

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

In the Matter of	)	
	)	
AT&T Mobility Spectrum LLC and Club	)	WT Docket No. 14-145
42CM Limited Partnership Application for	)	
Consent to the Assignment of Two Lower 700	)	
MHz B Block Licenses in California	)	
	)	

**PETITION TO DENY OF COMPETITIVE CARRIERS ASSOCIATION**

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October 17, 2014

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**PETITION TO DENY OF COMPETITIVE CARRIERS ASSOCIATION**

Competitive Carriers Association (“CCA”) hereby petitions the Commission to deny the application<sup>1</sup> for the proposed assignment of Lower 700 MHz licenses for spectrum in CMA 340 (California 5-San Luis Obispo) and CMA347 (California 12-Kings) held by Club 42CM Limited Partnership (“Club 42”) to AT&T Mobility Spectrum LLC (“AT&T”) in the above-captioned proceeding.<sup>2</sup>

**I. INTRODUCTION AND SUMMARY**

CCA is the nation’s leading association for competitive wireless providers and stakeholders across the United States. CCA’s membership includes more than 100 competitive wireless providers ranging from small, rural carriers serving fewer than 5,000 customers to regional and national providers serving millions of customers. CCA also represents approximately 200 associate members consisting of small businesses, vendors, and suppliers that

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<sup>1</sup> See ULS File No. 0006344543 (filed Aug. 1, 2014) (“Application”).

<sup>2</sup> Public Notice, *AT&T Mobility Spectrum LLC and Club 42CM Limited Partnership Seek FCC Consent to the Assignment of Two Lower 700 MHz B Block Licenses in California*, WT Docket No. 14-145, DA 14-1288 (rel. Sept. 8, 2014) (“Public Notice”); see also Public Notice, *Pleading Cycle Extended for Proposed Assignment to AT&T from Club 42 of Two Lower 700 MHz Licenses*, WT Docket No. 14-145, DA 14-1442 (rel. Oct. 2, 2014) (extending petition to deny deadline until October 17, 2014).

serve carriers of all sizes. CCA actively participates in Commission proceedings on spectrum policy and in its consideration of secondary market transactions. Spectrum is a critical input for CCA’s carrier members, especially below-1-GHz, or “low-band,” spectrum that travels farther distances in rural areas and penetrates buildings more deeply than higher frequency spectrum. CCA members and the consumers in the areas that they serve are adversely impacted by the anti-competitive harms associated with the increasingly consolidated holdings of the two largest carriers of scarce low-band spectrum resources that are suitable and available for mobile wireless services. Thus, CCA is a party in interest with standing to submit this petition.<sup>3</sup>

As an initial matter, the Commission has acknowledged in a wide range of contexts the dominance of AT&T and Verizon and the potential for harm to competition resulting from this dynamic.<sup>4</sup> The Commission and the United States Department of Justice are both keenly aware of these carriers’ motives to use their dominant positions to impair competitors’ access to critical spectrum inputs, particularly spectrum below-1-GHz, which has unique and highly valuable propagation characteristics that allow greater coverage quality at less cost to deploy as compared to spectrum above-1-GHz.<sup>5</sup> Therefore, the Commission has adopted policies to facilitate multiple providers having access to below-1-GHz spectrum, to ensure that consumers have competitive

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<sup>3</sup> 47 C.F.R. § 1.939(a).

<sup>4</sup> See, e.g., *Reexamination of Roaming Obligations of Commercial Mobile Radio Service Providers and Other Providers of Mobile Data Services*, WT Docket No. 05-265, Second Report and Order, 26 FCC Rcd 5411 ¶ 27 (2011) (citing concerns about the incentives of the two largest providers to offer reasonable roaming); *Policies Regarding Mobile Spectrum Holdings*, Report and Order, 29 FCC Rcd 6133 ¶ 68 (2014) (“*Mobile Spectrum Holdings Order*”) (citing concerns that low-band spectrum is disproportionately concentrated in the hands of the two largest providers).

