



Michael P. Goggin
Assistant Vice President –
Senior Legal Counsel

AT&T Services, Inc.
1120 20th St NW, Suite 1000
Washington, DC 20036

+1.202.457.2055
michael.p.goggin@att.com

NOTICE OF EX PARTE

November 26, 2019

By ECFS

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C., 20554

Re: Expanding Flexible Use of the 3.7 to 4.2 GHz Band, GN Docket No. 18-122

Dear Ms. Dortch:

On November 22, 2019, Alex Starr, Hank Hultquist, and Raquel Noriega of AT&T, Jim Young and Chris Shenk of Sidley Austin (the latter by phone), Allan Ingraham and James Bono of Economists Incorporated (the latter by phone), and the undersigned met with Matthew Pearl, Blaise Scinto, Becky Schwartz, Paul Powell, and Anna Gentry of the Wireless Telecommunications Bureau (the latter two by phone), Bill Richardson of the Office of General Counsel, Johnathan Campbell, Erik Szbvarra, Martha Stancil, and Margaret Weiner of the Office of Economics and Analytics, and Julius Knapp of the Office of Engineering and Technology.

Consistent with its prior advocacy, AT&T reiterated its view that the Commission should issue an order establishing the broad outlines of how the C-Band will be reallocated, but it should seek further comment on the auction process, the service and technical rules, and a detailed transition plan. In broad outlines, AT&T explained that the order should call for a public, Commission-run auction that would occur as soon as practicable. The Commission should also make clear its intention to clear 300 MHz for terrestrial use. Support for these overarching goals has become widespread: CBA's proposal reflects its view that 300 MHz can be cleared for terrestrial use, and content providers recently endorsed that goal as well, assuming the Commission undertakes a carefully planned and executed transition to avoid harming video content delivery.¹

¹ See, e.g., Letter from Kathryn A. Zachem, Comcast, to Marlene H. Dortch, FCC, GN Docket No. 18-122, dated November 19, 2019 (“Comcast 11/19/19 *Ex Parte*”).

To that end, the transition plan will be critical, and the Commission should therefore develop and supervise the transition plan itself after further comment. In particular, AT&T explained that the Commission should select a Transition Administrator that has experience managing these types of complex transitions. As AT&T noted, content providers will need to work with their affiliates to plan the upgrades that are needed and when and how to install the new equipment. Under Commission supervision, C-Band users should generate estimated costs and timelines that will allow the Commission, after notice and comment, to build a comprehensive transition plan, as it did in the 600 MHz auction. AT&T also urged the Commission to seek comment on draft service and technical rules in a further notice of proposed rulemaking.

With respect to the public auction, AT&T noted that there is now wide agreement that the forward auction should follow the same clock auction process the Commission used in the 24 GHz auction.² AT&T also observed that, whatever the final auction design, there are a variety of options for funding the transition and ensuring that the satellite companies receive compensation for surrendering their spectrum rights and playing a critical role in the transition. For example, the Commission may be able to impose a requirement that winning bidders pay a portion of the transition costs as a condition of a license grant. We also discussed the possibility that there may be ways to design a reverse auction within the context of an incentive auction under 47 U.S.C. § 309(j)(8)(G). AT&T continues to actively evaluate all of these options.

Should any questions arise concerning this ex parte, please contact me at (202) 457-2055.

Sincerely,

/s/ Michael P. Goggin
Michael P. Goggin

² See, e.g., Letter from Hank Hultquist, AT&T, et al., to Marlene H. Dortch, FCC, GN Docket No. 18-122, dated October 29, 2019, Attachment at 1 (industry agreement from AT&T, Bluegrass Cellular, C-Band Alliance, Pine Belt Wireless, U.S. Cellular, and Verizon).