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BY ECFS

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth St., S.W.
Washington, D.C. 20554

Re: Notice of Ex Parte Communication, **WT Docket. 05-265, RM-11592**

Dear Ms. Dortch:

This letter responds to Cellular South's letter of February 16, 2011 which references a speech made by AT&T's Chairman and CEO Randall Stephenson at the GSMA Mobile World Congress on February 15, 2011.

At the GSMA conference, Mr. Stephenson shared his visionary perspectives on the future of mobile broadband networks in an LTE world powered by an ever wider array of broadband devices, from smartphones to tablets to gaming devices. His comments referenced the results of a recent study commissioned by AT&T that looked at how mobile content is being consumed by U.S. wireless data customers. We found that nearly half of all consumers use three or more devices to access the *same* content, demonstrating that customers are increasingly demanding open and seamless access to content, without regard to the device or the operating platform being used for delivery. Looking back, Mr. Stephenson noted that text-messaging exploded once interoperable standards were developed that allowed messages to be delivered across platforms and devices to users everywhere. Mr. Stephenson also spoke of the catalyst for the next revolutionary chapter in mobile wireless services: the cloud. Cloud computing is moving beyond being just a nebulous idea to becoming a reality, and it will be a springboard for the next generation of mobile broadband products and services.

AT&T believes that an open and seamless wireless ecosystem will fuel the future of mobile broadband. But what Cellular South and the Good Faith Purchasers Alliance are advocating is something much different. They are calling for unnecessary network and device mandates that will limit an operator's ability to offer devices in a manner that best meets customer needs while maximizing spectral efficiency and that will impose broadband roaming mandates in a marketplace where commercial roaming agreements are already commonplace. As AT&T has explained elsewhere in the record of these proceedings, the mandates sought by Cellular South and its Alliance are unnecessary, unprecedented and unwise.

Cellular South argues that regulatory mandates are needed to prevent AT&T from "walling-off" its proprietary "Band Class 13" 700 MHz LTE networks from the customers of smaller, competitive carriers. With this statement, Cellular South fundamentally confuses different elements of network deployment. First, AT&T is relying on Band Class 17, not 13 as Cellular South suggests. Band Class 17 refers to the spectrum band supported in chipsets deployed in AT&T's initial LTE devices (along with a chipset supporting the AWS-1 band, as both bands are part of our LTE deployment, as well as radios that will operate on our HSPA and GSM networks). Carriers have always offered devices that operate in the spectrum deployed in their networks. Mandating a carrier to offer devices that operate in spectrum the carrier is not licensed to use would be nonsensical, and would unnecessarily increase device costs for consumers. Moreover, given the strict limits on how much circuitry can be squeezed into a single device, device banding mandates could put severe restraints on efficient device design. Cellular South has made a similar choice to offer LTE devices that rely on Band Class 12 chipsets (supporting the lower 700 MHz A-C block), and not chipsets that operate in the upper 700 MHz C Block, the AWS-1 bands or any of the many other bands suitable for LTE deployment.

Cellular South also appears to be complaining that AT&T's LTE network is not available to its customers. The fact is that AT&T's LTE network has not yet been launched. As our public announcements have made clear, we will launch LTE service in select markets mid-summer with plans to largely complete our LTE build by the end of 2013. In the mean time, again as the record before the Commission now makes abundantly clear, we are providing carriers with commercial access to our 2G, HSPA and HSPA+ broadband networks for the purposes of roaming. Cellular South itself relies extensively on similar commercial roaming arrangements, as its coverage maps clearly demonstrate that its customers enjoy nationwide 3G coverage. The existence of wide-spread commercial broadband roaming arrangements now make clear that a new broadband data roaming mandate is wholly unnecessary.

AT&T is committed to developing the world's most advanced mobile broadband network – a network that is open to innovation and that supports a broad array of mobile broadband devices. We are dedicating billions of capex dollars to roll out LTE technologies while we are aggressively investing in cloud computing and other technologies that will breakdown application and operating system barriers and allow our customers seamless access to content without regard to the device being used.

AT&T does not, however, support unnecessary regulatory mandates that limit operator choice, stifle innovation and impede broadband investment, such as those called for by Cellular South. Such mandates favor competitors – not competition – and have no place in today’s highly-competitive mobile broadband environment.

In accordance with the Commission’s rules, this letter is being filed electronically with the Secretary for inclusion in the public record.

Sincerely

A handwritten signature in black ink, appearing to be 'JM', followed by a horizontal line extending to the right.

Joan Marsh

cc via email:

Ruth Milkman
Jim Schlichting