

**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)

REPLY COMMENTS OF AT&T INC.

AT&T Inc., on behalf of itself and its affiliates (“AT&T”), hereby files this reply to 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 As discussed in AT&T’s original comments, AT&T agrees with the Commission that the 700 MHz spectrum licensed to AT&T and others should be cleared of low power television station (“LPTV”) broadcasters, both analog and digital, by December 31, 2011. After over a decade of notice, a date certain is warranted to promote the deployment of critical wireless broadband offerings.² AT&T also agrees with those commenters that have suggested that the Commission limit the filing of displacement applications to channels below Channel 51 in order to minimize the potential for destructive interference to wireless operations in the adjacent 700 MHz band A Block spectrum. For the reasons discussed below, AT&T urges the FCC to act consistent with these comments and rapidly bring this proceeding to a close.

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 ¶ 22.

The record developed in response to the *FNRPM* clearly recognizes the “looming spectrum crisis”³ facing the United States and the explosive growth in demand for mobile broadband services.⁴ As commenters have recognized, the National Broadband Plan has called for the reallocation of 500 MHz of spectrum within the next 10 years to avoid stifling needed broadband mobile development.⁵ But, underlying that is also a need to maximize the use of existing spectrum resources already allocated, including the 700 MHz band, which is essential for innovative wireless broadband services and deployment of fourth generation (“4G”) long-term evolution (“LTE”) networks. These networks will play a critical role in meeting the growing consumer demand for mobile broadband services, and it comes as no surprise that a strong consensus has emerged in support of requiring both analog and digital LPTV stations to submit displacement applications for in-core channels by June 30, 2011 and to vacate channels 52-69 by the end of 2011.⁶

The limited comments in opposition to a hard date erroneously rely on arguments that the proposed out-of-core transition date would be unduly burdensome and result in fallow spectrum.⁷ First, as a number of commenters recognize, LPTV stations have been on notice for more than a

³ Comments of The Consumer Electronics Association, MB Docket No. 03-185, p.4 (filed Dec. 17, 2010) (“CEA Comments”).

⁴ Comments of AT&T, Inc., MB Docket No. 03-185, p.3 (filed Dec. 17, 2010) (“AT&T Comments”); Comments of CTIA – The Wireless Association, MB Docket No. 03-185, p.4 (filed Dec. 17, 2010) (“CTIA Comments”).

⁵ CEA Comments at 4; CTIA Comments at 3; AT&T Comments at 4. *See also* Federal Communications Commission, *Connecting America: The National Broadband Plan* at 84 (2010).

⁶ Comments supporting an out-of-core transition deadline of December 31, 2011 or earlier were filed by Harris Corporation, Motorola, Inc., Consumer Electronics Retailers Coalition, Consumer Electronics Association, Cellular South, Inc., AT&T, Inc., National Public Safety Telecommunications Council, CTIA – The Wireless Association, and Elizabeth Trinkle.

⁷ Comments of Low Power Television Licensee Group, MB Docket No. 03-185, p.7 (filed Dec 17, 2010); Comments of Venture Technologies Group, LLC, MB Docket No. 03-185, p.5 (filed Dec. 16, 2010).

decade that the 700 MHz band was being reallocated. 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 safety entities.⁸ Furthermore, 700 MHz licensees already have the option of displacing an out-of-core, secondary station at any time through procedures established by the FCC. LPTV broadcasters, therefore, should already be prepared to comply with the reasonable, proposed deadline. Allowing such entities to argue that they require additional time to complete the transition, after being on notice for more than a decade, would be poor public policy and would further delay the realization of the full benefits of the transition for the public.

Second, there is no basis for the assertion that requiring LPTV stations to vacate the 700 MHz band will result in fallow spectrum. 700 MHz band licensees have made significant progress in deploying their networks and have begun service to the public. AT&T is presently conducting LTE field trials and plans a mid-2011 LTE launch.⁹ Verizon Wireless has already launched 4G LTE in 38 markets.¹⁰ The 700 MHz band is also already home to hundreds of public safety narrowband systems.¹¹ While LPTV operations are secondary to licensee operations and remedies are available to licensees in the event of interference with out-of-core LPTV broadcasters, AT&T agrees with commenters that resort to such remedies delays the deployment of necessary services and results in unnecessary expenses to, and administrative

⁸ *FNPRM* at ¶ 20.

⁹ AT&T Comments at 2.

¹⁰ Comments of Verizon Wireless, MB Docket No. 03-185, p.2 (filed Dec. 17, 2010) (“Verizon Wireless Comments”).

¹¹ Comments of Motorola, Inc., MB Docket No. 03-185, p.2 (filed Dec. 17, 2010) (“Motorola Comments”).

burdens on, 700 MHz licensees.¹² As such, the Commission should require that LPTV stations cease operations in the 700 MHz band by December 31, 2011.

AT&T also agrees with Cellular South, Inc. (“Cellular South”) that the FCC should limit the filing of displacement applications to channels below Channel 51 in order to minimize the potential for destructive interference to wireless operations in the 700 MHz band.¹³ While AT&T does not presently hold any 700 MHz A Block licenses, it recognizes the potential for interference to A Block licensees from LPTV facilities operating on Channel 51.¹⁴ Given the increasing demand for mobile broadband services, carriers must be able to fully utilize their spectrum assets with minimal interference, and moving out-of-core LPTV stations to Channel 51 appears to be an inefficient stop-gap measure. Therefore, the public interest would be best served by limiting the filing of displacement applications to channels 50 or below.

For reasons articulated in its Comments and this Reply, the Commission should adopt the proposed out-of-core transition date of December 31, 2011 and require that all LPTV stations with facilities on channels 52-69 submit a digital displacement application proposing an in-core channel no later than June 30, 2011. Given that LPTV licensees have been on notice of the need to relocate for over a decade, and the plainly erroneous supposition that such spectrum is not

¹² Comments of Cellular South, Inc., MB Docket No. 03-185, p.5 (filed Dec. 17, 2010) (“Cellular South Comments”); Verizon Wireless Comments at 3.

¹³ Cellular South Comments at 4.

¹⁴ *Id.* See also Letter from Coalition for 4G in American to Marlene H. Dortch, Notice of Ex Parte Presentation, Attachment, “700 MHz Band Analysis” at 7, WT Docket No. 06-150 (filed May 26, 2010), available at <http://rca-usa.org/wp-content/uploads/2010/05/Combined-Final-4G-Coalition-Ex-Parte.pdf>; Sean Haynberg, “700 MHz Spectrum Transition and Interference Issues,” (May 19, 2009), available at http://www.nsma.org/conf2009/V-COMM_NSMA_Presentation_5-19-2009.pdf.

