

*Before the*  
**Federal Communications Commission**  
**Washington, D.C. 20554**

In the Matter of	)	
	)	
Wireless Telecommunications Bureau	)	
Seeks Comment Regarding Request for	)	WT Docket No. 16-181
Relief of Certain WCS Construction	)	
Requirements	)	

**REPLY TO COMMENTS**

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July 5, 2016

*Before the*  
**Federal Communications Commission**  
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To: The Commission

**REPLY TO COMMENTS**

The Commission should grant AT&T’s Petition for Limited Waiver of Interim Performance Requirement for WCS C and D Block Licenses (“Petition”), as supplemented.<sup>1</sup> In the Petition and Supplement, AT&T requests that the Commission waive the interim performance requirement, and adopt new performance requirements, for the 2.3 GHz Wireless Communications Service (“WCS”) C and D Blocks.<sup>2</sup> As detailed in the Petition, the severe technical constraints needed to protect adjacent Satellite Digital Audio Radio Service (“SDARS”) and Aeronautical Mobile Telemetry (“AMT”) users have impeded productive deployment of this spectrum—precisely as predicted in the record of the 2010-12 proceeding that revised the WCS rules.<sup>3</sup> Nevertheless, AT&T and Nokia recently have developed an offering for private, highly secure, reliable, and high-capacity LTE networks for utility smart grids (and

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<sup>1</sup> AT&T Petition for Limited Waiver of Interim Performance Requirement for WCS C and D Block Licenses (filed Mar. 29, 2016) (“Petition”); AT&T Supplement to Petition for Limited Waiver of Interim Performance Requirement for WCS C and D Block Licenses (filed May 18, 2016) (“Supplement”). We refer to AT&T Mobility Spectrum LLC; BellSouth Mobile Data, Inc.; New Cingular Wireless PCS, LLC; and SBC Telecom, Inc. collectively as “AT&T.”

<sup>2</sup> See generally 47 C.F.R. § 27.14(p) (setting forth the performance requirements).

<sup>3</sup> See Petition at 4-9.

related smart cities applications). The AT&T-Nokia smart grid solution can operate over WCS C and D Block spectrum within the strict limits of the existing technical rules.<sup>4</sup>

Prospective customers have greeted this innovative solution enthusiastically since its unveiling in February,<sup>5</sup> and AT&T and Nokia have marketed it aggressively.<sup>6</sup> In Public Knowledge's words, "AT&T has not only worked to develop an effect[ive] use of its spectrum, but also taken concrete steps to deploy its solution."<sup>7</sup> Despite the widespread interest and aggressive efforts, however, it will "not be possible to deploy this solution broadly enough to meet the interim buildout deadline of March 13, 2017,"<sup>8</sup> and "it is unlikely AT&T will meet the September 13, 2019 final buildout deadline."<sup>9</sup> Missing either deadline will forfeit the spectrum to the Commission, further delaying its productive use and returning uncertainty to the entire 2.3 GHz band. AT&T, therefore, seeks replacement of the interim buildout deadline with a semiannual reporting requirement and a two-year delay in the final buildout deadline.<sup>10</sup> Moreover, because the particulars of the current performance requirements do not fit the smart grid solution comfortably, AT&T proposes some minor alterations to improve the tailoring.<sup>11</sup> Granting AT&T's requests will serve the public interest by giving AT&T and Nokia the time necessary to market and deploy the smart grid solution, realizing the myriad benefits it offers to

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<sup>4</sup> See *id.* at 13-16, Appendix A (discussing technical specifics of the smart grid solution).

<sup>5</sup> See *id.* at 17; Supplement at 3.

<sup>6</sup> See Petition at 17-18; Supplement at 3.

<sup>7</sup> Comments of Public Knowledge at 4; see also *id.* at 3 ("AT&T [h]as [m]ade a [g]ood [f]aith [e]ffort to [m]eet [i]ts [p]erformance [r]equirements.").

<sup>8</sup> Petition at i.

<sup>9</sup> Supplement at 3.

<sup>10</sup> See *id.* at 4-5 (elaborating on this extension proposal).

