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March 10, 2015

By Electronic Filing and By Hand Delivery

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

Re: In the Matter of Promoting Interoperability in the 700 MHz  
Commercial Spectrum, WT Docket No. 12-69

**REQUEST FOR CONFIDENTIAL TREATMENT**

Dear Ms. Dortch:

Pursuant to the Commission's decision in *Examination of Current Policy Concerning the Treatment of Confidential Information Submitted to the Commission*, GC Docket No. 96-55 (FCC 98-184), released Aug. 4, 1998 (“*Confidential Information Order*”) and in accordance with the Freedom of Information Act (“FOIA”) and the Commission’s Rules related to public information and inspection of records, *e.g.* 47 C.F.R. §§ 0.457 and 0.459, AT&T Services, Inc. (“AT&T”), hereby submits this request for confidential treatment of certain information (included in Attachment 2) included as part of AT&T’s Second Progress Report on Commitments (the “Report”), to be filed today in accordance with the Commission’s October 25, 2013 order in this docket. A public, redacted version of the Report will be filed electronically, and a confidential, unredacted version will be filed by hand.

**Statement pursuant to 47 C.F.R. § 0.459(b)**

**(1) Identification of the specific information for which confidential treatment is sought.**

AT&T seeks confidential treatment of information regarding the details of its planned deployment of Multiple Frequency Band Indicator (MFBI) technology, which are set forth in Attachment 2 to its Report.

**(2) Identification of the Commission proceeding in which the information was submitted or a description of the circumstances giving rise to the submission.**

The information is being provided to in connection with AT&T’s Report in the matter captioned above.

**(3) Explanation of the degree to which the information concerns a service that is subject to competition.**



The information being provided to the Commission involves details about AT&T's plans to deploy MFBI in its 700 MHz LTE network. AT&T's mobile broadband services are offered in competition with numerous other national and regional providers, including facilities-based providers and MVNOs. The industry is highly competitive. The presence of such competition and the likelihood of competitive injury threatened by release of the information provided to the Commission is, by itself, sufficient basis for the Commission to withhold the information from public disclosure. *CNA Financial Corp. v. Donovan*, 830 F.2d 1132, 1152 (D.C. Cir. 1987); *Frazee v. U.S. Forest Service*, 97 F.3d 367, 371 (9<sup>th</sup> Cir. 1996); *Gulf & Western Indus. v. U.S.*, 615 F.2d 527, 530 (D.C. Cir. 1979).

- (4) Explanation of the degree to which the information is commercial or financial, or contains a trade secret or is privileged.**
- (5) Explanation of how disclosure of the information could result in substantial competitive harm.**

Exemption 4 requires a federal agency to withhold from public disclosure confidential or privileged commercial and financial information of a person unless there is an overriding public interest requiring disclosure, and the Commission has a longstanding policy of protecting the confidential commercial information of its regulatees under FOIA Exemption 4.

The information in Attachment 2 to AT&T's Report includes confidential commercial information regarding AT&T's plans to deploy MFBI technology, which is non-public and competitively sensitive information. The release of such information could result in competitive harm to AT&T to the extent that it became available to AT&T's competitors. *See, e.g., AT&T Services, Inc., et al., v. Cox Enterprises, Inc., et al.*, Order, File No. CSR-8066-P, 23 FCC Rcd 14176 (2008) (Establishing a protective order to protect AT&T's churn data); *see also GC Micro Corp. v. Defense Logistics Agency*, 33 F.3d 1109 (9<sup>th</sup> Cir. 1994).

Commission precedent has found this type of information to be competitively sensitive and exempt from disclosure under Exemption 4.<sup>1</sup> Specifically, the Commission has recognized that competitive harm can result from the disclosure of confidential business information that gives competitors insight into a company's costs, customer pricing (i.e. billing records), network facilities, market strategies, and capital expenditures.<sup>2</sup>

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<sup>1</sup> *See e.g. In Matter of Pacific Bell Telephone Company Petition for Pricing Flexibility for Special Access and Dedicated Transport Services*, CCB/CPD No. 00-23, DA 00-2618, November 20, 2000 (supporting confidentiality for collocation data); *Local Exchange Carrier's Rates, Terms and Conditions for Expanded Interconnection Through Virtual Collocation for Special Access and Switched Transport*; *Southwestern Bell Telephone Company*, 13 FCC Rcd 13615 (1998)(keeping administrative operating expenses confidential because it would provide insight into business strategies); *AT&T/McCaw Merger Applications* 9 FCC Rcd 2610 (1994)(keeping confidential accounting records showing account balance information).

