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Via Electronic Filing

July 6, 2016

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: Notice of Ex Parte Communication: *In the Matter of Use of Spectrum Bands Above 24 GHz For Mobile Radio Services Notice of Proposed Rulemaking;* GN Docket No. 14-177

Dear Ms. Dortch:

On July 5, 2016, in separate meetings, Joan Marsh, Vice President, Federal Regulatory, Lindsey Knapton, Student Intern, Federal Regulatory, and the undersigned met with Johanna Thomas, Legal Advisor to Commissioner Rosenworcel, Edward Smith, Legal Advisor to Chairman Wheeler, Daudeline Meme, Legal Advisor to Commissioner Clyburn, Brendan Carr, Legal Advisor to Commissioner Pai, and Erin McGrath, Legal Advisor to Commissioner O'Reilly (by phone). Some of the meetings were also attended by FCC Student Interns.

In the meetings, AT&T expressed strong support for Commission action on the bands at issue in the above-referenced proceeding and stressed that, while many of the staff proposals continue to be controversial, resolution of the issues and clarity on the licensing and service rules in the bands is essential to ensuring that 5G standards and equipment development and early 5G trials in the U.S. can proceed.

We also discussed AT&T's recent letter[1] to the Commission concerning the proposed spectrum aggregation rules and the importance of licensee diversity in the licensed bands being considered in the proceeding in order to maximize early 5G development and deployment in the United States. In particular, the 28 GHz band, a seminal band for 5G development and where only two licenses per

[1] See Letter from Joan Marsh to Marlene Dortch, July 5, 2016, *In the Matter of Use of Spectrum Bands Above 24 GHz For Mobile Radio Services Notice of Proposed Rulemaking;* GN Docket No. 14-177

market will be authorized, the presence of multiple licensees will be essential in early stage development of 5G networks. Additionally, AT&T discussed its recent calculations that carriers using 37-39 GHz spectrum will need approximately 50 percent more spectrum than a carrier using the 28 GHz band, and that the Commission's spectrum aggregation policies should take this performance differential into account in order to avoid inadvertently providing one carrier a competitive advantage over another.

AT&T also encouraged the Commission to bring the 28 and 37-39 GHz spectrum to market as quickly as possible and reject calls for further investigation into potential interference that may be experienced by the incumbent satellite operators. AT&T noted that terrestrial interference can be managed through the same good faith coordination and interference mitigation techniques that have been practiced for decades. With regards to space station receiver interference, AT&T noted that the record is replete with technical analyses showing that aggregate interference from terrestrial 5G mobiles and fixed stations into a receiver several thousand miles above the earth, will be nominal.

In addition, AT&T urged the Commission to consider more flexible build requirements for the differing licensed areas in each band. For example, 37-39 GHz PEA licenses consist of mixed urban, suburban and rural areas, and imposing the same build requirement for county-sized 28 GHz licenses may have unintended results as many counties are exclusively urban or suburban. While a POPs requirement may be appropriate for urban counties, uniform build requirements may discourage investment in counties and PEAs that are predominately rural. AT&T also opposed any approach that would result in automatic loss of license areas that don't meet established build requirements. Such an approach could result in the forfeiture and isolation of rural areas, which will only further discourage 5G investment in those geographies.

AT&T also supported StraightPath's proposal for a license swap in 39 GHz. The proposal appears to be broadly recognized as an effective and sound path to rationalizing the 39 GHz band into contiguous blocks. AT&T argued for an even more flexible approach than proposed by StraightPath, noting that 39 GHz licensees should also be permitted to voluntarily swap into open licensed allocations in 37 and 38 GHz if a swap opportunity does not exist within the 39 GHz band.

Lastly, we discouraged the Commission from including a cybersecurity certification requirement in this proceeding. AT&T agrees that cybersecurity is a critical goal and AT&T has been actively working in a wide variety of venues to

develop cybersecurity standards and best practices for 5G and beyond. However, as has been recognized by the Administration and multiple government agencies, in particular within the NIST Cybersecurity Framework, effective cybersecurity is not about regulatory process or rules but rather about risk management – identifying risks and determining how to best mitigate those risks. The FCC should therefore seek to encourage the continued development of the public private partnership model vs. the imposition of rules mandating security statements or standards as a condition for new spectrum allocations. Such an action would do little to actually improve cybersecurity and could actually make us less secure by directing private sector resources away from innovating against a constantly changing threat and towards compliance, and by undermining the existing robust partnership that presently exists between the public and private sectors.

Pursuant to the Commission's rules, this notice is being filed in the above-referenced docket for inclusion in the public record. Please contact me should you have any questions.

Respectfully submitted,

Stacey Black

Cc:

Johanna Thomas
Edward Smith
Daudeline Meme
Brendan Carr
Erin McGrath