<sup>5</sup> See *Mobile Spectrum Holdings Order* ¶ 62; United States Department of Justice, *Ex Parte* Submission, WT Docket No. 12-269 at 2, 12-13 (filed Apr. 11, 2013) (“*DOJ Ex Parte*”).

alternatives for high-quality, affordable wireless broadband services. Specifically, in its recent *Mobile Spectrum Holdings Order*, the Commission decided to treat holdings of spectrum below-1-GHz as an “enhanced factor” in evaluating secondary market spectrum transactions if the transaction would result in a carrier holding more than one-third of the suitable and available below-1-GHz spectrum in a market.<sup>6</sup>

The license assignments sought by the Application would result in AT&T holding more than one-third of the spectrum below-1-GHz in each of the California 12-Kings and California 5-San Luis Obispo CMAs (the “Markets”). Indeed, in California 5, AT&T already holds one-third of the below-1-GHz spectrum notwithstanding the transfers contemplated by the Application. However, AT&T has failed to meet the applicable heightened standards for demonstrating that the proposed transaction is in the public interest when balanced with the serious anticompetitive risks posed by the increased concentration of below-1-GHz spectrum. Rather, the Application and subsequent responsive filings by AT&T ignore the heightened evidentiary standard entirely. CCA urges the Commission to implement its “enhanced factor” analysis in a manner that meaningfully protects competition. As AT&T is unable to justify the competitive harms resulting from the proposed transaction, and grant of the Application would be inconsistent with the public interest, convenience and necessity,<sup>7</sup> the Application should be denied.

## **II. THE DISTINCT TECHNICAL ADVANTAGES OF LOW-BAND SPECTRUM MAKE IT A CRITICAL INPUT FOR COMPETITIVE WIRELESS SERVICES**

It is now well established that low-band spectrum has unique propagation characteristics that enable wireless carriers to provide higher coverage quality at lower deployment costs than is

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<sup>6</sup> *Mobile Spectrum Holdings Order* ¶ 283.

<sup>7</sup> 47 C.F.R. § 1.939(d).

possible with high-band spectrum.<sup>8</sup> Based on a record replete with technical studies, theoretical and empirical propagation models and customer surveys, the Commission has concluded that compared to spectrum above-1-GHz, spectrum below-1-GHz has “distinct propagation advantages for network deployment over long distances, while also reaching deep into buildings and urban canyons.”<sup>9</sup> More specifically, the superior propagation of low-band spectrum allows a larger geographic area to be served through the use of fewer transmitters,<sup>10</sup> thereby reducing deployment and operating costs, which are significant for servicing rural areas as well as urban areas, where siting can be challenging. Moreover, greater in-building penetration facilitates better service quality to users and, significantly, greater access to 911 and other emergency communications.<sup>11</sup> Overall, “skyrocketing consumer demand for mobile broadband” necessitates increased throughput for mobile broadband applications, which requires greater deployment of spectrum with greater capabilities for coverage and in-building penetration, and low-band spectrum is ideally suited for meeting these needs.<sup>12</sup>

Given these important benefits, the Commission has recognized low-band spectrum as a necessary input to a competitive service, and has sought to ensure that multiple providers are able to utilize its unique and highly valuable characteristics. And the U.S. Department of Justice has similarly acknowledged that low-band spectrum is “important in determining a carrier’s ability to compete in offering coverage across a broad service area” and considers as a factor in

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<sup>8</sup> See, e.g., *Mobile Spectrum Holdings Order* ¶ 54.

<sup>9</sup> *Id.* ¶ 3; see also *id.* ¶ 54.

<sup>10</sup> *Id.* ¶ 58.

<sup>11</sup> *Id.* ¶ 58.

<sup>12</sup> *Id.* ¶ 47.

evaluating the competitive impact of wireless transactions whether merging wireless carriers have a particularly strong position in low-frequency spectrum.<sup>13</sup>

At the same time, the Commission has identified the pronounced risk flowing from low-band spectrum being overwhelmingly controlled by AT&T and Verizon. As a threshold matter, spectrum below-1-GHz is exceedingly scarce: there is only 134 MHz of such spectrum, a fraction of the total amount suitable and available for the provision of mobile broadband service.<sup>14</sup> Moreover, through their historically dominant positions, AT&T and Verizon together have amassed a significant portion of the low-band spectrum. Verizon and AT&T, through their predecessors-in-interest, were granted initial cellular licenses in the 1980s for free, and today hold over 90 percent of such cellular spectrum.<sup>15</sup> In addition, AT&T and Verizon together hold approximately 70 percent of 700 MHz spectrum.<sup>16</sup> By the Commission's estimation, the two largest providers hold approximately 73 percent of all low-band spectrum nationwide.<sup>17</sup> In sharp contrast, Sprint and T-Mobile together are estimated to hold only approximately 15 percent of the low-band spectrum.<sup>18</sup>

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<sup>13</sup> *DOJ Ex Parte* at 14.