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



**(6) Identification of any measures taken by the submitting party to prevent unauthorized disclosure; and**

This information has been maintained on a confidential basis within AT&T and would not ordinarily be disclosed to parties outside the company. Specifically, AT&T has procedures for the handling and retaining information that is confidential and proprietary. Employees are not permitted to share such information outside of AT&T without appropriate prior authorization, and only after agreement from the party receiving the information to regard and protect it as confidential under a non-disclosure agreement.

**(7) Identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties.**

The information being provided in Attachment 2 is not available to the public. While some of the information is necessarily available to AT&T's equipment vendors, they are obligated to maintain it confidentially under NDAs.

**(8) Justification of the period during which the submitting party asserts that material should not be available for public disclosure.**

The material should be kept confidential for at least two years.

**(9) Any other information that the party seeking confidential treatment believes may be useful in assessing whether its request for confidentiality should be granted.**

Should you have any questions please contact me at (202) 457-2055.

Sincerely,

/s/ Michael P. Goggin



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March 10, 2015

By Electronic Filing

***PUBLIC - REDACTED VERSION***

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

Re: In the Matter of Promoting Interoperability in the 700 MHz  
Commercial Spectrum, WT Docket No. 12-69

Second Progress Report on AT&T Commitments

Dear Ms. Dortch:

On October 25, 2013 the FCC adopted a Report and Order in the matter of “Promoting Interoperability in the 700MHz Commercial Spectrum”. As part of this order, AT&T is required to provide a periodic written report and meet with the Commission staff to demonstrate progress made toward the commitments outlined in the its September 10, 2013 commitment letter. Attachment 1 summarizes the commitments made by AT&T and the progress toward these commitments.

In accordance with the Commission’s rules, this letter is being filed in the above referenced dockets via the FCC’s Electronic Comments Filing System.

Should you have any questions regarding the above, please feel free to contact me directly

Sincerely,

/s/ Joseph P. Marx

Attachments



### **Attachment 1: AT&T Commitments on 700MHz Interoperability**

- 1) AT&T commits to moving forward expeditiously with testing the 3GPP Multi-Frequency Band Indicator software feature as soon as it is made available to AT&T by its RAN vendors. AT&T further agrees to fully deploy the new MFBI software feature in its 700 MHz network within 24 months of September 30, 2013. The end of the 24-month period will also commence the beginning of the device roll-out period.

*Status Update:*

*AT&T has completed lab testing of the Multiple Frequency Band Indicator (MFBI) feature for all of our Radio Access Vendors. We are well into our field testing for all of our Macro-cellular vendors and progressing well with the exception of one vendor that has run into multiple software issues on their 3G (UMTS) cells, requiring software fixes that will need to be retested through the lab. Although we have upwards of a four week delay with this vendor, we are still highly confident we will meet our network deployment date.*

*In addition, for two of our three small cell vendors we have completed all of the field testing associated with the MFBI feature. As new small cells are deployed, the MFBI feature will be enabled. The last of small cell vendor projects was cancelled.*

*See detailed schedule in Attachment 2 (filed confidentially).*

- 2) Once MFBI has been fully implemented by AT&T consistent with paragraph 2, AT&T shall provide LTE roaming to carriers with compatible Band 12 devices, consistent with the Commission's rules on roaming.

*Status Update:*

*We continue discussions with several Band 12 operators to stay aligned technically to support LTE data roaming and when appropriate we will schedule Band 17/12 interoperability testing. It may be necessary for some operators to wait until Voice over LTE (VoLTE) roaming is available before operationalizing LTE data roaming.*

#### The Transition

- 3) During the first year of the device roll-out period, 50% of all new unique devices that operate on the paired Lower 700 MHz bands, as identified by unique SKU numbers, introduced by AT&T into its device portfolio will be Band 12 capable devices. Memory or color finish variations on a single device shall not be considered separate unique SKUs. Machine-to-Machine (M-to-M) devices shall not be counted as "new unique devices" for purposes of this commitment.

