

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

In the Matter of)	
)	
Amendment of Parts 73 and 74 of the)	MB Docket No. 03-185
Commission's Rules to Establish Rules for)	
Digital Low Power Television, Television)	
Translator, and Television Booster Stations and)	
to Amend Rules for Digital Class A Television)	
Stations)	

COMMENTS OF AT&T INC.

AT&T Inc., on behalf of itself and its affiliates (“AT&T”), hereby files these comments in response to the Further Notice of Proposed Rulemaking (“*FNPRM*”) released by the Federal Communications Commission (“FCC” or “Commission”) in the above-captioned proceeding.¹ The *FNPRM* requests comment on a wide range of legal, technical, and policy issues that must be resolved in order to complete the low power television station (“LPTV”) digital transition. Among other proposals, the FCC has asked for comment on whether to impose an analog shutoff date in 2012; to require that existing analog and digital low power television stations in the 700 MHz band (channels 52-69) cease operations by a date certain; and to require existing analog and LPTV stations to submit displacement applications or discontinue operations altogether.²

AT&T holds a large number of lower-band 700 MHz spectrum licenses. In addition to secondary market acquisitions, AT&T submitted bids totaling over \$6.6 billion in Auction No. 73. AT&T has made significant investments in recent years to launch its preferred fourth

¹ *Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for Digital Low Power Television, Television Translator, and Television Booster Stations and to Amend Rules for Digital Class A Television Stations*, Further Notice of Proposed Rulemaking and Memorandum Opinion and Order, FCC 10-172 (2010) (“*FNPRM*”).

² *Id.* at ¶ 2.

generation (“4G”) long-term evolution (“LTE”) technology using its 700 MHz spectrum. In fact, AT&T is presently conducting LTE field trials in two major markets and plans a mid-2011 LTE launch.³ LTE will be the first all internet-protocol wireless wide-area standard to be deployed on world-wide cellular networks with the potential to provide broadband speeds to mobile handsets.⁴ Such capabilities will be critical in meeting the growing demand for broadband data to mobile handsets and will provide considerable benefit to consumers and businesses.

While all full-power television stations vacated the 700 MHz band in 2009, the Commission permitted secondary LPTV stations to remain in the band to avoid an adverse impact on the services that they offer to specialized and minority audiences, foreign language communities, and rural areas.⁵ These stations, however, have remained in the band with the expectation that they would be required to find a replacement in-core channel after the transition was complete.⁶ Despite this expectation, LPTV stations continue to occupy 700 MHz spectrum licensed to AT&T and others. AT&T therefore agrees with the Commission that the 700 MHz band should be cleared of LPTV broadcasters, both analog and digital, by December 31, 2011 so that commercial wireless entities can avoid impediments to the deployment of needed wireless broadband offerings.⁷ As discussed below, the proposed deadline—almost three years from the

³ Press Release, AT&T, AT&T Selects LTE Equipment Suppliers (Feb. 10, 2010), *available at* <http://www.att.com/gen/press-room?pid=4800&cdvn=news&newsarticleid=30493&mapcode=financial|wireless>. *See also* Kevin Fitchard, “AT&T LTE Launch to Closely Follow Verizon Debut,” (Sep. 16, 2010), *available at* <http://connectedplanetonline.com/3g4g/news/att-lte-launch-to-closely-follow-verizon-0916/>.

⁴ Tom McKay, “4th Generation Cellular Technology: Features, Benefits, and Challenges of LTE,” *available at* <http://www.soe.ucsc.edu/news/event?ID=1633>.

⁵ *See Reallocation of Television Channels 60-69, the 746-806 MHz Band*, Report and Order, 12 FCC Rcd 22,953 (1997).

⁶ *Id.* at 22,967.

⁷ *FNPRM* at ¶ 22.

full power digital transition deadline—provides an adequate time frame for LPTV stations to cease operating on channels 52-69 without any service disruption.

One of Congress’s primary goals in requiring broadcasters to convert from analog to digital services and clear the 700 MHz band was to make spectrum available for advanced wireless broadband services.⁸ That reallocation was necessary to ensure that adequate wireless capacity was made available to meet the growing demand for commercial wireless services. Since that time, data usage over wireless networks is rapidly increasing as more consumers rely on mobile devices. A recent study shows that subscriptions to mobile data services increased by 40 percent in the last year alone,⁹ while the amount of data used by wireless consumers per line increased by a staggering 450 percent between the first quarter of 2009 and the second quarter of 2010.¹⁰ Furthermore, industry analysts generally share the view that mobile network data traffic will continue in a significant upward trend, growing as much as 25 to 50 times the current levels in the next 5 years.¹¹

The National Broadband Plan (“NBP”) acknowledged the explosive growth in mobile data usage and recommended that new spectrum be made available to accommodate the continuing demand for mobile broadband. Specifically, the NBP calls for the Commission to

⁸ Lennard G. Kruger, CRS Report for Congress, “Digital Television: An Overview” (January 11, 2008), *available at* <http://www.usembassy.it/pdf/other/RL31260.pdf>.

