

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

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

**PETITION OF AT&T FOR WAIVER OF WCS EXTERNAL ANTENNA  
RESTRICTION TO ALLOW CONTINUATION OF EXISTING USAGE  
PENDING COMMISSION ACTION ON PETITION FOR RECONSIDERATION  
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 a waiver of the new prohibition in amended Rule 27.50(a)(2) on the use of outdoor antennas for WCS fixed customer premises equipment (CPE) stations at existing customer sites in order to permit approximately 116 customers using such antennas to continue receiving WCS services while the Commission considers the petition for reconsideration that AT&T will file in this proceeding. Because WCS services may no longer be provided over fixed CPE outdoor antennas from September 1, 2010, AT&T will be unable to continue providing WCS services to these customers from that date, unless the Commission grants this requested waiver 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, amends

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.<sup>1</sup> These new requirements include a new prohibition on the use of outdoor antennas for CPE stations or outdoor CPE station installations. The prior rules governing this spectrum place no restriction on the use of outdoor antennas for fixed CPE other than emission and power limits. The new rule will become effective 30 days after the date of publication in the Federal Register, which occurred on August 2, 2010.<sup>2</sup> Thus, to comply with the new rule, WCS services may no longer use outdoor antennas for fixed CPE stations or outdoor CPE station installations from 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. At approximately sixteen customer sites, these services involve the use of outdoor antennas for CPE stations or outdoor CPE station installations. Additionally, AT&T is using WCS spectrum to provide fixed wireless broadband services to residential customers in Alaska, approximately 100 of whom use fixed CPE outdoor antennas to receive these services.

AT&T intends to file a petition for reconsideration in this proceeding that will ask the Commission to modify the new prohibition on the use of outdoor antennas for fixed CPE stations or outdoor CPE station installations and allow their use provided they comply with the current OOB antenna requirements. As the Commission has noted, those OOB limitations have not

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<sup>1</sup> 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.

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

caused any material interference to SDARS operations. AT&T will also ask the Commission to allow, at a minimum, such usage to continue at the small number of customer sites where fixed CPE external antennas are currently installed. To avoid disrupting WCS services to these customers pending Commission action on AT&T's forthcoming petition for reconsideration, AT&T asks the Commission to waive the new prohibition to allow this limited usage of fixed CPE external antennas to continue pending such Commission action, provided there is continued compliance with prior emissions and power limits.

If the Commission does not grant this requested waiver by September 1, 2010, AT&T's WCS services may no longer use fixed CPE outdoor antennas from that time, which will mean that AT&T will be unable to provide WCS services to these customers from that date. AT&T therefore respectfully requests expedited treatment of this petition.

This requested waiver will further the public interest by allowing the continuation of WCS services to these customers while the Commission considers AT&T's forthcoming petition for reconsideration.<sup>3</sup> Additionally, this limited continued usage of fixed CPE external antennas 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.<sup>4</sup> In fact, "the SDARS licensees note that current fixed WCS deployments pose no or little interference concerns to SDARS operations."<sup>5</sup> Therefore, there is good cause for the

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<sup>3</sup> See, e.g., *ART Licensing Corp.*, 23 FCC Rcd. 14116 (2008) (noting the public interest in the avoidance of service disruptions to customers).

<sup>4</sup> *WCS Order*, ¶ 141.

<sup>5</sup> *Id.* ¶ 143.

Commission to grant this requested waiver to allow the existing usage of fixed CPE external antennas by AT&T's WCS customers to continue pending Commission action on AT&T's petition.<sup>6</sup>

Respectfully submitted,

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<sup>6</sup> See 47 C.F.R. Sect. 1.3; *Wait Radio v. FCC*, 418 F.2d 1153 (D.C. Cir. 1969).