<sup>11</sup> See *id.* (explaining the proposed modifications).

utilities, consumers, the economy, and the environment while avoiding the harms that terminating these licenses would visit upon other 2.3 GHz users.

Commenters in this docket uniformly agree that the Commission should grant AT&T's Petition, as supplemented. They recognize that the AT&T-Nokia smart grid solution addresses a pressing national priority and, as the Utilities Technology Council ("UTC") notes, "would drive important public interest benefits in energy security, reliability, efficiency and safety."<sup>12</sup> As one party sums up the situation, "[p]ut simply, granting AT&T's waiver request will help utilities expand their capabilities for the benefit of consumers and the nation's economy."<sup>13</sup> Sirius XM and other commenters also "agree[] that the proposed 'smart grid' service offers the best opportunity for putting the WCS C and D Blocks to good and productive use in the foreseeable future...while still fully protecting SDARS" and other adjacent spectrum users.<sup>14</sup> For instance, Public Knowledge notes that "AT&T appears to have dedicated substantial time and resources to gain an understanding of the unique interference issues that have plagued the WCS band and coordinating with Satellite Digital Audio Radio Service and Aeronautic[al] Mobile Telemetry

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<sup>12</sup> Comments of the Utilities Technology Council at 8; *see also* Comments of Tech Knowledge at 3 (The smart grid solution "would serve the public's interest in transforming the nation's 19<sup>th</sup> century electrical grid into a smart grid for the 21<sup>st</sup> century."); Comments of Public Knowledge at 4-5 (stating that "smart grid deployment is a national priority" and "AT&T's proposed use for the WCS C and D block spectrum has the potential to contribute to achieving the goal of more widespread smart grid deployment"); Comments of John Thompson on Behalf of Avista Utilities at 1.

<sup>13</sup> Comments of Mobile Future at 3.

<sup>14</sup> Supplemental Comments of Sirius XM Radio Inc. at 2-3; *see also* Comments of Public Knowledge at 3 ("[G]ranting the Petition will enhance the likelihood that the spectrum will be put to productive use as soon as possible."); Comments of Mobile Future at 4 (Granting AT&T's Petition "will promote investment in and the deployment of essential broadband services in the 2.3 GHz WCS spectrum and facilitate the co-existence of the WCS and SDARS [bands]."); Comments of the Utilities Technology Council at 11 (stating "the limited waiver would promote effective use of the 2.3 GHz band, which has been challenging, considering the difficulty of protecting adjacent SDARS and AMT services"); Comments of Richard Bennet at 1-3 (discussing the promise of the smart grid solution for overcoming the difficulties of deployment in the WCS C and D Blocks).

users to facilitate deployment on WCS C & D blocks.”<sup>15</sup> Conversely, there is a broad consensus among commenters that “failure to grant the Petition would almost certainly cause even further delay in putting the spectrum to productive use.”<sup>16</sup> Moreover, commenters, including UTC, agree that AT&T’s proposals appropriately fit the WCS C and D Block performance requirements to the proposed smart grid solution.<sup>17</sup>

In addition to supporting AT&T’s Petition,<sup>18</sup> Public Knowledge suggests that the Commission “permit non-interfering unlicensed access to unused WCS C and D block spectrum on a use-or-share basis.”<sup>19</sup> The Commission’s rules prohibit mobile and portable uses of this

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<sup>15</sup> Comments of Public Knowledge at 2-3; *see also* Supplemental Comments of Sirius XM Radio Inc. at 3 (“Sirius XM sees significant value in its existing relationship with AT&T, given AT&T’s deep appreciation of the interference concerns between WCS and SDARS in the 2.3 GHz Band and AT&T’s consistent efforts over the past few years to work with Sirius XM to reach mutually beneficial outcomes with reference to spectrum matters. Sirius XM and AT&T have invested heavily in helping AT&T understand Sirius XM’s interference concerns and how to accommodate them.”).

