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December 22, 2006

Via ECFS

The Honorable Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th St., SW
Washington, DC 20554

Re: *Ex Parte* Meeting Notice, WC Docket 06-74

Dear Ms. Dortch:

Pursuant to Section 1.1206 of the Commission's Rules, 47 C.F.R. § 1.1206, this letter provides notice that on December 21, 2006, Joseph M. Sandri, Senior Vice President of FiberTower Corp. and the undersigned, met with Scott Bergmann, Legal Advisor to Commissioner Adelstein, to discuss issues pending in this proceeding. FiberTower provided its views consistent with its previous filing in this proceeding as well as the attached presentation.

Respectfully submitted,

/s/

Joshua M. Bobeck

Counsel for FiberTower

Enclosure

cc: Scott Bergmann

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AT&T Recognizes Importance of Public Safety, National Security and Disaster Recovery

AT&T October 13 *ex parte* letter:

Public Safety and Disaster Recovery

1. By June 1, 2007, AT&T will complete the steps necessary to allow it to make its disaster recovery capabilities available to facilitate restoration of service in BellSouth's in-region territory in the event of an extended service outage caused by a hurricane or other disaster.
2. In order to further promote public safety, within thirty days of the Merger Closing Date, AT&T/BLS will donate \$1 million to a section 501(c)(3) foundation or public entities for the purpose of promoting public safety.

AT&T's Proposed Condition Fails to Address Critical Need to Promote Diverse Facilities-Based Networks

Clear Congressional preference for physically-diverse telecommunications networks.

- Congressional mandate that all telecom services procured for any Federal Government-owned building "use ... physically diverse local network facilities for the provision of such telecommunications services."¹
- Microwave systems instrumental in maintaining and restoring services in aftermath of September 11, 2001.
- Microwave, satellite and other wireless technologies assisted in the restoration and recovery from the Gulf Coast Hurricanes, particularly Katrina.

Impact of Proposed Merger

- A combined AT&T and BellSouth could use their aggregated market power to impede access to rooftop collocation on AT&T and BellSouth central offices that wireless backhaul providers need to provide their competition-enhancing services
- AT&T allegedly treats requests for microwave collocation as non-standard requests despite having established terms and conditions providing for such access.
- A combined AT&T and BellSouth could use their aggregated market power to impede access to rooftop collocation on AT&T and BellSouth central offices that wireless backhaul providers need to provide their competition-enhancing services

¹ Pub. L. 108-447, Div. H, § 414, 118 Stat. 3260 (2004) ("Section 414").

Use of FCC Public Interest Authority to Alleviate Harms from the Merger

FiberTower Dec. 11 *ex parte* letter

- FCC should address the Public Safety and Disaster Recovery issue
- Public interest requires AT&T to provide all physically-diverse carriers a pragmatic, easily verifiable, technology neutral, method for allowing physically diverse networks to collocate at AT&T central offices.
- FCC should ensure that the merged company cannot refuse to process or materially delaysuch standard collocation requests or otherwise create substantial delays in microwave collocation network and customer provisioning.
- The Public Interest demands that before FCC creates the largest telecommunications company in the nation (post-merger AT&T and BellSouth), the new AT&T must certify that it shall not erect barriers to collocation with other advanced telecommunications technologies and infrastructure that provide the physical diversity and redundancy currently missing from the national telecommunications infrastructure.

