

.Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
)
MVDDS 5G Coalition)
) File No. RM-11768
Petition for Rulemaking to Permit MVDDS Use of)
the 12.2-12.7 GHz Band for Two-Way Mobile)
Broadband Service)
)

**STATEMENT OF AT&T
OPPOSING PETITION FOR RULEMAKING**

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June 8, 2016

Introduction and Summary

In 2002, at the end of a lengthy proceeding, the Commission issued rules with technical parameters applicable to MVDDS services.¹ A principal focus of those rules was the protection of DBS service in the 12.2 to 12.7 GHz band that would be shared by the new MVDDS services, given that DBS services were at the top of the “hierarchy of protection” for the four types of licensees sharing that band.² Petitioners here all acquired their licenses under the 2002 rules, and now seek to redo that rulemaking with the goal of expanding permissible MVDDS services to include mobile two-way service, and to loosen or eliminate other limitations on MVDDS services. While AT&T supports the goals of innovation and flexibility and the expansion of new services through spectrum sharing where feasible, the Petitioners have not presented any technical justification for revisiting the rules or provided any explanation of how DBS services might be protected from harmful interference if MVDDS service were mobile and two-way. Accordingly, AT&T cannot support the Petition for Rulemaking at this time without a more compelling explanation of how any changes would be consistent with protecting DBS services in the 12 GHz band. AT&T remains open to reviewing possibilities for increased sharing in the 12 GHz band at such time as an actual proposal for protecting DBS service from harmful interference in such a scenario is available.

Discussion

The primary focus of Petitioners’ argument is that there is a great need for new 5G spectrum, and that the 12 GHz band is ideally suited to 5G services. No one is more interested in

¹ Amendment of Parts 2 and 25 of the Commission’s Rules to Permit Operation of NGSO FSS Systems Co-Frequency with GSO and Terrestrial Systems in the Ku-Band Frequency Range, *Memorandum Opinion and Order and Second Report and Order*, 17 FCC Rcd 9614 (2002)(“*MVDDS Second R&O*”).

² See *MVDDS Second R&O* at ¶ 147.

seeing additional 5G spectrum made available than AT&T, and it is always prepared to consider new and innovative ways to free up more spectrum for mobile services.³ However, the spectrum at issue is not simply lying fallow, and though the Petitioners characterize it as underutilized, it is in fact being extensively utilized by DBS providers for direct to home video services to tens of millions of ubiquitously deployed satellite receivers. In order to justify a new rulemaking to alter the parameters for MVDDS, there must be some showing that appropriate interference protections could be provided for DBS from a mobile, two-way service in the 12GHz band.

Federal law requires that the FCC provide for an independent technical demonstration of any terrestrial service technology proposed by any entity that files an application to provide terrestrial service in the 12.2 – 12.7 GHz band specifically to determine whether the proposed technology will cause harmful interference to any DBS service.⁴ In the prior rulemaking proceeding, the Commission determined that the MITRE Report upon which it relied in setting the parameters for MVDDS service constituted a sufficient technical demonstration for any technology that operated within those parameters, so that it need not obtain a separate review for every deployment of a new technology.⁵ However, in order to revise the rules for MVDDS operation, the Commission would once again be required to provide an independent technical demonstration for either a particular technology or a revised set of parameters – in this case for mobile, two-way operation with altered requirements for EPFD and EIRP limits. The Petitioners

³ We note that in this particular case, no one other than the existing MVDDS licensees would immediately benefit from a change in the MVDDS rules to allow for two-way mobile use, so no new 5G spectrum would be available for auction to the highest bidder. Further, certain cable providers were prohibited from bidding on the MVDDS spectrum, based on the interest in using the spectrum for provision of local television programming. *See MVDDS Second R&O* at ¶¶ 164-165.

⁴ 47 U.S.C. § 1110 (LOCAL TV Act § 1012).

⁵ *MVDDS Second R&O* at ¶ 235.

have not indicated that there is a particular technology or specific set of parameters that should be tested for its interference with DBS service nor do they reference the possibility of testing.

The Commission determined in 2002 that permissible uses of MVDDS spectrum included any digital non-broadcast service, including fixed one-way service direct-to-home/business video and data services that complied with the technical standards and interference protection criteria it issued.⁶ It specifically agreed with DIRECTV that two-way service in the 12 GHz band should not be permitted because adding a return link in addition to the existing NGSO FSS allocation and the proposed MVDDS allocation would unnecessarily complicate an already challenging sharing scenario, and that sufficient flexibility for two-way service was afforded to MVDDS licensees whereby the 12 GHz band could be used for a “downstream” path, and the “upstream” (or return) path could be located outside of the 12 GHz band in other available spectrum or over a wireline return path. It found that that two-way services in the band without relocating the upstream path would significantly raise the potential for instances of interference among the operations.⁷

AT&T favors finding additional spectrum that can be made available for 5G mobile use. However, without additional technical analysis or a specific detailed proposal the Commission should not commence a rulemaking to expand MVDDS operational parameters at this time. As noted above, AT&T remains open to reviewing possibilities for increased sharing in the 12 GHz band at such time as an actual proposal is available for analysis.

⁶ Id. at ¶ 137.

⁷ Id.

Respectfully submitted,

/s/

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June 8, 2016

Certificate of Service

I certify that on June 8, 2016, I caused the foregoing statement to be served on the Petitioners at the addresses listed below by first class mail.

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