

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington D.C. 20554

In the Matter of)	
)	
Service Rules for Advanced Wireless Services)	WT Docket No. 12-70
in the 2000-2020 MHz and 2180-2200 MHz)	
Bands)	
)	
Fixed and Mobile Services in the Mobile)	ET Docket No. 10-142
Satellite Service Bands at 1525-1559 MHz)	
and 1626.5-1660.5 MHz, 1610-1626.5 MHz)	
and 2483.5-2500 MHz, and 2000-2020 MHz)	
and 2180-2200 MHz)	
)	
Service Rules for Advanced Wireless Services)	WT Docket No. 04-356
in the 1915-1920 MHz, 1995-2000 MHz,)	
2020-2025 MHz and 2175-2180 MHz Bands)	

REPLY COMMENTS OF AT&T

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June 1, 2012

EXECUTIVE SUMMARY

The record developed in response to the Commission's Notice demonstrates broad support for AT&T's initial comments. A wide range of commenters affirm that there is a clear and pressing need for additional mobile broadband spectrum due to explosive growth in demand for mobile broadband services. Commenters observe that there would be significant social and economic benefits to making available additional spectrum, and that the Commission should act quickly to transition the 2 GHz band to mobile broadband use.

The opening comments reinforce AT&T's vision of how to maximize the utility of the 2 GHz band for mobile broadband. The record supports AT&T's proposal to open the entire band for terrestrial service while limiting the spectrum available for MSS operations to 20 megahertz. The comments received also demonstrate that, to best address interference concerns, the Commission should shift the 2 GHz uplink band up by five megahertz and preserve the H Block as a guard band. Further, the record underscores the importance of adopting standard, commercially-based out-of-band emissions limits to facilitate prompt and efficient network deployment.

Finally, the Commission should reject proposals to impose unrealistic performance obligations or anticompetitive license conditions on the new AWS-4 licenses. Overly aggressive performance requirements would not allow adequate time for the standardization and equipment development work necessary to address issues raised by transitioning the 2 GHz band to mobile broadband use. And the extraordinary license conditions proposed by a few commenters would be counterproductive and anticompetitive. Moreover, such conditions are unsupported by the record. Instead of imposing unnecessary conditions, the Commission should act quickly to

repurpose the 2 GHz band in a manner that will afford AWS-4 licensees ample flexibility and promote expeditious deployment of a robust mobile broadband service

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)	

REPLY COMMENTS OF AT&T

ATT Services, Inc., on behalf of AT&T, Inc. and its subsidiaries (“AT&T”), hereby files these Reply Comments in the above-captioned proceeding. The record developed in response to the Federal Communications Commission’s (“Commission”) Notice of Proposed Rulemaking and Notice of Inquiry (“Notice”)¹ demonstrates broad support for the positions taken in AT&T’s initial comments. A wide range of industry and public interest commenters affirm that there is a clear and pressing need for additional mobile broadband spectrum and that transitioning the 2000-2020 MHz/2180-2200 MHz (“2 GHz”) band to terrestrial mobile use will help address this need. The record also reinforces key aspects of AT&T’s vision for technical and band plan rules to maximize the utility of the 2 GHz band for mobile broadband. Finally, the Commission

¹ Service Rules for Advanced Wireless Services in the 2000-2020 MHz and 2180-2200 MHz Bands, WT Docket Nos. 12-70, 04-356, ET Docket No. 10-142, *Notice of Proposed Rulemaking and Notice of Inquiry*, FCC 12-32 (rel. Mar. 21, 2012) (“Notice”).

should reject as counterproductive any proposals to impose unrealistic performance obligations or anticompetitive license conditions on the new AWS-4 licenses.

I. THE RECORD BROADLY SUPPORTS TRANSITIONING THE 2 GHZ BAND TO TERRESTRIAL MOBILE BROADBAND.

Commenters agree that there is an urgent need for additional mobile broadband spectrum.² The Commission has recognized that the “explosive growth [in mobile broadband] is creating an urgent need for more network capacity and, in turn, for suitable spectrum.”³ That view is seconded by MetroPCS, which states that “[i]t is well known within the communications industry that operators in this country face a severe spectrum crisis.”⁴ Likewise, the Telecommunications Industry Association (“TIA”) explains “[wireless data] growth, fueled by consumer demand, cannot be sustained without adequate spectrum.”⁵

