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

In the Matter of	)	
	)	
Request for Licensing Freezes and Petition for	)	
Rulemaking to Amend the Commission's DTV	)	
Table of Allocations to Prohibit the Future	)	RM-11626
Licensing of Channel 51 Broadcast Stations	)	
and to Promote Voluntary Agreements to	)	
Relocate Broadcast Stations From Channel 51	)	
	)	

COMMENTS OF AT&T SERVICES, INC.

AT&T Services, Inc. ("AT&T") hereby submits its comments on the above-captioned Petition for Rulemaking and Request for Licensing Freeze (the "Petition") filed by CTIA – The Wireless Association ("CTIA") and the Rural Cellular Association ("RCA") (collectively, "Petitioners").[1] AT&T supports the Petition in order to promote the deployment of much needed wireless broadband services in the Lower 700 MHz A Block ("A Block"). Specifically, AT&T agrees that the Commission should: (1) revise its rules to prohibit future licensing of TV broadcast stations on Channel 51; (2) implement a freeze, effective immediately, on the acceptance, processing, and grant of applications for new or modified broadcast facilities seeking to operate on Channel 51; and (3) accelerate administrative procedures to expedite clearing of Channel 51 where incumbent Channel 51 broadcasters reach voluntary agreements to relocate to an alternate channel.[2] These actions will enable current 700 MHz A Block licensees to plan and

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1 *Petition for Rulemaking and Request for Licensing Freezes By CTIA – The Wireless Association and Rural Cellular Association,* RM-11626 (filed Mar. 15, 2011) ("Petition").

2 *Id.* at 1.

deploy their networks with minimum risk of harmful interference from TV broadcast stations on Channel 51.

I. A BLOCK LICENSEES FACE OBSTACLES TO BROADBAND DEPLOYMENT IN THE 700 MHZ BAND

As explained by the Petitioners, when the Commission reallocated TV Channels 52-69 to wireless broadband services, the band plan reallocated Channel 52 to the Lower 700 MHz A Block.[3] In doing so, the Commission noted the suitability of 700 MHz spectrum for the provision of innovative wireless broadband services.[4] Indeed, the Commission has recognized on a number of occasions that the Lower 700 MHz Band is a good candidate for two way mobile communications.[5]

Licensees in the 700 MHz A Block, however, face well known obstacles to broadband deployment in the 700 MHz Band. As an initial matter, the lack of a guard band between Channel 51 and the A Block means that broadcast operations in Channel 51 pose a substantial interference threat to mobile systems deployed in the A Block. Many A Block licensees, equipment manufacturers, and other 700 MHz licensees have already documented the substantial risk of interference from Channel 51 broadcast operations to wireless broadband networks

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[3] *Id.* at 3. *See also Reallocation and Service Rules for the 698-746 MHz Spectrum Band (Television Channels 52-69),* Report and Order, 17 FCC Rcd 1022, ¶ 77 (2001) ("Channels 59-62 Reallocation Order").

[4] Channels 59-62 Reallocation Order at ¶ 8.

[5] *See, e.g., Policy Statement,* 14 FCC Rcd 19868, at ¶ 25 (1999) (suggesting the reallocation of the Lower 700 MHz Band for Fixed, Mobile and new Broadcast services for commercial uses following the same approach used in allocating the 36 MHz of commercial spectrum in the Upper 700 MHz Band); *Amendment of Part 2 of the Commission's Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services to Support the Introduction of New Advanced Wireless Services, Including Third Generation Wireless Systems,* Notice of Proposed Rulemaking, 16 FCC Rcd 596, 633, App. D (2001) (identifying the Lower 700 MHz band as a possible candidate for third-generation ("3G") mobile services"). The United States also proposed at the World Radiocommunication Conference-2000 ("WRC-2000") that the Lower 700 MHz Band be identified as one of several candidate bands for the terrestrial component of new advanced communication applications. *See International Telecommunications Union Final Acts of the World Radiocommunication Conference,* Istanbul, 2000.