*Status Update:*

*With recent 3GPP specification changes it is now possible to build Band 17 devices that are upgradeable to Band 12 MFBI using software. These devices require different filters/hardware than the legacy Band 17 devices. This requirement has been added to AT&T's*



*device requirements and RFP guidance. AT&T is working with OEMs to launch several device models in 1H2015 which are upgradeable via software to support Band 12 MFBI.*

*Assuming no issues are found with devices or networks, initial device verification will occur over the next 4 -6 months but the device launch is dependent on the Band 12 MFBI rollout across all AT&T's network.*

- 4) During the second year of the device roll-out period, 75% of new unique devices that operate on the paired Lower 700 MHz bands, as identified by unique SKU numbers, introduced by AT&T into its device portfolio will be Band 12 capable devices. Memory or color finish variations on a single device shall not be considered separate unique SKUs. M-to-M devices shall not be counted as "new unique devices" for purposes of this commitment.

*Status Update:  
N/A.*

- 5) Commencing at the conclusion of the second year of the device roll-out period, all new unique devices that operate on the paired Lower 700 MHz bands introduced by AT&T into its device portfolio will be Band 12 capable devices. In addition, from that time forward, AT&T will agree that its specifications for all new devices that are designed to operate in the paired Lower 700 MHz frequencies, including M-to-M devices, will call for Band 12 capability. However, M-to-M devices shall not be counted as "new unique devices" for purposes of this commitment.

*Status Update:  
N/A.*

- 6) To demonstrate progress on its commitments, AT&T shall submit comprehensive written reports and meet with the Commission staff at each of 12 months, 18 months and 24 months from the date of its September 10, 2013 commitment letter that will provide information on AT&T's progress toward meeting these commitments. Additionally, AT&T shall provide comprehensive written reports at 28 months, 40 months and 46 months to report on progress during the device roll-out period, and it shall file a certification to the Commission at the end of the device roll-out period to certify final completion of these commitments within 30 days.



*Status Update:*

*This is the second report.*

- 7) Consistent with these commitments, AT&T anticipates that its focus and advocacy within the 3GPP standards setting process will shift to Band 12 related projects and work streams. More specifically, upon adoption of this commitment, AT&T commits to placing priority within the 3GPP RAN committee on the development of various Band 12 carrier aggregation scenarios. Upon completing implementation of the MFBI feature, AT&T anticipates that its focus on new standards related to the paired Lower 700 MHz spectrum will be almost exclusively on Band 12 configurations, features and capabilities. AT&T reserves the right to seek revisions and updates to Band 17 standards to the extent necessary to support legacy Band 17 devices and continuing Band 17 functionality on its network.

*Status Update:*

*The 3GPP Specifications have been updated to support new Band 12 and standards effort have switched to Band 12 scenarios.*

Progress continues on the goal of creating an interoperable lower 700 MHz band and a more robust Band 12 ecosystem for lower 700MHz spectrum, including the development of additional band 12 devices. T-Mobile continues to purchase additional 700MHz spectrum<sup>1</sup> in addition to the earlier deals it announced with Verizon<sup>2</sup> for 700MHz A block spectrum. According to T-Mobile, they are officially live with 700MHz coverage in 4 markets<sup>3</sup> with more coming on-line through out the year. And as we reported back in September, this continues to lead to a robust set of LTE Band 12 devices<sup>4</sup> -

Phones (band 12 [officially supported](#) and enabled)

- [Samsung Galaxy Note 4 SM-N910T..](#)
- [Samsung Galaxy Note Edge SM-N915T.](#)

Phones (band 12 [to be available](#) after software update)

- [Samsung Galaxy Avant SM-G386T.](#)
- [ZTE ZMax Z970.](#)
- [Sony Xperia Z3 D6616.](#)
- [Motorola Nexus 6 XT1103.](#)

Tablets

- [Samsung Galaxy Tab 4 8.0 SM-T337T.](#)
- [Samsung Galaxy Tab S 10.5 SM-T807T.](#)

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<sup>1</sup> See <http://www.tmonews.com/2014/12/t-mobile-700mhz-spectrum-deal-with-triad-complete-covers-2-43-million-pops/>

<sup>2</sup> See <http://www.extremetech.com/computing/174299-t-mobile-buys-verizons-lower-700mhz-spectrum-to-enable-broad-coverage-200mbps-lte>

<sup>3</sup> See <http://www.tmonews.com/2014/12/network-post/>

<sup>4</sup> See <http://www.spectrumgateway.com/compatible-phones>



Hotspots

- [ZTE Z915 MF915](#).

## **Attachment 2: Detailed RAN Schedule**

[REDACTED]