<sup>14</sup> *Mobile Spectrum Holdings Order* ¶ 46. Even with a successful auction of 600 MHz spectrum, low-band spectrum will constitute only a fraction of suitable and available spectrum for mobile broadband, with the vast majority comprised of higher-frequency bands.

<sup>15</sup> *Id.* ¶ 46.

<sup>16</sup> *Id.* ¶ 46.

<sup>17</sup> *Id.* ¶ 58.

<sup>18</sup> *Id.* ¶ 58.

### III. CCA URGES THE COMMISSION TO APPLY THE “ENHANCED FACTOR” TEST IN A MANNER THAT EFFECTUATES THE PRO-COMPETITIVE AIMS OF THE *MOBILE SPECTRUM HOLDINGS ORDER*

The critical nature of low-band spectrum and concerns over the potential competitive effects of further concentration of spectrum holdings below-1-GHz by the two dominant nationwide providers spurred the Commission to solicit comments for appropriate policies to account for the different characteristics of spectrum bands when evaluating spectrum transactions.<sup>19</sup> Ultimately, the Commission adopted an approach under which below-1-GHz spectrum holdings will be viewed as an “enhanced factor” in the Commission’s review of the competitive impact of after-market spectrum transactions.<sup>20</sup> The Commission designed these heightened standards of review specifically to mitigate competitive harms resulting from the highly concentrated holdings of low-band spectrum by the two largest carriers. The Commission’s “enhanced factor” test employs two separate standards, distinguishing between transactions in which the acquiring party *would* exceed holdings of one-third of the “suitable and available” below-1-GHz spectrum upon consummation of the proposed acquisition, and those in which the acquiring party *holds* more than one-third of the below-1-GHz spectrum *as of the filing of the transaction* and seeks to acquire addition such spectrum in the proposed transaction.

In transactions where the acquiring party does not currently hold more than one-third of the below-1-GHz spectrum, but will upon consummation of the transaction, the acquiring party faces the burden of showing “a detailed demonstration regarding why the public interest benefits outweigh harms.”<sup>21</sup> The other factors the Commission ordinarily considers must indicate a low

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<sup>19</sup> *Policies Regarding Mobile Spectrum Holdings*, WT Docket No. 12-269, Notice of Proposed Rulemaking, 27 FCC Rcd 11710, 11725-28 ¶¶ 35-38 (2012).

<sup>20</sup> *See Mobile Spectrum Holdings Order* ¶¶ 212, 267, 287.

<sup>21</sup> *Id.* ¶ 286.

potential for competitive and other public interest harm. “Absent [this finding], however, any transaction that would result in an entity holding approximately one-third or more of suitable and available below-1-GHz spectrum will more likely be found to cause competitive harm in [the Commission’s] case-by-case review.”<sup>22</sup>

The factors considered under this standard include the number of rival service providers in the market, the number of rival firms that can offer competitive service plans, coverage by technology of these firms’ respective networks, rival firms’ market shares, the amount of spectrum suitable for the provision of mobile telephony/broadband services available to both the combined entity as well as rival service providers, the acquisition of below-1-GHz spectrum nationwide, and concentration in a particular band with an important ecosystem.<sup>23</sup> Notably, the Commission indicated in the *Mobile Spectrum Holdings Order* that these examples were not exhaustive.<sup>24</sup> Other factors that the Commission could consider include how the acquiring party uses its current spectrum holdings, whether the additional spectrum would facilitate more robust data roaming, the level of special access competition in the market, and opportunities for designated entities.

The Commission applies an even higher standard for demonstrating the public interest benefits of low-band spectrum transactions involving an acquiring party that already holds more than one-third of the below-1-GHz spectrum. The concentration of below-1-GHz spectrum in this scenario engenders “even greater concerns where the proposed transaction would result in an assignee or transferee that already holds approximately one-third or more of below-1-GHz spectrum in that market acquiring additional below-1-GHz spectrum in that market, especially

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<sup>22</sup> *Id.*

<sup>23</sup> *Id.* ¶ 284.

