DBS, and opens up the prospect that DBS licensees will need to monitor and engage on a wide variety of such interfering deployments.

Finally, to the extent that an MVDDS licensee wishes to deploy a particular technology or service at variance with the existing rules, the Commission has already provided them with a

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<sup>5</sup> MVDDS 5G Coalition Comments at 12.

path forward. It has set out a waiver process supported by an independent technical analysis to further flexible use of the spectrum and allow current and future technological innovations.<sup>6</sup>

Accordingly, AT&T does not support Petitioner's request to revisit the MVDDS rules at this time.

Respectfully submitted,

/s/ Linda M. Hood

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<sup>6</sup> Amendment of Parts 2 and 25 of the Commission's Rules to Permit Operation of NGSO FSS Systems Co-Frequency with GSO and Terrestrial Systems in the Ku-Band Frequency Range, Memorandum Opinion and Order and Second Report and Order, 17 FCC Rcd 9614 (2002)(“MVDDS Second R&O) at ¶ 236.

## Certificate of Service

I certify that on June 23, 2016, I caused the foregoing statement to be served on the Petitioners at the addresses listed below by first class mail.

/s/ Linda M. Hood

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