operating in that spectrum.[6] Moreover, the Commission's current rules further complicate use of lower 700 MHz A Block Spectrum by placing significant constraints on A Block licensees. Recognizing the potential for mobile systems operating at 700 MHz to cause interference to a DTV receiver operating on Channel 51, the Commission's rules require that Lower A Block licensees meet a minimum desired signal-to-undesired signal ratio ("D/U") within the service contour of a TV broadcaster.[7] Verizon Wireless pointedly notes that while this may be possible for fixed wireless services, "it is likely to be difficult for mobile devices to provide such protection without significantly limiting where those devices can be used."[8] The Commission's interference protection criteria go so far as to require that A Block licensees accord the same level of interference protection to both current and future operations on Channel 51.[9] As such, A Block licensees that build out an extensive broadband network could potentially find their substantial investments undermined by a new Channel 51 licensee that must be protected under the Commission's rules. In the face of such uncertainty, it is difficult for A Block licensees to justify large investments in building out broadband networks.

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6 *See* Comments of Cellular South, Inc., MB Docket No. 03-185, at 2 (filed Dec. 17, 2010) (stating that "in effecting its build-out, it is facing potential interference from LPTV facilities which continue to operate on TV channels above 51, as well as facilities operating on Channel 51"); Comments of Verizon Wireless, RM-11592, at 8-9 (filed Mar. 31, 2010) ("Verizon Wireless Comments") (providing that "the presence of broadcast TV services on channel 51 also presents technical challenges for Lower A Band licensees"); Comments of Rural Cellular Association, RM-11592, at 19 (filed Mar. 31, 2010) ("mobile devices that solve the various interference issues present in the Lower A Block…will be costly"); Comments of AT&T, Inc., RM-11592 at 6 (filed Mar. 31, 2010) ("the potential interference issues associated with Channel 51…are caused by the location of those channels to the paired A block bands"); Comments of Motorola, Inc., RM-11592, at 5 (filed Mar. 31, 2010) ("Because the lower 700 MHz A block is directly adjacent to the high powered E block and TV channel 51 transmissions, the duplex filter is unable to sufficiently attenuate these signals, resulting in potential interference").

7 *See* 47 C.F.R. § 27.60. *See also* Verizon Wireless Comments at 8-9.

8 Verizon Wireless Comments at 9.

9 Petition at 6. *See also Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television,* Order, DA 03-1292, at ¶ 124 (2003).

Risk of interference from Channel 51 operations, burdensome interference protection rules, and uncertainty over future Channel 51 operations substantially threaten the opportunity to build out broadband offerings in the 700 MHz A Block. As such, licensees of 700 MHz A Block spectrum have encountered significant and unique technical challenges to deploying wireless broadband services in this spectrum.

II. GRANT OF THE PETITION IS A CRITICAL STEP IN ENSURING THE EFFICIENT USE OF SPECTRUM ALREADY LICENSED FOR MOBILE BROADBAND SERVICES

In adopting the 700 MHz service rules, the Commission declared that the "[r]apid deployment and ubiquitous availability of broadband services across the country are among the Commission's most critical policy objectives."[10] Indeed, consumer demand for broadband services continues to rise exponentially. As more consumers purchase smartphones, tablet PCs, laptops, e-readers, and other mobile devices, demand for mobile broadband will only continue to rise dramatically.[11] Recent hearings of the House Subcommittee on Communications and Technology on "Using Spectrum to Advance Public Safety, Promote Broadband, Create Jobs and Reduce the Deficit" highlight the need for an additional "100 MHz and 300 MHz in the short term…to meet the exploding consumer and economic demand for wireless broadband."[12]

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[10] *Service Rules for the 698-746, 747-762 and 777-792 MHz Bands,* 22 FCC Rcd 15289, at ¶ 196 (2007).

[11] In 2010, smartphones accounted for 35 percent of all handset connections. Smartphone sales are expected to increase by 42 percent this year alone. Tablets, the fastest growing category of devices, average about 122 times the mobile data traffic of a basic handset, and are projected to have sales of 55 million this year. *See* Statement of Mary N. Dillon, President and CEO of United States Cellular Corporation, Hearing of the House Subcommittee on Communications and Technology on "Using Spectrum to Advance Public Safety, Promote Broadband, Create Jobs, and Reduce the Deficit," (April 12, 2011).

[12] Statement of the Honorable Greg Walden, Chairman, Subcommittee on Communications and Technology, Hearing on Using Spectrum to Advance Public Safety, Promote Broadband, Create Jobs, and Reduce the Deficit," (April 12, 2011).

