



July 17, 2017

Via ECFS

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

**RE: NOTICE OF EX PARTE
WT Docket No. 16-335**

Dear Ms. Dortch:

The Rural Wireless Association, Inc. ("RWA") hereby requests clarification of one aspect of the Bureau's Waiver Letter¹ which RWA had originally opposed and of which RWA has sought reconsideration in the form of an Application for Review.² The Waiver Letter granted AT&T a conditional waiver of the Section 27.14 buildout requirements that apply to 700 MHz license WQIZ358. The waiver is expressly conditioned upon AT&T's compliance with alternative construction benchmarks and a number of other specific conditions. The Waiver Letter also makes clear that AT&T's failure to meet any of these conditions will result in the automatic reduction of the relevant license area to the geographic territory that AT&T was covering and serving as of June 13, 2017 without any further action by the Commission.³

Although the Waiver Letter expressly requires a roll back of AT&T's license area(s) to its June 13, 2017 coverage in the event that the waiver conditions are not met, the Waiver Letter fails to take into account that AT&T is presently under no obligation to submit a construction

¹ Letter from Roger S. Noel, Chief, Mobility Division, Wireless Telecommunications Bureau, to Robert Vitanza, AT&T Services, Inc., DA 17-63, WT Docket No. 16-335, rel. January 18, 2017 ("Waiver Letter").

² *In the Matter of Petition of AT&T for Waiver of Lower 700 MHz Band Interim and End-of-Term Geographic Construction Benchmarks for Alaska B-Block License WQIZ358*, WT Docket No. 16-335, Application for Review of the Rural Wireless Association, Inc. (filed February 17, 2017).

³ See waiver conditions 1, 2, 3 & 4 . Waiver Letter at pp. 6-7.

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notification that will show precisely what areas of WQIZ358 were actually receiving coverage and service as of the June 13, 2017 roll back date. AT&T's last construction notification shows coverage only as of December 13, 2016, the deadline for the first buildout requirement.

Without the filing of system maps and shapefile data reflecting coverage *as of June 13, 2017*, there will be no way for potential competitors of the Commission to determine the boundaries of AT&T's license area in the event that it fails to meet all of the conditions imposed by the Waiver Letter. This point was specifically acknowledged by the Bureau in its recent decision granting a conditional waiver of section 27.14 of the rules to Alaska Wireless Network ("AWN") for one of its 700 MHz licenses.⁴ In that case, the Bureau specifically required AWN to file "a showing demonstrating its geographic coverage area within 15 days of June 13, 2017" so that the June 13, 2017 coverage area could be readily ascertained.⁵ This same concern applies with equal force in the present case and the Bureau should rectify its potential oversight by requiring AT&T to immediately submit a construction notification showing coverage for WQIZ358 as of June 13, 2017.

Pursuant to Section 1.1206 of the FCC's Rules, this ex parte is being filed electronically with the Office of the Secretary.

Respectfully submitted,

/s/ Caressa D. Bennet

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⁴ Letter from Roger S. Noel, Chief, Mobility Division, Wireless Telecommunications Bureau, to Cindy Hall, Alaska Wireless Network, LLC, DA 17-548, WT Docket No. 16-402, rel. June 6, 2017 ("AWN Waiver Letter").

⁵ See waiver condition 2. AWN Waiver Letter at p. 9.