<sup>24</sup> *Id.*

with regard to paired low-band spectrum.”<sup>25</sup> These transactions will generally be precluded *unless* the public interest benefits “clearly outweigh the potential public interest harms associated with such additional concentration of below-1-GHz spectrum, *irrespective of other factors*.”<sup>26</sup> In other words, these transactions are presumptively *not* in the public interest.

This proposed transaction is a case of first impression for applying the competitive protections adopted to ensure that multiple carriers—not just the two largest carriers—have access to spectrum below-1-GHz. Setting a strong precedent in this case will be important in counteracting the trend of rampant consolidation and the detrimental impact of increased concentration of scarce low-band spectrum resources by the two incumbent providers. Failing to give teeth to the measures adopted in the *Mobile Spectrum Holdings Order* would perpetuate the dominance of AT&T and Verizon to the detriment of consumers, who will ultimately pay for the diminution of competitive alternatives through higher costs and limited service offerings. CCA urges the Commission to implement the new “enhanced factor” in a manner that meaningfully preserves and protects competition in the Markets.

#### **IV. AT&T’S PROPOSED ACQUISITION THREATENS TO HARM COMPETITION AND THE PUBLIC INTEREST**

AT&T has failed to meet its substantial burden of demonstrating that the “enhanced factor” criteria for its proposed increases in below-1-GHz spectrum in the Markets are satisfied. Instead, AT&T—after being prompted by the Commission through requests for information related to the Application—essentially bypassed the careful analysis constructed by the Commission in the *Mobile Spectrum Holdings Order*.

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<sup>25</sup> *Id.* ¶ 287.

<sup>26</sup> *Id.* (emphasis added).

In the California 12-Kings CMA, AT&T would increase its holdings of low-band spectrum from 43 MHz to 55 MHz post-transaction.<sup>27</sup> In the California 5-San Luis Obispo CMA, AT&T would increase its low-band spectrum holdings from 49 MHz to 61 MHz.<sup>28</sup> When compared to the 134 MHz of currently suitable and available spectrum below-1-GHz identified by the Commission in each of these markets, AT&T already holds more than one-third of the low-band spectrum in California 5-San Luis Obispo even before the transaction, and would hold more the one-third of such spectrum in both Markets post-transaction.

In the California 12-Kings CMA, AT&T has not met “the burden of proving, by a preponderance of the evidence,” that the competitive harms associated with the increased concentration in spectrum below-1-GHz is outweighed by other public interest considerations.<sup>29</sup> AT&T also fails to meet the standard for the California 5-San Luis Obispo CMA in which it already holds more than one-third of the below-1-GHz spectrum. AT&T has not provided the “particularly detailed showing” required under the new standard that it is currently “maximizing the use” of its spectrum in these markets, or explained in any detail why the transaction is “necessary to maintain, enhance or expand services provided to consumers.”<sup>30</sup>

Indeed, AT&T utterly fails to demonstrate that the increased low-band spectrum concentration flowing from the proposed transaction would be pro-competitive or in the public interest. AT&T’s conclusory public interest statement flatly asserts that the proposed transaction “will not cause an aggregation of spectrum that would pose an anticompetitive risk;” the Application fails to even acknowledge the concentration of low-band spectrum that the

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<sup>27</sup> See *Public Notice* at 1-2; see also Application, Exhibit 3.

<sup>28</sup> See *Public Notice* at 2; see also Application, Exhibit 3.

<sup>29</sup> *Mobile Spectrum Holdings Order* ¶ 285.

<sup>30</sup> *Id.* ¶ 287.

transaction would cause or that AT&T has triggered the FCC’s “enhanced factor.”<sup>31</sup> Even after being prompted by the Commission via information requests issued to AT&T asking it to address the heightened criteria,<sup>32</sup> AT&T merely reiterates conclusory and unsubstantiated justifications. AT&T’s primary public interest argument is that the transaction will provide it with access to more contiguous spectrum, resulting in a more efficient 4G LTE deployment.<sup>33</sup> While contiguous spectrum may under some circumstances produce efficiencies, the Commission’s newly revised analysis requires more compelling reasons to overcome the potential for competitive harms that would result from allowing AT&T to stockpile additional scarce low-band spectrum. As has recently been recognized, “the [Commission’s] public interest standard also supports the pursuit of values that do not stand or fall on efficiency gains,” which presumably goes to the heart of the Commission’s revised spectrum aggregation rules and “the unique role of the Commission in expanding the contours of competition to include broader public interest considerations.”<sup>34</sup> AT&T’s bare assertion that spectrum contiguity offers substantial-enough public interest benefits to overcome the competitive harms associated with this transaction proves especially unpersuasive considering the *other* contiguous channels of 10 MHz or greater that AT&T has in these markets, including 10 x 10 MHz cellular spectrum in

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<sup>31</sup> Application, Exhibit 1 at 3-4.