Other commenters agree that identifying additional spectrum for mobile broadband use is an important public interest objective. Verizon Wireless urges the Commission to act promptly “to make additional spectrum available for commercial use in order to meet consumers’ rapidly growing demands for the innovative devices, applications, and services that can be provided over advanced wireless broadband services.”⁶ Sprint states that “increasing the quantity and quality

² See, e.g., Comments of Verizon Wireless at 2, WT Docket Nos. 12-70, 04-356, ET Docket No. 10-142 (filed May 17, 2012) (“Verizon Wireless Comments”); Comments of Consumer Electronics Association at 2, WT Docket Nos. 12-70, 04-356, ET Docket No. 10-142 (filed May 17, 2012) (“CEA Comments”).

³ Comments of AT&T, Inc. at 1, WT Docket Nos. 12-70, 04-356, ET Docket No. 10-142 (filed May 17, 2012) (“AT&T Comments”) (citing Notice).

⁴ Comments of MetroPCS Communications, Inc. at 14, WT Docket Nos. 12-70, 04-356, ET Docket No. 10-142 (filed May 17, 2012) (“MetroPCS Comments”).

⁵ Comments of Telecommunications Industry Association at 6, WT Docket Nos. 12-70, 04-356, ET Docket No. 10-142 (filed May 17, 2012) (“TIA Comments”).

⁶ Verizon Wireless Comments at 1; see also Comments of T-Mobile USA at 6, 25, WT Docket Nos. 12-70, 04-356, ET Docket No. 10-142 (filed May 17, 2012) (“T-Mobile USA Comments”).

of spectrum available for mobile broadband users is important as more Americans rely on smartphones, tablets, and high-speed networks for their daily communications needs.”⁷ And TIA points out that “[r]epurposing spectrum to wireless broadband will not just satisfy consumer demands, but also will net significant economic benefits.”⁸

The record reflects that the 2 GHz band could be a viable source of spectrum to address near term demand.⁹ In light of this record, the Commission should act promptly to make the 2 GHz band available for mobile broadband use.¹⁰

II. THE RECORD REINFORCES KEY ASPECTS OF AT&T’S VISION FOR A ROBUST MOBILE BROADBAND SERVICE IN THE 2 GHz BAND.

The opening comments exhibit broad support for AT&T’s proposal for an AWS-4 band plan and service rules that will facilitate the prompt and efficient introduction of mobile broadband operations to the 2 GHz band. Specifically, the record demonstrates that the Commission should limit MSS to the 20 MHz A block; shift the 2 GHz uplink band up five megahertz and preserve the H Block as a guard band; and adopt reasonable, commercially-based out-of-band-emissions limits. These proposals will maximize the amount of spectrum newly made available for mobile broadband while also addressing concerns about the potential for harmful interference to existing services.

⁷ Comments of Sprint Nextel Corporation at 2, WT Docket Nos. 12-70, 04-356, ET Docket No. 10-142 (filed May 17, 2012) (“Sprint Nextel Comments”) (citing Notice, ¶ 10).

⁸ TIA Comments at 7.

⁹ *See, e.g.*, T-Mobile USA Comments at 25; Verizon Wireless Comments at 4.

¹⁰ As noted in its initial comments, AT&T also supports the Commission moving forward with the 2 GHz Band Extension Concept outlined in the *Notice of Inquiry*, if it can be accomplished on a reasonable timeline. *See* AT&T Comments at 14-16.

A. The Commission Should Limit MSS to the 20 MHz A Block.

The Commission should reduce the amount of 2 GHz band spectrum authorized for MSS operations. No party asserts that the entire 40 megahertz of the 2 GHz band is needed for MSS operations. Indeed, as discussed above,¹¹ there is a widely-recognized need for additional mobile broadband resources while, conversely, numerous commenters note that the 2 GHz MSS band largely has remained fallow.¹²

In light of the challenges inherent in same-band sharing between terrestrial mobile wireless and MSS services,¹³ numerous commenters join AT&T in suggesting that some or all of the 2 GHz MSS band should be repurposed fully for terrestrial use without any residual MSS presence in the spectrum.¹⁴ As NTCH stated, “[r]ather than continuing to beat against the current by insisting that this spectrum be used for MSS despite the higher and better need for terrestrial operations, the Commission should delete the rules that either require or permit satellite operation in this band”¹⁵ MetroPCS and T-Mobile both agree that the Commission should repurpose 20 megahertz of the 2 GHz MSS spectrum for terrestrial use, while simultaneously granting full terrestrial rights in the remaining portion of the spectrum still

¹¹ See Section I, *supra*.