Post Merger

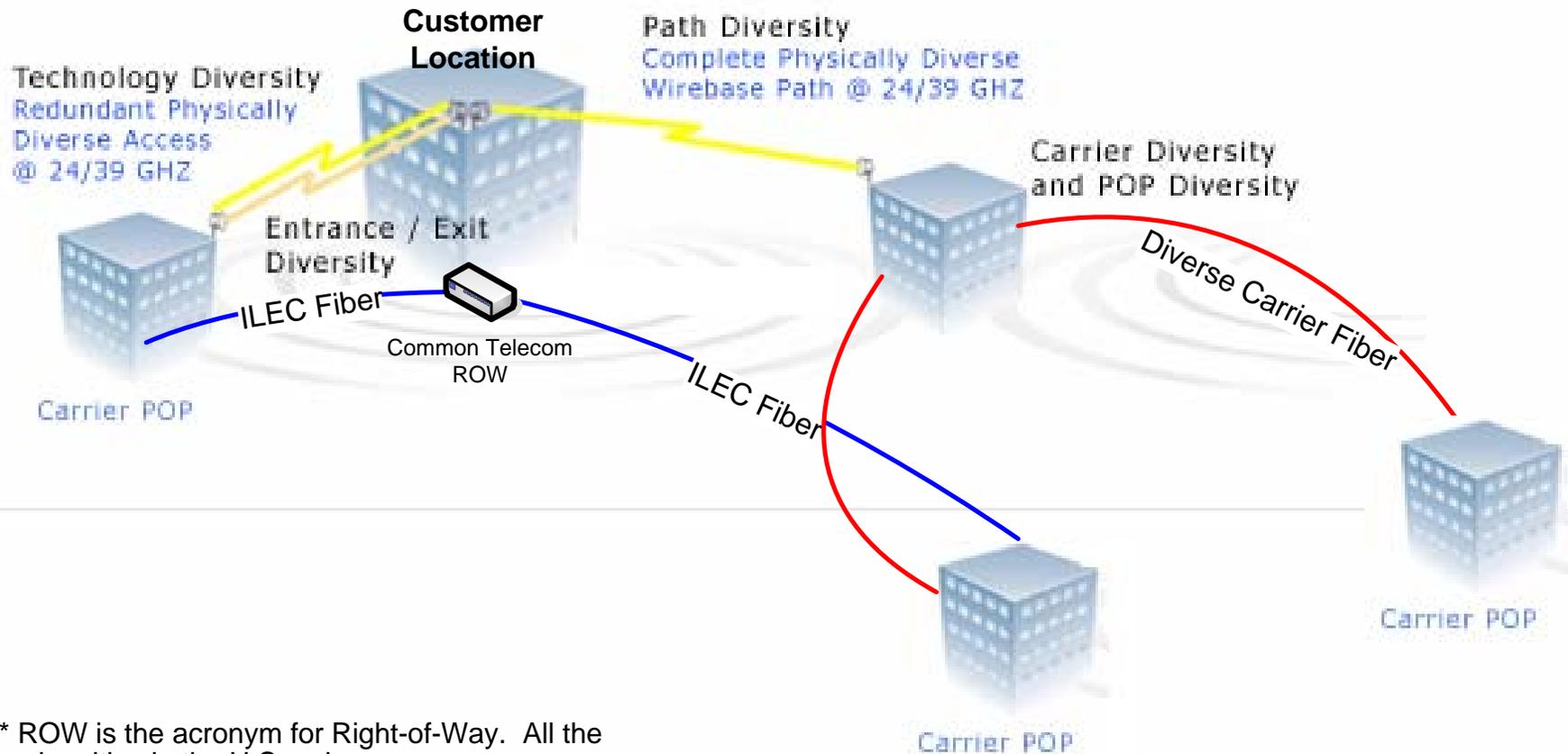
- Does AT&T currently provide microwave collocation to facilities-based carriers (private and common carrier)? If so, under what precise delivery timelines and pricing? Also, if so, why not make those arrangements a model for all microwave collocations throughout the post-merger territory?



Schematics: Systems Compliant with the Federal Standard for Physically Diverse Networks

