

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Amendment of Part 27 of the Commission’s Rules)	WT Docket No. 07-293
To Govern the Operation of Wireless)	
Communications Services in the 2.3 GHz Band)	
)	
Establishment of Rules and Polices for the)	IB Docket No. 95-91
Digital Audio Radio Satellite Service in the)	GEN Docket No. 90-357
2310-2360 MHz Frequency Band)	RM-8610

**PETITION OF AT&T FOR EXTENSION OF TIME TO IMPLEMENT THE
NEW WCS FIXED CPE DUTY CYCLE AT EXISTING AND PLANNED
CUSTOMER SITES AND REQUEST FOR EXPEDITED TREATMENT**

AT&T Inc., on behalf of its Wireless Communications Service (“WCS”) license subsidiaries, AWACS, Inc. and BellSouth Mobile Data, Inc., (collectively with its subsidiaries, “AT&T”) hereby submits this petition to request an extension of time until November 30, 2010 to implement the fixed customer premises equipment (CPE) TDD duty cycle requirement of amended Rule 27.50(a)(2) at existing customer sites and two additional sites planned for August 2010. This requested extension will allow AT&T to continue using WCS spectrum to serve customers during the period AT&T will require to modify the WCS CPE installed at approximately 1500 customer sites to comply with the new duty cycle requirement. Because AT&T will be required to cease the use of noncompliant WCS CPE on September 1, 2010, AT&T will be unable to continue providing WCS services to these customers from that date, if the Commission does not grant this requested extension by that time. AT&T therefore requests expedited treatment of this petition.

The Commission’s Report and Order in the above-referenced proceeding released on May 20, 2010, as modified by Errata released on June 2, 2010 and July 14, 2010, amend Section

27.50 of the Commission's rules by revising paragraph (a) to add new subsection (a)(2) setting forth new requirements for fixed CPE stations transmitting in the 2305-2320 or 2345-2360 MHz bands.¹ These new requirements include the new limitation that the duty cycle for fixed CPE using TDD technology must not exceed 38 percent. The prior rules governing this spectrum place no restriction on the duty cycle for WCS CPE. The new rule applies to both existing and new CPE and will become effective 30 days after the date of publication in the Federal Register, which occurred on August 2, 2010.² Thus, to comply with the new rule, all existing WCS CPE must be modified to operate on a duty cycle not exceeding 38 percent no later than September 1, 2010.

AT&T is currently using WCS spectrum in many of its license areas to serve customers requiring point-to-point connections to the Internet from 802.11(b) and (g) Wi-Fi access points at locations where rapid deployment and minimizing disruptions to existing infrastructure are required. However, AT&T will be unable to complete the work necessary to bring its WCS CPE into compliance with this new duty cycle requirement by September 1, 2010. The new duty cycle restriction requires the development of new firmware by AT&T's equipment vendor followed by internal testing and deployment to approximately 1500 existing customer sites. AT&T estimates that this work will take until November 30, 2010. To avoid disrupting services to these existing customers during this period, AT&T asks the Commission to extend the

¹ Report and Order and Second Report and Order, FCC 10-82, WT Dkt. No. 07-293, rel. May 20, 2010 ("WCS Order"), App. B (Rule Revisions); Erratum, WT Dkt. No. 07-293, rel. Jun. 8, 2010; Second Erratum, WT Dkt. No. 07-293, rel. Jul. 14, 2010.

² *WCS Order*, ¶ 319; 75 Fed. Reg. 45058 (2010).

effective date for implementation of the new duty cycle requirement at its existing and planned customer sites until this anticipated completion date.³

If the Commission does not grant this requested extension by September 1, 2010, AT&T will be required to cease the use of this CPE at that time, which will deprive these customers of WCS services for no compelling reason. AT&T therefore respectfully requests expedited treatment of this request.

This limited extension of the effective date will further the public interest by allowing the continuation of WCS services to customers during the period necessary to implement the required modifications.⁴ Additionally, the resulting brief additional period of operation of AT&T's fixed WCS CPE outside the new duty cycle requirement is unlikely to result in interference to SDARS operations. The Report and Order notes that "SDARS licensees have not reported any instances of interference" from authorized WCS fixed CPE devices.⁵ In fact, "the SDARS licensees note that current fixed WCS deployments pose no or little interference

³ AT&T also has WCS deployments scheduled at two additional customer sites during August 2010.

⁴ *See, e.g., ART Licensing Corp.*, 23 FCC Rcd. 14116 (2008) (noting the public interest in the avoidance of service disruptions to customers).

concerns to SDARS operations.”⁶ Therefore, there is good cause for the Commission to grant this requested extension of the implementation date for this new requirement at AT&T’s customer sites.⁷

Respectfully submitted,

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Dated: August 2, 2010

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⁵ *WCS Order*, ¶ 141.

⁶ *Id.* ¶ 143.

⁷ *See* 47 C.F.R. Sect. 1.3; *Wait Radio v. FCC*, 418 F.2d 1153 (D.C. Cir. 1969).