¹² See, e.g., MetroPCS Comments at 6-12; Comments of NTCH Inc. at 8, WT Docket Nos. 12-70, 04-356, ET Docket No. 10-142 (filed May 17, 2012) (“NTCH, Inc. Comments”); T-Mobile USA Comments at 13; Comments of Iridium Satellite LLC at 2, WT Docket Nos. 12-70, 04-356, ET Docket No. 10-142 (filed May 17, 2012) (“Iridium Comments”).

¹³ See, e.g., Comments of DISH Network Corp. at 9-10, WT Docket Nos. 12-70, 04-356, ET Docket No. 10-142 (filed May 17, 2012) (“DISH Comments”); Comments of Greenwood Telecommunications Consultants LLC at 9-10, WT Docket Nos. 12-70, 04-356, ET Docket No. 10-142 (filed May 17, 2012) (“Greenwood Comments”).

¹⁴ See, e.g., MetroPCS Comments at 29-30; NTCH Inc. Comments at 8-9; T-Mobile USA Comments at 17-18; see also Comments of CTIA – The Wireless Association at 16, WT Docket Nos. 12-70, 04-356, ET Docket No. 10-142 (filed May 17, 2012) (“CTIA Comments”) (questioning whether 40 megahertz of MSS spectrum is needed).

¹⁵ NTCH Comments at 8.

authorized for MSS.¹⁶ As MetroPCS explains, “in a time where spectrum is scarce and many existing carriers are in need of it to serve customers, the Commission must take the appropriate actions to ensure that all available spectrum is being used in the most efficient manner and is put to immediate use, consistent with the proposals set forth in the [*National Broadband Plan*].”¹⁷ Accordingly, the record demonstrates that limiting MSS to 20 megahertz of the 2 GHz band will best serve the public interest by making available a substantial amount of new broadband spectrum while preserving sufficient capacity for MSS.

B. The Commission Should Shift the 2 GHz Uplink Band up by Five Megahertz and Preserve the H Block as a Guard Band.

The record also supports the proposal to shift the 2 GHz uplink band up five megahertz to 2005-2025 MHz and preserve the H Block as guard band to address the potential for mobile-to-mobile interference between the new AWS-4 operations and existing and planned PCS. Multiple comments confirm that there is a potential for harmful interference due to the close proximity of the proposed AWS-4 uplink band to the PCS and H Block downlink bands.¹⁸ Motorola Mobility explains that “[t]his device-to-device interference scenario could occur because the five megahertz separation created by the Upper AWS-2 H Block at 1995-2000 MHz will not be sufficient to allow standard filters on LTE devices operating in the 2 GHz band at full power over a ten megahertz channel to adequately protect PCS devices from interference.”¹⁹

¹⁶ MetroPCS Comments at 29-30; T-Mobile USA Comments at 17-18.

¹⁷ MetroPCS Comments at 19; *see also* T-Mobile USA Comments at 22-23 (noting that repurposing the 2 GHz for terrestrial would be consistent with the *National Broadband Plan*).

¹⁸ *See, e.g.*, T-Mobile USA Comments at 24-25; Comments of Motorola Mobility, Inc. at 3, WT Docket Nos. 12-70, 04-356, ET Docket No. 10-142 (filed May 17, 2012) (“Motorola Mobility Comments”); Comments of U.S. Cellular Corporation at 4-5, WT Docket Nos. 12-70, 04-356, ET Docket No. 10-142 (filed May 17, 2012) (“U.S. Cellular Comments”).

¹⁹ Motorola Mobility Comments at 3.

To address this potential for harmful interference, several parties join AT&T and the Commission is suggesting that the 2 GHz uplink band should be shifted up by five megahertz.²⁰ As noted in AT&T's initial comments, shifting the 2 GHz uplink band up by five megahertz will reduce interference concerns and facilitate more robust use of the entire band for mobile broadband.²¹ TIA explains that the band shift would have significant benefits, including that "cell coverage could improve, larger carriers can be supported and PCS could be protected with larger separation distances."²²

