

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Service Rules for the 698-746, 747-762 and 777-792 MHz Bands)	WT Docket No. 06-150
)	
Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems)	CC Docket No. 94-102
)	
Section 68.4(a) of the Commission's Rules Governing Hearing Aid-Compatible Telephones)	WT Docket No. 01-309

MOTION FOR ACCEPTANCE OF LATE-FILED COMMENTS

AT&T Inc., on behalf of its affiliates, ("AT&T") hereby requests the Commission to accept the accompanying late-filed comments in response to the Notice of Proposed Rulemaking in the above-referenced proceeding.¹ AT&T is submitting these comments on October 5, 2006 in order to ensure that it will provide the Commission with a complete statement of its views in response to the Notice while also assuring that it complies fully with the Commission's anti-collusion rule governing participants in Auction No. 66.

AT&T wishes to provide the Commission with a full exposition of its views on the important issues raised by the Notice in this proceeding in its comments. At the same time, AT&T, by virtue of its ownership interest in Cingular Wireless LLC, is a participant in Auction No. 66 for Advanced Wireless Services and is concerned lest its comments give rise to a claim that it has engaged in communications inconsistent with the Commission's anti-collusion rule.

¹ Notice of Proposed Rulemaking, Fourth Further Notice of Proposed Rulemaking, and Second Further Notice of Proposed Rulemaking, FCC 06-114 (rel. Aug. 10, 2006) ("Notice").

Under that rule, applicants in that auction are subject to the restrictions on communications with other applicants either directly or through public statements until the down payment deadline for the auction. Pursuant to the Public Notice released by the Commission on September 20, 2006,² that deadline is October 4, 2006.

The anti-collusion rule prohibits applicants in an auction from engaging in a broad scope of communications, including “disclosing to each other in any manner the substance of their own, or each other’s, or any other competing applicants’ bids or bidding strategies, or discussing or negotiating settlement agreements, until after the down payment deadline.”³ Applicants are required to avoid “disclosures to each other that affect or have the potential to affect bids or bidding strategy, which may include communications regarding the post-auction market structure.”⁴ AT&T is thus subject to this prohibition through October 4, 2006.

Given the broad scope of applicant communications that are potentially implicated by the anti-collusion rule, AT&T is concerned that comments filed in this proceeding concerning the licensing rules for 700 MHz spectrum, which has overlapping uses with AWS spectrum, could potentially fall within the scope of that prohibition. AT&T also notes that the Order extending the comment deadline until September 29, 2006 did not address the concerns regarding this issue that were raised in support of requests for the extension of the comment date beyond the Auction 66 down-payment deadline.⁵ AT&T, therefore, out of an abundance of caution, is submitting its comments after the quiet period mandated by the anti-collusion rule in order to ensure that it may

² Public Notice, DA 06-1882, *Auction of Advanced Wireless Services Closes*, rel. Sept. 20, 2006.

³ 47 C.F.R. Sect. 1.2105(c).

⁴ Public Notice, *Auction of Advanced Wireless Services Licenses Scheduled for June 29, 2006*, FCC 06-57, AU Dkt. No. 06-30, rel. Apr. 12, 2006, ¶ 15.

⁵ Order, DA 06-1880, WT Dkt. No. 06-150, rel. Sept. 15, 2006.

provide a full statement of its views in response to the Notice while also ensuring compliance with the Commission's rules concerning communications by auction participants.

AT&T accordingly requests the Commission to grant this motion to accept comments by AT&T filed on October 5, 2006. As AT&T has shown above, there is good cause for the waiver of the initial filing date for this purpose in order to allow AT&T to provide a full statement of its views in response to the Notice and thus assisting the development of a complete record in this proceeding. Further, acceptance of these comments will not prejudice other parties since Reply Comments are not due until October 20, 2006 and they will have a substantial period of time to evaluate and respond to AT&T's positions.

Respectfully submitted,

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