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May 26, 2010

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Ex Parte Communication

In re: 700 MHz Interoperable Broadband Public Safety Network
PS Docket No. 06-229; WT Docket No. 06-150

Dear Ms. Dortch:

On May 25, 2010, Stacey Black, Joe Marx, Robert Vitanza, and I of AT&T Services, Inc. (“AT&T”) met with Jennifer Manner, Pat Amodio, Jeff Cohen, Walter Johnson, Behzad Ghaffari, Ziad Sleem, Kurian Jacob, Yoon Chang, Tom Peters, Peter Trachtenberg, David Furth, Joel Taubenblatt, and Brian Hurley of the Commission to discuss the development and design of interoperable broadband public safety networks in the 700 MHz band. AT&T reiterates its support for proposals to reallocate the 700 MHz D Block commercial spectrum to public safety service, to be combined with the public safety broadband spectrum. During the May 25 meeting, AT&T recommended that any Commission proceedings concerning priority access to commercial broadband networks, as well as public safety compatible devices, should be broadened to include a discussion of the implications for legacy commercial 3G networks, and not be limited to 4G/LTE network access. AT&T pointed out that 3G commercial networks will have much larger geographic coverage than 700 MHz LTE deployments for many years, and will continue to be relied upon for public safety communications.

With regard to priority access, AT&T discussed the need for continued funding and development of Next Generation Network Government Emergency Telecommunications Service (“NGN GETS”) standards and deployment. It also suggested that the Commission involve public safety in the process and coordinate its priority access requirements with the Department of Homeland Security – National Communications Service, which is developing NGN GETS industry requirements. AT&T further recommended that initial devices developed for 700 MHz public safety broadband networks be backward compatible with existing 850 MHz/1900 MHz commercial networks as a minimum requirement in order to provide public safety users the ability to roam onto existing networks. AT&T pointed out that the device vendor community needs clarity around these minimum requirements before any investment in multi-band public safety devices will be made and that the Commission can further facilitate public safety device development by finding a source of

funding for non-recurring engineering expenses associated with that development. A copy of the suggested requirements document provided to the Commission addressing these minimum requirements is attached.

AT&T discussed the problems that would impact public safety if the Commission adopts the plan proposed by Wireless Strategy in the 700 MHz band analysis filed by Sprint, T-Mobile, and other members of their alliance on May 10, 2010. The Wireless Strategy paper proposes that the Commission mandate that all 700 MHz capable devices operate on all 700 MHz paired spectrum blocks and ignore the 700 MHz device band plan adopted by 3GPP in favor of two Commission enacted band classes. While Wireless Strategy and the alliance claim that these proposals benefit public safety, the Commission should look to the National Public Safety Telecommunications Council (“NPSTC”) for direction on public safety’s true needs. NPSTC’s 700 MHz Broadband Task Force report and recommendations makes it very clear that public safety requires support for only Band 14, which includes the D block and public safety broadband spectrum, and that operations in other 700 MHz blocks are to be considered optional. Mandating that all 700 MHz capable devices MUST support all 700 MHz blocks will mean that every device includes functionality that may never be used in practice (due to differences in technology, roaming agreements, etc.). This serves only to increase the cost for every consumer, including public safety users, for no real benefit.

The proposals in the Wireless Strategy paper would also unreasonably limit the ability of a single device to support roaming nationwide. Regardless of device band class, public safety users will still need unique devices that can operate on “fall back” legacy networks (HSPA-Edge/EVDO-1XRTT; 850 MHz/1900 MHz) where LTE 700 MHz coverage ends. Qualcomm has explained that even its most state-of-the-art chipsets support only two frequency bands for 3G/4G technologies in the lower frequencies (and in the upper frequencies). Under the theory proposed by Wireless Strategy, the Commission should mandate those two bands—the proposed new band class supporting the Upper 700 MHz band and band class 12 supporting the Lower 700 MHz A, B and C blocks. Such a decision would effectively preclude public safety from roaming on 850 MHz cellular networks where 700 MHz LTE coverage is unavailable, as the device will be unable to support an additional band in the lower frequencies. This result may benefit T-Mobile or Sprint, but it does nothing to help public safety. Even if it were technically feasible to incorporate all of the bands into a single device, it would require trade-offs, which include less functionality, a larger/less desirable form factor, shorter battery life, and additional interference risks.

Wireless Strategy also suggests that the interference concerns that led the 3GPP standards process to adopt band classes 13 and 17 can be remedied through traditional frequency coordination and base station location selection. While coordination and base station locations are an important element of a larger strategy to reduce the potential for interference, they rarely can fully address interference issues that arise for mobile wireless providers, and unnecessary reliance on such techniques can only increase the cost and reduce the quality of wireless services. The Commission need not follow this path, which would result in public safety spending more for equipment that operates with a greater risk of interference.

AT&T reiterates its support of public safety and the reallocation of the upper D block spectrum. The plan put forth by Sprint, T-Mobile, and other members of their alliance will rob public safety of

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the elegant and cost efficient solution of 20 MHz of contiguous spectrum exclusively for their use in nationally interoperable first responder handsets. Their plan introduces a convoluted and unworkable solution with public safety as only an afterthought and will delay any national broadband solution for years to come.

Pursuant to Section 1.1206 of the Commission's rules, an electronic copy of this letter is being filed for inclusion in the above-referenced docket.

Respectfully submitted,

/s/ Jim Bugel

cc: Jennifer Manner
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