Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of	)	
	)	
Revisions to Rules Authorizing the Operation of Low Power Auxiliary Stations in the 698-806 MHz Band	)	WT Docket No. 08-166
	)	
Public Interest Spectrum Coalition, Petition for Rulemaking Regarding Low Power Auxiliary Stations, Including Wireless Microphones, and the Digital Television Transition	)	WT Docket No. 08-167

REPLY COMMENTS OF AT&T INC.

AT&T Inc., on behalf of AT&T Mobility LLC and its wholly-owned and controlled wireless affiliates (collectively, "AT&T"), hereby submits its reply to comments filed in the above-captioned docket.[1] In this proceeding, the Commission has proposed to affirm that low power auxiliary stations will no longer be permitted to operate in the former television channels 52-69 following the February 17, 2009 Digital Television ("DTV") transition date. AT&T supports the Commission's proposals, including the related freeze on acceptance and processing of applications for new low power auxiliary stations in those bands. Given the potential for interference to public safety and other licensed users of the 700 MHz band, and apparent widespread abuse of these devices, stemming continued proliferation of such devices is clearly in the public interest.

As an initial matter, it is clear that the continued use of low power auxiliary stations in the 700 MHz is no longer in the public interest. Prior to the Congressionally-mandated

[1] Revisions to Rules Authorizing the Operation of Low Power Auxiliary Stations in the 698-806 MHz Band; Public Interest Spectrum Coalition, Petition for Rulemaking Regarding Low Power Auxiliary Stations, Including Wireless Microphones, and the Digital Television Transition, *Notice of Proposed Rulemaking*, WT Docket No. 08-166, WT Docket No. 08-167 (rel. Aug. 21, 2008) ("*Notice*").

reallocation of television channels 52-69 for public safety and commercial land mobile use, broadcasters were permitted to deploy such devices on a secondary basis.[2] At that time, such secondary operation was logical—because the primary users were very high power broadcast stations, the potential for interference was minimized and low power auxiliary users, which were the same entities broadcasting television signals in the band, had every incentive to avoid interference to primary users. As of the DTV transition date, however, the primary licensees of these former television channels will be public safety users and commercial wireless licensees operating high speed, broadband mobile data networks. In relation to such new users, low power auxiliary devices are manifestly no longer "low power," and record evidence clearly demonstrates the potential for severe interference at great distances.[3]

AT&T, which is a major licensee in the 700 MHz band,[4] therefore agrees with the Commission that "it is incumbent on the Commission to take all steps necessary to make this spectrum effectively available both to public safety and commercial licensees at the end of the DTV transition."[5] Among other things, AT&T submits that mandate compels the further conclusions in the *Notice* that: (i) "low power auxiliary stations authorized under Part 74 of our rules – including wireless microphones – [should] not be permitted to operate in the 700 MHz Band after the DTV transition"; and (ii) "a freeze [should be imposed] on granting any request

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2 47 C.F.R. § 74.803(b).

3 *See* Report of V-Comm, L.L.C., WT Docket No. 08-166, WT Docket No. 08-167 (filed Oct. 1, 2008).

4 AT&T holds the largest number of Lower 700 MHz C Block licenses and was also the tentative high bidder in Auction No. 73 for a substantial number of Lower 700 MHz B Block licenses.

5 *Notice* at ¶ 1.

for equipment authorizations of low power auxiliary station devices that would operate in any of the 700 MHz Band frequencies."[6]

The 700 MHz band is perhaps the most important spectrum reallocation of recent years. Not only will this band be the home to new, fourth generation ("4G") broadband data services for wireless subscribers, the band will also serve as needed capacity for public safety voice systems and, even more importantly, the backbone of a new broadband public safety communications network. The data systems in these bands, built on Long Term Evolution ("LTE") or Wi-MAX technology, promise to increase public safety interoperability, address communications capacity shortfalls, and provide new life- and property-saving communications capabilities for the nation's first responders. On the commercial side, the band offers the promise of very high speed data communications capabilities that will support the mobile needs of American consumers and business users for years to come. This band is therefore critical not only for the preservation of life and property, but also for the increased efficiency and productivity necessary to maintain the competitiveness of U.S. industries and businesses in the coming years.

Constructing the next generation of networks in the 700 MHz band is already subject to significant challenges. The Commission has mandated extensive build-out obligations for 700 MHz auction licenses, and these very high capacity, low power systems much be carefully engineered. Those challenges will already be exacerbated by the presence of unauthorized low power auxiliary users present in the band. Over time, whether by intent or otherwise, low power auxiliary equipment—largely wireless microphones—have migrated from authorized users to entities that are not licensed, and would not meet the eligibility requirements for licensing.

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[6] *Id*. at ¶¶ 14, 23.

Because these users are clearly not sophisticated communications entities aware of FCC rights and obligations, AT&T anticipates that tracing such usage—which is likely to be intermittent (*e.g.*, only during services or during a concert)—and eliminating the interference will be time consuming and difficult. At a minimum, controlling the further proliferation of 700 MHz low power auxiliary systems will limit the potential for aggravating the difficulties posed by unauthorized use of such devices.

AT&T also opposes any extension of the time periods for use of low power auxiliary devices past the DTV transition date. As the FCC itself notes, "the Commission and various affected parties, such as SBE and Shure, have contemplated that low power broadcast auxiliary devices would lose their secondary status, and would need to vacate the band, upon completion of the DTV transition."[7] The actual implementation of requirements to vacate the band, therefore, should not require any extensive transition and, to the extent that transition issues exist, those problems should properly have been anticipated long ago. With the extensive build-out requirements applicable to the 700 MHz auction licenses, any potential for actual delay in use of the 700 MHz band runs contrary to public policy and the Commission's previously articulated goals. New licensees should not be required to be embroiled in justifying the presence of actual interference in order to justify full use of spectrum licenses they won at auction, nor should public safety users be required to slow their deployment to accommodate secondary licensees who knew—or should have known—that their continued use of the band was of a limited duration. Public policy, in this instance, compels a simple, flash-cut transition and no basis exists to extend that transition beyond the DTV transition date.

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[7] *Id.* at ¶ 14.

AT&T supports the Commission's *Notice* proposals to formally terminate the ability for low power auxiliary stations to operate in the former TV channels 52-69. AT&T concurs that a well-defined deadline—logically defined as the DTV transition date—is necessary and justified to ensure the 700 MHz band reaches it full potential. On that basis, AT&T concurs that a freeze on both the acceptance and processing of new applications for low power auxiliary stations in the Upper and Lower 700 MHz band is sound public policy.

Respectfully submitted,

AT&T INC.

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