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Washington DC 20036

May 10, 2016

***EX PARTE SUBMISSION VIA ECFS***

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

**RE: Petition for Rulemaking Filed by AT&T to Make 800 Cellular Base Station Power Rules Consistent with Rules for Other Mobile Broadband Services, WT Docket No. 12-40**

Dear Ms. Dortch:

Commenters in this docket have demonstrated that the relief requested—allowing cellular providers to set base station power using power spectral density (“PSD”)—is in the public interest and will result in the more efficient use of spectrum in LTE deployment while not increasing the potential for interference to public safety devices and networks operating in the 800 MHz band. AT&T and Verizon have collectively submitted laboratory analysis and market testing demonstrating that LTE networks operating pursuant to the PSD limits proposed in this docket will not increase potential interference. Moreover, to date AT&T has transitioned four cellular markets to PSD without incident consistent with waivers granted by the Federal Communications Commission (the “Commission”).

AT&T and Verizon have long been good neighbors to public safety licensees and worked closely with them to address interference concerns. AT&T and Verizon further remain committed to providing adequate notice to public safety agencies before transitioning any cellular market to PSD operations and to working closely with public safety after a PSD transition to quickly address any interference concerns through the established mitigation process in Commission Rule Sections 22.970 - 22.973, 90.672 - 90.675. That process should provide a high degree of confidence to public safety agencies that any interference concerns, should they arise, will be quickly and efficiently addressed. Nonetheless, to provide additional assurances that the requested PSD relief will not increase the potential for interference, AT&T and Verizon agree to take the following additional measures after release of a Report and Order granting the relief requested in this proceeding:

Joint Market Testing:

AT&T and Verizon will work with public safety to each identify six additional markets in which to conduct testing jointly with the local public safety agencies at the new PSD limits set out in the Commission's Order based on the test plan that was developed by AT&T and public safety agencies in Docket No. 13-202.<sup>1</sup> After release of the Commission's Order, AT&T and Verizon will consult with public safety about potential A Block and B Block markets for joint PSD testing of a variety of public safety equipment operating in the 806-815/851-860 MHz band. The testing will include markets operating under a wide-range of conditions, take into account the fact that the frequency range of public safety radios may extend to 824/869 MHz, and include a representative sample of markets with both 800 MHz cellular A block and 800 MHz ESMR (817-924/862-869 MHz) operations. Following this consultation with public safety, AT&T and Verizon will contact the applicable public safety agencies for each test market to coordinate the joint testing. Once complete, AT&T and Verizon will submit the results of the joint testing into the record in this docket.

Phased Roll-Out in 20 Additional Markets:

AT&T and Verizon further agree that after completing the joint market testing referenced above, they will each transition to PSD operations in the next 10 market areas in two phases. The first phase will involve advance notice to local public safety agencies of a cluster of cellular base stations that will operate for 60 days at the PSD limits set out in the Commission's Order, which will allow local public safety agencies to assess operations in a localized area before the entire market area is transitioned. Interference incidents will be addressed quickly through the established mitigation process in Commission Rule Sections 22.970 - 22.973, 90.672 - 90.675 and information from those incidents will educate AT&T and Verizon on future deployments. During that 60-day period, if no unacceptable interference arises (or those instances of unacceptable interference that do arise are effectively mitigated in cooperation with local public safety agencies), then AT&T and Verizon will extend PSD to other base stations in that respective market. This type of phased-in implementation across these additional AT&T and Verizon market areas will permit public safety to gain additional insights into potential impacts on a broad array of localized public safety equipment and deployments.

Detailed testing in twelve cellular markets coupled with phased deployment in 20 additional markets and the actual experience from markets where AT&T has received waivers and deployed PSD will provide a sufficient foundation of real-world evidence to assure public safety agencies across the country that the relief requested in this docket will not increase the potential for interference to their devices or networks.

As proposed by some commenters in this docket, AT&T and Verizon also believe that the potential exists for operating cellular base stations at even higher PSD limits that would not increase the potential for interference as public safety agencies may be able to obtain the resources to acquire improved radios over time. To facilitate that process, AT&T and Verizon propose that any Commission Order permit the flexibility to conduct additional joint market

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<sup>1</sup> See AT&T ex parte dated July 9, 2014 <http://apps.fcc.gov/ecfs/document/view?id=7521373670> and Miami-Dade footnote dated August 19, 2014 <http://apps.fcc.gov/ecfs/document/view?id=7521778637>.

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testing and phased roll-outs consistent with the process proposed above and a timeline for operators to transition to higher base station PSD limits as appropriate. More specifically, the Order should permit higher PSD limits immediately in those cellular markets where public safety licensees do not reasonably plan to operate in the 800 MHz band and within no more than 5 years in all other markets following successful completion of the joint market testing.

In accordance with the Commission's rules, this letter is being filed electronically with the Secretary for inclusion in the public record.

Sincerely,



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