<sup>32</sup> See Letter to Michael P. Goggin, AT&T Inc., from Roger C. Sherman, Chief, Wireless Telecommunications Bureau, Application of AT&T Mobility Spectrum LLC and Club 42CM Limited Partnership for Consent to Assign Licenses (WT Docket No. 14-145), Attachment, General Information Request, Questions 4, 5 (Sept. 22, 2014).

<sup>33</sup> Response of AT&T Mobility Spectrum LLC to General Information Request Dated September 22, 2014, WT Docket No. 14-145 at 5-6 (filed Oct. 6, 2014) (“AT&T Information Response”).

<sup>34</sup> Jonathan Sallet, General Counsel, FCC, Remarks at the Duke Law Center for Innovation Policy Conference at 6 (Oct. 17, 2014), *available at* [http://transition.fcc.gov/Daily\\_Releases/Daily\\_Business/2014/db1017/DOC-330010A1.pdf](http://transition.fcc.gov/Daily_Releases/Daily_Business/2014/db1017/DOC-330010A1.pdf).

both Markets, and more than 10 MHz of contiguous 700 MHz spectrum in both Markets.<sup>35</sup>

Finally, it is also worth pointing out that the examples cited by AT&T in support of the “premium” that comes with contiguous spectrum holdings involve transactions that almost exclusively consisted of *above*-1-GHz spectrum, as opposed to the limited, below-1-GHz spectrum already held primarily by Verizon and AT&T.<sup>36</sup>

AT&T argues that it needs the additional spectrum to allow it “to become a more effective competitor” by allowing it to deploy a higher quality 4G LTE network than it would be able to deploy in the absence of this transaction.<sup>37</sup> While this may be a convincing argument for other carriers, it is a less credible coming from AT&T, which already holds a substantial portion of the available low-band spectrum nationally as well as in the Markets. By contrast, the low-band holdings of T-Mobile, Sprint and other DISH Network in these markets only permit each carrier to deploy at most a *single* 5 x 5 MHz LTE channel. Further, AT&T characterizes Verizon, Sprint, T-Mobile and DISH as each having “substantial spectrum holdings” in the Market, but neither distinguishes low-band spectrum from overall holdings, as the FCC now requires, nor adequately addresses or analyzes the rival service providers in the Markets.<sup>38</sup> In both of the Markets, Verizon holds 47 MHz of low-band spectrum, which makes up the vast majority of the below-1-GHz spectrum not already held by AT&T. The remaining low-band spectrum is less than one-third of the suitable and available amount, which when divided among the remaining non-dominant carriers can hardly be sufficient to promote effective competition

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<sup>35</sup> Indeed, in CMA340, AT&T holds 700 MHz spectrum that could facilitate creation of downlink channels as wide as 15 MHz. AT&T has made no attempt to demonstrate why these purported efficiencies could not be realized with its existing 700 MHz holdings.

<sup>36</sup> See AT&T Information Response at 11-12, n.11.

<sup>37</sup> *Id.* at 13.

<sup>38</sup> *Id.*

overall in the market. AT&T's claim that a larger low-band LTE channel represents a "competitive imperative"<sup>39</sup> rings especially hollow when most of its competitors already have considerably less contiguous low-band spectrum. This is precisely the scenario that the Commission aimed to avoid in adopting the higher standards for reviewing concentration of low-band spectrum.