⁹ Federal Communications Commission, “Internet Access Services: Status as of June 30, 2009” (rel. Sept. 2010).

¹⁰ FCC Staff Technical Paper, “Mobile Broadband: The Benefits of Additional Spectrum,” at 4 (Oct. 2010) (“*FCC Technical Paper*”) (citing Validas LLC data, September 8, 2010; *available at* www.myvalidas.com).

¹¹ CISCO Visual Networking Index: Global Mobile Data Traffic Forecast Update, 2009-2014, *available at* http://www.cisco.com/en/US/solutions/collateral/ns341/ns525/ns537/ns705/ns827/white_paper_c11-520862.html.

make available 500 MHz of new spectrum for wireless broadband, including 300 MHz for mobile flexible use within five years.¹² In addition, the President directed in a June 28, 2010 Executive Memorandum that 500 MHz of new spectrum be made available for mobile use, noting that “America’s future competitiveness and global technology leadership depend, in part, upon the availability of additional spectrum.”¹³ Finally, a recent FCC Staff Technical Paper concluded that a spectrum deficit approaching 300 MHz is likely by 2014, validating the need for additional mobile broadband spectrum in the near-term.¹⁴

Given the ever increasing demand for mobile broadband services, it is crucial that carriers like AT&T be able to fully utilize those spectrum assets that they already have. While new spectrum is a necessary pillar for the continued growth of wireless broadband—an industry that increased by 28 percent in 2009 to \$41.3 billion in overall revenue—all of the new spectrum measures identified by the Commission in the NBP presume the efficient and unimpeded ability to use existing licensed resources.¹⁵ As such, the 700 MHz band must be cleared of LPTV stations so that the Commission can meet its long-term spectrum goals.

The proposed out-of-core transition date provides more than sufficient time for LPTV stations occupying the 700 MHz band to apply for digital displacement without service interruption. The Commission gave LPTV stations ample notice of the need to relocate in 1997, and again in 2002, when it reallocated channels 52-69 for use by commercial wireless and public

¹² See Federal Communications Commission, “Connecting America: The National Broadband Plan” (2010) (“*National Broadband Plan*”).

¹³ Presidential Memorandum: Unleashing the Wireless Broadband Revolution (June 28, 2010), available at <http://www.whitehouse.gov/the-press-office/presidential-memorandum-unleashing-wireless-broadband-revolution>.

¹⁴ *FCC Technical Paper* at 26.

¹⁵ Paul Kapustka, “AT&T: We Want More Spectrum!” (March 23, 2010), available at <http://www.muniwireless.com/2010/03/23/att-we-want-more-spectrum/>.

safety entities and permitted LPTV stations to remain on these channels “temporarily.”¹⁶ The Commission also made it clear that LPTV operations on these channels are secondary to exclusive licensed operations in the 700 MHz band, and cannot cause harmful interference to primary services.¹⁷ Thus, LPTV stations have been on notice for more than a decade that the 700 MHz band was being reallocated. While many LPTV licensees have already successfully completed digital displacement to an in-core channel, some have delayed and remain in operation today.¹⁸ AT&T therefore agrees with the Commission that a hard and fast deadline is needed, and that requiring LPTV stations to submit digital displacement applications by June 30, 2011 and cease operations on channels 52-69 by December 31, 2011 will provide LPTV broadcasters with ample time to identify in-core channels and prepare displacement applications.

In conclusion, AT&T agrees with the Commission that now is an appropriate time to clear the 700 MHz band of LPTV broadcasters, both analog and digital, so that commercial wireless entities can efficiently utilize the 700 MHz band for innovative wireless broadband services and deployment of 4G LTE networks in an effort to meet the growing consumer demand for these services. These deployments will yield considerable public benefits that will be

¹⁶ *FNPRM* at ¶ 20.

¹⁷ *See Reallocation and Services Rules for the 698-746 MHz Spectrum Band (Television Channels 52-59)*, Report and Order, 17 FCC Rcd 1022 (2002).

¹⁸ *FNPRM* at ¶ 20.

