

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)
)
M2Z NETWORKS, INC.)
)
Application for License and Authority to) WT Docket No. 07-16
Provide National Broadband Radio Service in)
the 2155-2175 MHz Band)
)
Petition for Forbearance Under 47 U.S.C. §) WT Docket No. 07-30
160(c) Concerning Application of Sections)
1.945(b) and (c) of the Commission's Rules)
and Other Regulatory and Statutory Provisions)

COMMENTS IN SUPPORT OF MOTION FOR EXTENSION OF TIME

AT&T Inc., on behalf of its affiliate, AT&T Mobility LLC (f/k/a Cingular Wireless LLC) ("AT&T"), hereby submits these comments in support of the Motion for Extension of Time submitted by CTIA – the Wireless Association® ("CTIA") in this proceeding on March 29, 2007. For the reasons that follow, an extension is plainly warranted.

First, the late-issued public notice establishing a pleading cycle in this proceeding shortened the period prescribed by rule for AT&T and others to file a reply.¹ The Commission's rules provide that replies to oppositions to petitions to deny are due five days (not including weekends and holidays) after the deadline for filing oppositions, plus an additional three days if the opposition is served by mail.² M2Z Network, Inc.'s ("M2Z") petition was due on Monday, March 26,³ and was served on AT&T by mail, making the replies of AT&T and others due

¹ See *Public Notice*, "Wireless Telecommunications Bureau Sets Pleading Cycle for Application Filed By M2Z Networks, Inc. to Be Licensed in the 2155-2175 MHz Band," DA 07-987 (Mar. 9, 2007) ("*Public Notice*").

² See 47 C.F.R. §§ 1.45(c), 1.4(e), (g)-(h).

³ *Public Notice* at 2.

Thursday, April 5 under the rules. The Commission's public notice establishing a pleading cycle for the M2Z application, however, sets Tuesday, April 3 as a filing date – without explanation for the shortened response period.⁴

Second, while AT&T's reply period was curtailed, M2Z's period to oppose was extended. Under the rules, M2Z's opposition would have been due March 15 (ten days after AT&T's petition was filed on March 2, plus an additional three days for service by mail).⁵ One week after the petitions of AT&T and others were filed via ECFS and served on M2Z, however, the FCC extended this deadline to March 26,⁶ thus affording M2Z an additional eleven days to review and prepare its opposition to the petitions of AT&T and others. Under these circumstances, CTIA's three-day extension (until April 6, 2007) is fully justified.

Finally, AT&T was not able to obtain access to the M2Z petition and related pleadings until several days after the due date, as they did not post in ECFS until yesterday, March 29 – three days after they were filed (apparently on paper). By contrast, the petitions to deny filed by AT&T and others were filed via ECFS and posted the next day. AT&T diligently monitored ECFS and worked with FCC staff in an effort to obtain copies of the M2Z opposition to no avail. AT&T also attempted to obtain an electronic courtesy copy by contacting M2Z's counsel, but was ultimately told the client declined the request. It was not until AT&T received a service copy by mail on Wednesday that it first received the M2Z petition and two related pleadings. As noted by CTIA, these pleadings are voluminous. For this reason as well, an extension is warranted.

⁴ *Id.*

⁵ *See* 47 C.F.R. §§ 1.45(b), 1.4(h).

⁶ *See Public Notice* at 2.

For the foregoing reasons, the motion of CTIA should be granted.

Respectfully submitted,

AT&T INC.

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March 30, 2007

CERTIFICATE OF SERVICE

I, Sarah Gutschow, hereby certify that on this 30th day of March 2007, copies of the foregoing Comments in Support of Motion for Extension of Time were served by first-class mail (and e-mail, where noted) on the following:

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