Moreover, in the California-12 Kings CMA, AT&T post transaction would hold 170 MHz of suitable and available spectrum in total<sup>40</sup>—making it by far the largest holder of spectrum in that market. By comparison, Sprint—the closest rival—holds nearly 50 MHz less than AT&T in the market, and DISH Network and T-Mobile only hold 56 and 52 MHz respectively.<sup>41</sup> The ability of AT&T's rivals to compete on price or to offer innovative services will be significantly diminished if AT&T is permitted to expand upon its pre-existing low-band spectrum dominance. Further, contrary to AT&T's claim that the proposed transaction would not reduce competition "in any meaningful way,"<sup>42</sup> the transaction actually would eliminate Club 42 as a potential competitor entirely from the market in California 12-Kings and significantly reduce the competitive spectrum position of Club 42 in California 5-San Luis Obispo.<sup>43</sup> Thus, AT&T has not demonstrated that meaningful competition would be preserved post-transaction.

Finally, AT&T does little to demonstrate that the transaction will not result in public interest harms. AT&T asserts that other carriers had the same opportunity as AT&T to purchase the Club 42 licenses and that the availability of AWS-3 and 600 MHz spectrum in future

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<sup>39</sup> AT&T Information Response at 11-12.

<sup>40</sup> Application, Exhibit 3.

<sup>41</sup> *Id.*, Exhibit 4

<sup>42</sup> *Id.*, Exhibit 1 at 5.

<sup>43</sup> *See id.*, Exhibit 4.

auctions will provide the opportunity for other carriers to acquire significant additional spectrum in the markets at issue, and concludes that the transaction would have no potential to lessen the ability of rival service providers to offer competitive responses.<sup>44</sup> However, this explanation fails to negate the competitive harms that threaten the public interest.

The impact of the lack of competition that would result from the proposed levels of concentration in the Markets would be magnified by the size and nature of the populations covered by the licenses at issue. San Luis Obispo County has a population of almost 270,000 people, approaching half the size of the District of Columbia.<sup>45</sup> Kings County boasts an additional 153,000 residents.<sup>46</sup> Milk, fruits and nuts are heavily harvested in Kings County,<sup>47</sup> and as CCA has previously explained, our nation's agriculture economy will be stifled without robust mobile capabilities.<sup>48</sup> The students, entrepreneurs and institutions in these areas need access to competitive, low-cost services in order to support research and innovation and to allow them to serve their communities, but this transaction (if approved) will only serve to further entrench the growing duopoly.

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<sup>44</sup> AT&T Information Response at 12.

<sup>45</sup> *Compare* San Luis Obispo County QuickFacts from the US Census Bureau, <http://quickfacts.census.gov/qfd/states/06/06079.html> (269,637 residents in 2010) *with* District of Columbia Quickfacts from the US Census Bureau, <http://quickfacts.census.gov/qfd/states/11000.html> (601,723 residents).

<sup>46</sup> *See* Kings County QuickFacts from the US Census Bureau, <http://quickfacts.census.gov/qfd/states/06/06031.html> (last visited Oct. 15, 2014) (reporting a 2010 population of 152,982).

<sup>47</sup> *See* TIM NISWANDER, 2013 ANNUAL AGRICULTURAL CROP REPORT FOR KINGS COUNTY, CALIFORNIA 2 (2014), *available at* <http://www.countyofkings.com/home/showdocument?id=6095>.

<sup>48</sup> *See, e.g.*, Reply Comments of Competitive Carriers Association, WC Docket No. 10-90, *et al.* at 4 (filed Sept. 8, 2014) (discussing how “[s]mart farming is improving the lives of farmers and ranchers and increasing productivity in food production.”).

In the absence of clearly articulated and well-supported public interest benefits, the “enhanced factor” of increased concentration of low-band spectrum compels the denial of the instant assignment application. AT&T has failed to meet this standard, both in its original Application and in its response to the Commission’s information request, which specifically asked that AT&T address these factors. Therefore, the proposed license assignments should be denied.

## V. CONCLUSION

For the foregoing reasons, CCA urges the Commission to deny the proposed license assignment transaction. The Commission should use this proceeding as an opportunity to implement the competitive protections adopted in the *Mobile Spectrum Holdings Order* in a manner that meaningfully preserves and protects competition in the markets at issue and sets a strong precedent to protect the public interest in the midst of the current trend of increasing consolidation of low-band spectrum.

Respectfully submitted,

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October 17, 2014

## CERTIFICATE OF SERVICE

I, C. Sean Spivey, hereby certify that on October 17, 2014, I caused true and correct copies of the foregoing letter and attached Petition to Deny to be served on the following via first-class mail or via electronic mail, as indicated:

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