Testimonies presented during the hearing further predict that mobile data traffic will increase 25 to 40 times in the next four years.[13]

In the face of this incredible demand, the Commission must ensure the fullest utilization of spectrum already licensed for wireless broadband services. To be sure, growth of wireless services will be severely constrained if more spectrum is not made available for the wireless industry. At current rates of growth, demand for services will surpass spectrum available to meet it as early as 2013.[14] Failure to efficiently utilize already available spectrum will only compound this problem and would be inconsistent with the stated goals of the National Broadband Plan and the Obama Administration.[15] Indeed, deployment of broadband services in the 700 MHz spectrum is a lynchpin for achieving the National Broadband Plan's objectives.

Accordingly, AT&T urges the Commission to take the steps recommended by Petitioners to promote rapid deployment of spectrum already licensed for mobile broadband services in the 700 MHz band. The Petition makes a powerful case justifying the need for a proceeding to ensure that interference threats from Channel 51 broadcasters do not further delay the buildout of services in the Lower 700 MHz A Block. Additionally, Petitioners' proposed actions—revise the Commission's rules to prohibit future licensing of TV broadcast stations on Channel 51,

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[13] Statement of Peter K. Pitsch, Associate General Counsel and Executive Director, Communications Policy, for Intel Corporation, Hearing on Using Spectrum to Advance Public Safety, Promote Broadband, Create Jobs, and Reduce the Deficit," (April 12, 2011).

[14] Stacey Higginbotham, "Spectrum Shortage Will Strike in 2013," (Feb. 17, 2010), *available at* http://gigaom.com/2010/02/17/analyst-spectrum-shortage-will-strike-in-2013/.

[15] The National Broadband Plan found that if the United States does not address the looming spectrum crisis immediately, "scarcity of mobile broadband could mean higher prices, poor service quality, an inability for the U.S. to compete internationally, depressed demand and, ultimately, a drag on innovation." National Broadband Plan at 77. Additionally, President Obama signed a Memorandum on June 28, 2010 calling for the Commission and the NTIA to make 500 MHz of spectrum available for fixed and mobile wireless broadband in the next ten years to "avoid the 'spectrum crunch' and facilitate the ongoing torrent of innovation seen in smart phones, netbooks, and tablets, and the applications that run on them." White House Report: A Strategy for American Innovation: Securing Our Economic Growth and Prosperity (Feb. 4, 2011), *available at* http://www.whitehouse.gov/innovation/strategy.

implement a freeze on the acceptance, processing, and grant of applications for new and modified broadcast facilities seeking to operate on Channel 51, and accelerate administrative procedures to expedite clearing of Channel 51 where incumbent broadcasters reach voluntary agreements to relocate to an alternate channel—will provide 700 MHz A Block licensees with the regulatory certainty and increased interference protection necessary to enable planning and deployment of much-needed networks.

Finally, AT&T submits that the proposed actions will not harm the interests of any existing party. Indeed, the Petition does not ask the Commission to disturb existing operations on Channel 51.[16] By adopting an accelerated procedure for relocating a broadcast television station to a new channel where a Channel 51 licensee has reached a voluntary agreement with an A Block licensee, the Commission will in fact establish a "win-win" mechanism for protecting A Block licensees while benefitting all parties involved and guaranteeing the most efficient use of spectrum.

III. CONCLUSION

The Commission must take action to ensure that spectrum currently licensed to mobile broadband services is efficiently used to meet rising demand for wireless services. As such, AT&T urges the Commission to grant the Petition and commence a rulemaking proceeding to enable it to: (1) revise its rules to prohibit future licensing of TV broadcast stations on Channel 51; (2) implement a freeze, effective immediately, on the acceptance, processing, and grant of applications for new or modified broadcast facilities seeking to operate on Channel 51; and (3) accelerate administrative procedures to expedite clearing of Channel 51 where incumbent Channel 51 broadcasters reach voluntary agreements to relocate to an alternate channel. By

[16] Petition at 2.

doing so, the Commission will provide Lower 700 MHz A Block licensees a better opportunity to deploy their networks with full faith that their substantial investments will not be undermined by harmful interference from TV broadcast operations in Channel 51.

Respectfully submitted,

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