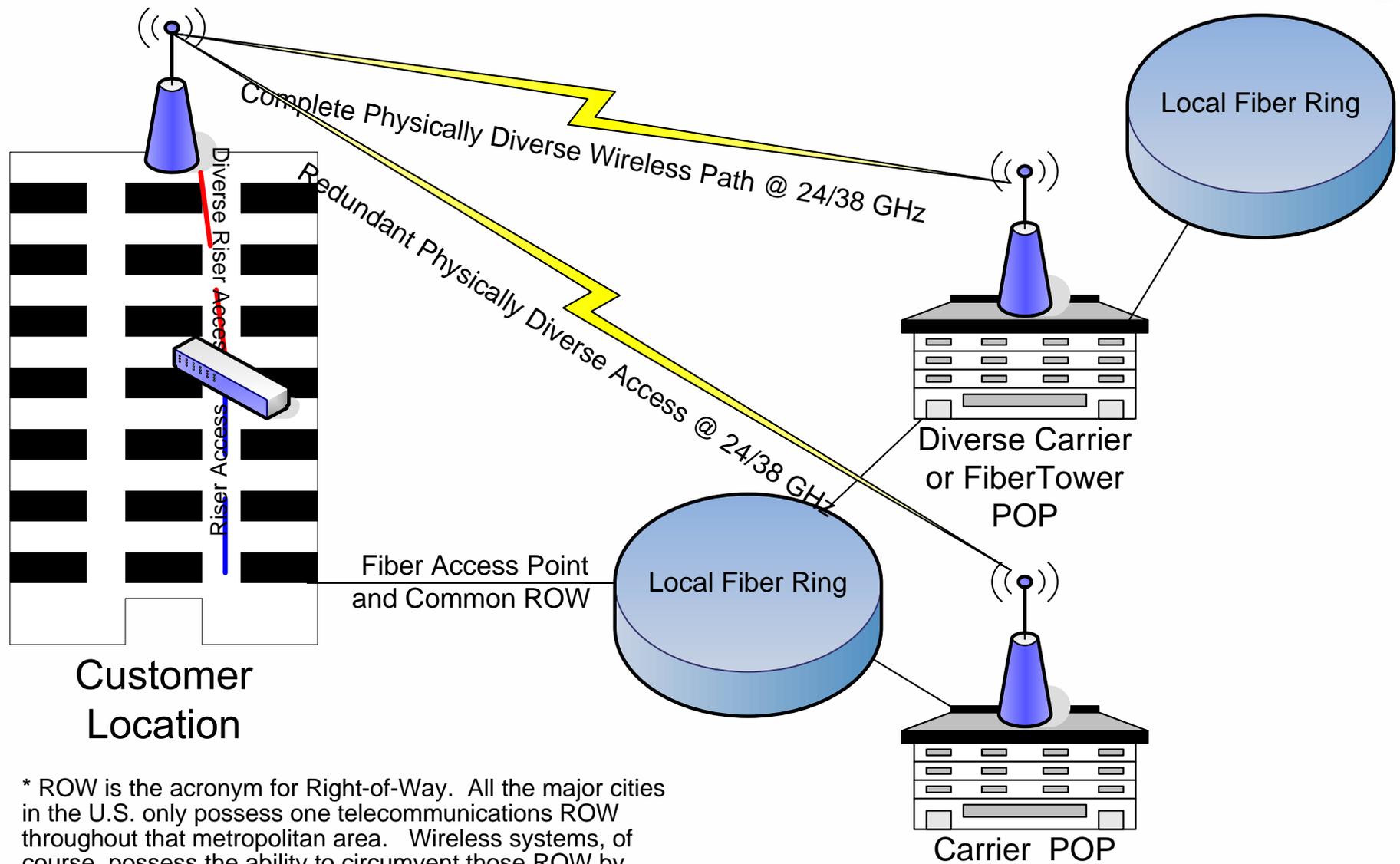
Diversity and Redundancy Legislation: Public Law 108-447, Section 414

Diversity/Redundancy standard: compliant version 1



* ROW is the acronym for Right-of-Way. All the major cities in the U.S. only possess one telecommunications ROW throughout that metropolitan area. Wireless systems, of course, possess the ability to circumvent those ROW by sending traffic via the electromagnetic spectrum.

Diversity/Redundancy standard: compliant version 2



* ROW is the acronym for Right-of-Way. All the major cities in the U.S. only possess one telecommunications ROW throughout that metropolitan area. Wireless systems, of course, possess the ability to circumvent those ROW by sending traffic via the electromagnetic spectrum.