

**Before the
Federal Communications Commission
Washington, DC 20054**

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
)	
Amendment of parts 15, 74, and 90 of the Commission’s Rules Regarding Low Power Auxiliary Stations, Including Wireless Microphones)	ET Docket No. 10-24

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 in response to the Report and Order and Further Notice of Proposed Rulemaking released by the Commission on January 5, 2010.¹

SUMMARY

In the Report and Order and Further Notice, the Commission sought comment on whether to revise its rules to allow the operation of wireless microphones and other low

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, *Report and Order and Notice of Proposed Rulemaking*, WT Docket No. 08-166, WT Docket No. 08-167 (rel. Jan. 15, 2010) (“*Report and Order and Further Notice*”).

power auxiliary devices in the core TV bands on an unlicensed basis under Part 15 of the rules by entities that are not eligible for licensing under Part 74, subpart H. AT&T agrees with those commenters who oppose a rule that allows the use of low power auxiliary devices on all channels in the TV bands. Such a rule would run contrary to the recommendation in the Commission's National Broadband Plan that seeks the reallocation of TV broadcast spectrum for future wireless broadband use. The proposed rule would delay the implementation of the National Broadband Plan by requiring subsequent commercial broadband licensees to clear the broadcast spectrum of the very low power auxiliary users this proposed rule would place there. Rather than frustrate the purposes of the National Broadband Plan, the Commission should limit the operation of low power auxiliary devices to the lower portion of the TV bands.

DISCUSSION

In the Report and Order and Further Notice, the Commission determined that all low power auxiliary devices operating in the 700 MHz band (698-806 MHz) must clear the band by June 12, 2010² due to the substantial risk of interference when those devices and commercial wireless networks operate within the same spectrum band.³ To allow low power auxiliary devices to continue operating, the Commission proposes to allow those devices to operate in the entire TV band, except for Channel 37.⁴ However, in light of newly published recommendations in the National Broadband Plan, the Commission should limit the use of low power auxiliary devices to the lower TV bands to avoid the

² *Report and Order and Further Notice*, at ¶¶ 2, 20, 36.

³ *Id.* at 37.

⁴ *Report and Order and Further Notice*, at ¶ 115.

interference issues that the Commission addressed in the Report and Order and Further Notice.⁵

In the National Broadband Plan, the Commission recommends that “[t]he FCC should initiate a rulemaking proceeding to reallocate 120 megahertz from the broadcast television (TV) bands” for future wireless broadband use.⁶ AT&T applauds the Commission’s recommendations in the National Broadband Plan to find more spectrum for mobile broadband use and more specifically, with the goal to free up more than 500 MHz of spectrum for that purpose.⁷ AT&T also agrees that the reallocation of TV broadcast spectrum presents the Commission with an opportunity to more efficiently utilize scarce spectrum resources. The Commission should do nothing in this docket that would interfere with these aspects of the National Broadband Plan.

In light of the National Broadband Plan’s recommendation, these proposed rules allowing low power auxiliary devices to operate throughout the TV bands would not be in the public interest. Moving low power auxiliary users out of spectrum already allocated for mobile broadband use (700 MHz), only to encourage them to relocate to spectrum that the Commission plans to reallocate for mobile broadband use would not serve the interests of low power auxiliary device users, who would be forced to relocate a

⁵ The Nuclear Energy Institute and Utilities Telecom Council (NEI/UTC) filed a Petition for Waiver seeking authority to operate low power auxiliary devices in frequency bands 174-216 MHz, 470-608 MHz, and 614-806 MHz at nuclear power plant facilities. The same concerns about interference to commercial wireless and public safety networks that led the Commission to clear the 700 MHz band of low power auxiliary devices are present when those devices are used at nuclear power plant facilities. If the Commission does grant the NEI/UTC waiver request, it should not extend the waiver to low power auxiliary device operations within the 698-806 MHz band.

⁶ *Connecting with America: The National Broadband Plan*, Recommendation 5.8.5, pg. 88 (March 16, 2010).

⁷ *Id.*, Recommendation 5.8, at p. 84.

second time if the National Broadband Plan recommendation is followed. It also would not serve the purposes of the National Broadband Plan, as it would place interfering uses in the path of the mobile broadband uses the Commission envisions for this spectrum. And it would not serve the interests of the public, as the proposed rules would inevitably increase the cost and time needed to deploy mobile broadband in the TV broadcast spectrum.

In keeping with its Broadband Plan, the Commission should lay the groundwork now to ensure that the TV bands that are most likely to be reallocated to mobile broadband use are not encumbered by low power auxiliary devices that would have to be relocated again as the National Broadband Plan is carried out. AT&T endorses CTIA's proposal to authorize the operation of low power auxiliary devices only in the lower portion of the TV bands (Channels 7-13 (174 - 216 MHz)).⁸ Restricting low power auxiliary devices to Channels 7-13 would likely reduce the potential interference with future mobile broadband uses envisioned in the National Broadband Plan, as the upper TV bands are the most suitable portions of the TV bands for broadband. Further, Channels 7-13 are sufficiently removed from the 700 MHz bands to minimize possible interference to 700 MHz networks that might occur should low power auxiliary devices operate in the higher TV bands, such as Channel 51, that are adjacent to the 700 MHz bands. Segregating the TV bands available for low power auxiliary use below Channel

⁸ Comments of CTIA—The Wireless Association, p. 5 (filed March 1, 2010). CTIA's comments do not identify the specific channels of the TV band in which to limit low power auxiliary devices.

14 also would minimize the potential for those devices to interfere with public safety networks in major metropolitan areas, as authorized by Rule 90, Subpart L.⁹

For the foregoing reasons, AT&T respectfully requests that the Commission consider its proposals above.

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Respectfully submitted,

/s/Robert Vitanza

Robert Vitanza
Gary L. Phillips
Paul K. Mancini

AT&T Inc.
1120 20th Street, N.W.
Suite 1000
Washington, D.C. 20036
(202) 457-3076 – phone
(202) 457-3073 – facsimile

Its Attorneys

⁹ See Comments of the National Public Safety Telecommunications Council, p. 4 (filed March 1, 2010); Comments of County of Los Angeles Comments, p. 3 (filed March 1, 2010).