<sup>16</sup> Comments of Public Knowledge at 5; *see also id.* at 3 (“AT&T will likely be able to deploy its smart grid service on this spectrum faster than a new license holder will.”); Letter from Joseph Cramer, Vice President of AFTRCC, to Marlene [H]. Dortch at 2 (“To start over at this point with an entirely new party would represent an inordinate waste and burden for AFTRCC and its Member Companies, and would needlessly delay productive use of the WCS C and D Blocks.”); Supplemental Comments of Sirius XM Radio Inc. at 3 (“[N]ot granting AT&T the additional time it seeks would once again create uncertainty with respect to the future use of the C and D Blocks and would likely set back by years the significant progress WCS and SDARS licensees have made.”); Comments of Tech Knowledge at 3; Comments of Richard Bennett at 1 (“[U]nless the waiver is granted...the Commission will be doomed to repeat the process of auctioning the licenses and...[b]ecause of the nature of these licenses, there may not even be a new bidder ready to engage in this inherently risky proposition.”).

<sup>17</sup> *See, e.g.*, Comments of the Utilities Technology Council at 7 (“Extending the buildout deadlines is necessary to provide utilities with sufficient time to make effective use of the band, and revising the performance metrics as requested by AT&T is necessary to support the unique network designs of utility smart grid communications systems.”); Comments of Mobile Future at 4 (Grant of the waiver would “be a pragmatic and forward-looking approach that allows time to market and deploy these smart grid solutions while bringing the spectrum into a productive non-interfering use.”); Comments of Nokia at 7-8.

<sup>18</sup> Comments of Public Knowledge at 2-3.

<sup>19</sup> *Id.* at 2.

spectrum,<sup>20</sup> and—as widely recognized in the comments<sup>21</sup>—it is extremely challenging to use the C and D Blocks in a way that does not cause harmful interference to adjacent users. AT&T, nevertheless, is open to exploring this concept with Public Knowledge and other stakeholders to understand how they propose to deploy unlicensed devices in the C and D Blocks on a shared basis without causing harmful interference.

Public Knowledge also asks that AT&T’s initial semiannual report on the deployment of the spectrum be due by June 30, 2017, rather than the January 31, 2018 deadline proposed by AT&T.<sup>22</sup> AT&T proposed that its first report cover the second half of 2017 because that is the first semiannual period for which AT&T expects to be able to report significant progress. A report on the first half of 2017 is likely to be much less robust. AT&T does not believe it is worth distracting AT&T and Nokia personnel from advancing the smart grid solution’s deployment in order to prepare the earlier report or for the Commission to devote resources to reviewing it.<sup>23</sup> In any event, this minor debate over when to commence reporting pales in significance next to the overall unanimity in the record.

As demonstrated in the Petition and Supplement, and as affirmed by every commenter in this proceeding, adapting the C and D Block performance requirements as AT&T proposes will provide great benefits to the public. The AT&T-Nokia smart grid solution puts fallow spectrum to use to address a national imperative. At the same time, it satisfies the particularly stringent technical requirements needed to protect other 2.3 GHz spectrum users from harmful

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<sup>20</sup> 47 C.F.R. § 27.50(a)(3)(ii).

<sup>21</sup> See Comments of Richard Bennett at 2; Comments of Tech Knowledge at 2; Comments of Sirius XM Radio Inc. at 3; Comments of Public Knowledge at 5; *see also* Petition at 4-9.

<sup>22</sup> See Comments of Public Knowledge at 7-8; Supplement at 5.

<sup>23</sup> AT&T notes that it proposed the semiannual reports be due one month following each half year to allow time for preparation. See Supplement at 5 (also explaining that the due dates would be adjusted pursuant to 47 C.F.R. § 1.4 as necessary).

interference. The Commission should join the commenters in recognizing that AT&T's proposal represents a tremendous advance under uniquely challenging circumstances and grant AT&T's Petition, as supplemented.

Respectfully submitted,

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July 5, 2016

**CERTIFICATE OF SERVICE**

I, Brett J. Farley, do hereby certify that on this 5th day of July, 2016, a true and correct copy of the foregoing AT&T “Reply to Comments” was served on the following via U.S. mail.

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