

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Amendment to Commission Rules)	RM-11750
Concerning Adjudication of)	
Spectrum Interference Disputes)	

COMMENTS OF AT&T

AT&T Services, Inc., on behalf of its wholly-owned and controlled wireless affiliates (collectively “AT&T”), files these comments regarding the Petition for Rulemaking filed by the Samuelson-Glushko Technology Law & Policy Clinic at the University of Colorado Law School and Pierre de Vries (collectively, “Petitioners”) proposing the adoption of rules that would allow for a direct referral to an administrative law judge (“ALJ”) for resolving spectrum interference disputes.

I. INTRODUCTION.

Petitioners ask the Federal Communications Commission (the “Commission”) to initiate a rulemaking geared toward improving the process for resolving spectrum interference disputes. Petitioners seek a fact-based, transparent, and timely adjudication process that:

- Permits a party to file a spectrum interference complaint directly with an ALJ;
- Imposes deadlines on an adjudication process with the ALJ; and
- Makes resources available, as needed, for support staff, ALJs, a spectrum advisor, experts, and/or policy advisors.

AT&T appreciates Petitioners’ insightful and thorough analysis of the need for improvements in the process for resolving spectrum interference disputes. AT&T agrees with Petitioners on a number of points, but proposes that the Commission focus on improving existing dispute

resolution processes used by the Enforcement Bureau Field Offices, a tool already in the Commission's toolbox that can be improved without a rulemaking.

The Commission's Field Offices offer the first and best opportunity for resolving spectrum interference complaints, by Agents with hands-on practical experience that cannot be replicated by an ALJ. The Commission can make sure that the interference dispute resolution process remains fact-based, transparent, and timely by standardizing that process for all Field Offices, adopting a format and timelines for confirming receipt of a complaint and communicating key information with all parties to the dispute, and periodically analyzing the data generated from these complaints to ensure the appropriate allocation of resources. These measures would allow the Commission, without the need for a rulemaking, to improve licensee's ability to manage their spectrum.

II. DISCUSSION.

AT&T agrees with Petitioners that interference incidents have increased and are likely to continue increasing, and that disputes arising from those incidents will remain high. The reasons for these trends are many. Wideband technologies, such as LTE, respond differently to interference sources than legacy narrowband networks. Spectrum is more thoroughly utilized than in the past, leading to smaller "white space" between licensed users and adjacent bands that may be authorized for incompatible uses. Many public safety networks still use devices with receiver technology that is not state of the art. And many future spectrum allocations are likely to involve spectrum that is either repurposed or requires sharing with incumbent users.

AT&T also agrees with Petitioners that an interference dispute resolution process must be fact-based, transparent, and timely, requiring specific deadlines and sufficient resources to react when and where needed. While direct referral to an ALJ may be viable long-term as a last resort,

the Commission should focus now on imposing a more centralized process for Field Offices to follow on a daily basis. The Commission's limited resources should flow where they provide the best use, which, in AT&T's estimation, is the Field Offices. The Field Offices resolve interference complaints directly with the disputing parties, more quickly and efficiently than an ALJ process. Field Office Agents bring real-world experience and before escalation is warranted quickly engage the parties, assess the interference environment, determine the cause of the interference, and develop prospects for resolving the interference. The Commission would do well to recognize this level of expertise and provide those Field Offices with the resources needed to help licensees manage their spectrum resources and minimize the interference disputes that are further escalated within the Commission.

In AT&T's experience, Enforcement Bureau Field Offices do, in fact, handle spectrum interference complaints in a fact-based, transparent, and timely manner, using facts derived from field investigations, regularly communicating results of the investigation to the disputing parties, and making timely decisions. Field Offices will continue to be the best means to resolve interference disputes early and easily. Often, merely getting a Field Agent involved provides interfering parties the encouragement needed to become attentive and potentially resolve the interference without an investigation. When that fails, a Field Agent can quickly quash an interference dispute before it gets to the complaint stage and without the need for a direct referral to an ALJ. But, these results occur *despite* the absence of a consistent, standardized process for all Field Offices. On occasion, Field Office processes have been inconsistent, varying by region. This paradigm can change, mostly through actions that require few, if any, significant additional resources. Below AT&T suggests modifications to Field Office processes that would facilitate

the continued resolution of spectrum interference disputes in a fact-based, transparent, and timely manner, as Petitioners recommend.¹

A. Transparent.

As Petitioners observe, the Enforcement Bureau has jurisdiction to resolve spectrum interference complaints.² Today, processes for handling an interference complaint vary. Receipt of the complaint may not be acknowledged and during any stage of the investigative process, parties to the dispute may be unaware of the status of the investigation. Improved transparency throughout the investigative process would bring more consistency and certainty for Commission licensees and third parties involved in a dispute, leading to more efficient spectrum use. AT&T proposes an interference complaint process that involves the following components to improve transparency:

- A consistent complaint format that includes the complainant's name, point of contact information (i.e. physical and e-mail addresses, phone numbers), frequency range of interference, latitude/longitude and/or physical address where the interference occurred, day and time when the interference occurred, categorization of the severity of the interference (explained below), information regarding the interference source, contact information for that source if available, and steps taken to resolve the interference.
- Categorization of the severity of the interference (e.g. high, medium, low), which the Field Agent can correct on any complaint where the interference incidents do not match the below descriptions:

¹ The processes recommended in these Comments would not replace the procedures established for Cellular licensees to resolve interference to public safety devices. *See, e.g.* 47 C.F.R. §§22.970-22.973.

² 47 C.F.R. §0.111(a)(4).

- High: Complete blockage of a signal.
- Medium: Frequent degradation of a signal.
- Low: Intermittent degradation of a signal
- Acknowledgement of receipt of the complaint and of the Field Agent assigned, which would be sent to the parties for which contact information has been provided. Periodic updates would also be provided to both parties to the dispute as to the status. In the short term, communications between Field Agents and parties to an interference complaint could occur by e-mail. Long term, a simple database with the above information and updated status and dates would allow users to efficiently remain up to date without frequent, time-consuming calls to the Field Agents.
- A periodic report (e.g. biannually) prepared by a Field Office Director summarizing the interference complaints, including such information as the number of complaints, interference source, severity, and dates of the complaint and resolution. This report would allow Commission staff to appropriately allocate resources. Publication of this report would allow for a dialogue regarding what resources are needed where.

B. Timely.

AT&T agrees with Petitioners that implementing deadlines throughout the interference dispute resolution process would ensure that disputes are taken up quickly and resolved in a timely manner. AT&T proposes the following general deadlines for the Field Offices to follow:

- 24 hours after the complaint is filed, an acknowledgement of receipt of the complaint, which identifies the assigned Field Agent, is sent to the parties for which contact information was provided.
- 24 hours after any site visit, the Field Agent provides an update.

- Targeted timelines for complaint resolution:
 - 48 hours for “High” severity complaints;
 - 2 weeks for “Medium” severity complaints; and
 - 4 weeks for “Low” severity complaints.
- Complaints not resolved within these timeframes would require the Field Agent to explain the delay and provide an estimated time for resolution. If the complaint is not resolved within the new resolution date, the complainant could continue to work with the Field Agent or escalate to the Regional Director, with a copy to the Field Agent. Should the complaint remain unresolved, it would be escalated to the Regional Director, then to Field Office Director, and finally to the Deputy Chief of the Enforcement Bureau.

Of course, Field Agents could act and provide information more quickly than these timelines provide.

C. Fact-Based.

In AT&T’s experience, once the Field Agent begins an investigation into an interference dispute, the Field Agent relies on factual information generated by the parties or by the Agent, including from on-site visits. Usually, on-site visits facilitate resolution by quickly identifying the interference and any extraneous sources that may contribute to the problem. Thus Field Offices should be supplied with the resources needed—be they travel funding or updated equipment—to make appropriate, timely, fact-based determinations. A Field Agent that is on-site provides a degree of flexibility that an ALJ could not provide to identify, isolate, and help resolve an interference issue, such as taking measurements, relying on assistance/equipment provided by the parties, recommending other tests, and troubleshooting. AT&T also encourages

the Commission to clarify for all Field Agents the need to work with both parties to an interference dispute to determine actions that are needed to gather appropriate facts, discover the source of the interference, and the best possible appropriate solution to rectify the interference. Such resolution should be based on Commission rules in effect at time of the complaint, and interference complaints should not be held in abeyance if the Commission is examining issues through the rulemaking process.

III. SUMMARY

Petitioners seek rules that would allow for direct referrals of interference disputes to an ALJ. AT&T supports Petitioners' efforts to ensure that the interference dispute resolution process is fact-based, transparent, and timely, but believes that the Commission can best improve the process by providing more predictability and structure to its Field Offices, which can be accomplished without a rulemaking. Nevertheless, even if the Commission pursues a rulemaking to consider direct referrals of interference complaints to ALJs, simple steps to improve the Field Office complaint resolution process should be taken as soon as possible.

July 13, 2015

Respectfully submitted,



Robert Vitanza
Gary L. Phillips
David Lawson

AT&T Services, Inc.
208 S. Akard St
Rm 2914
Dallas, TX 75002
(214) 757-3357 (Phone)
(214) 746-2213 (Fax)
robert.vitanza@att.com