An essential aspect of this interference mitigation proposal is the preservation of the 1915-1920 MHz and 1995-2000 MHz H Block as guard band. Proposals to auction the H Block for commercial use should be rejected. As AT&T explained in its initial comments, auctioning the lower H Block would reduce the duplex gap between PCS uplink and downlink, resulting in insufficient separation of potentially interfering services. Moreover, as U.S. Cellular asserts, auctioning the upper H Block would require sacrificing AWS-4 spectrum to guard band, as even with an unreasonably strict, non-standard OOB limit of $70 + 10 \log(P)$ dB, AWS-4 transmitters would have to be prohibited from operating below 2010 MHz to protect an H Block service.²³

The record is clear that authorizing commercial services in the H Block does not make sense. Gaining access to the H Block spectrum is not worth the potential harmful interference to millions of existing PCS users and a substantial reduction in utility of AWS-4. Instead, as AT&T, TIA, and others suggest, the Commission should preserve the H Block as guard band and

²⁰ See, e.g., Motorola Mobility Comments at 4; Greenwood Comments at 19; Sprint Nextel Comments at 11; TIA Comments at 17.

²¹ AT&T Comments at 7.

²² TIA Comments at 17.

²³ U.S. Cellular Comments at 5.

as a potential future home for low power or unlicensed operations compatible with PCS and AWS-4.²⁴

C. The Commission Should Adopt Commercially-Based OOB Limits.

Finally with respect to the AWS-4 service rules, the record supports adopting standard, commercial out-of-band-emissions (“OOBE”) attenuation factors of $43 + 10 \log (P)$ dB at all band and channel edges for the AWS-4 band. The Commission should embrace this limit wherever feasible for the AWS-4 band to achieve efficiencies in device design and maximize the amount of spectrum usable for mobile broadband. As Motorola Mobility explained, adopting OOB limitations other than $43 + 10 \log (P)$ dB could require the use of specialized components, including filters that do not currently exist, and likely would require a power reduction in the band, “either of which would risk making AWS-4 a one-off service and thereby forfeiting a significant portion of its potential versatility and value.”²⁵

Accordingly, the Commission should reject proposals to impose strict OOB limits at the lower or upper band edges of the AWS-4 band because of the unacceptable negative impact this would have on AWS-4 operations. At the lower edge, Motorola Mobility notes that the current rule, which requires a linear interpolation from $43 + 10 \log (P)$ dB at 2000 MHz to $70 + 10 \log (P)$ dB at 1995 MHz, “would necessarily reduce the overall performance and efficiency of AWS-4 systems, and would add substantial cost to AWS-4 network deployment due to the reduced edge performance and corresponding need for decreased cell size.”²⁶ And while some parties suggest a $70 + 10 \log (P)$ dB attenuation factor at the 2 GHz band edge, US Cellular notes that it

²⁴ See AT&T Comments at 7-9; TIA Comments at 11; Motorola Mobility Comments at 4 n.8.

²⁵ Motorola Mobility Comments at 5.

²⁶ Motorola Mobility Comments at 6.

is unlikely that AWS-4 transmitters would be able to meet this limit “in an immediately adjacent spectrum band without reducing power to such a degree that services would be severely impaired, if at all practical.”²⁷ Proposals to impose strict or atypical emissions limitations above 2200 MHz would pose similar risks.

At both band edges, the record demonstrates that interference concerns can be sufficiently addressed with a $43 + 10 \log (P)$ dB OOB limit. As Motorola Mobility explains, adopting the five megahertz band shift proposal (and preserving the H Block as a guard band) would allow the use of standard commercial filters in AWS-4 devices while still providing sufficient protection for broadband PCS devices with a $43 + 10 \log (P)$ dB attenuation factor at the band edge. Similarly, the Commission acknowledges in the Notice that interference concerns at the upper band edge can be addressed adequately in many situations by a $43 + 10 \log (P)$ dB attenuation factor, as currently applies to some legacy MSS/ATC operations in that band.²⁸

III. THE COMMISSION SHOULD REJECT PROPOSALS FOR UNREALISTIC PERFORMANCE REQUIREMENTS AND LICENSE CONDITIONS ON AWS-4 LICENSEES.

The Commission should reject proposals that unnecessarily limit the prospects for expeditious deployment of a robust AWS-4 service. Specifically, the Commission should reject proposals for unrealistic performance requirements on AWS-4 licensees, as such requirements would not allow AWS-4 licensees sufficient time to complete the standardization and equipment development necessary for a successful widespread deployment. Likewise, AWS-4 license conditions on wholesaling, roaming, secondary market transactions and other issues will only impede competition. The Commission should reject such conditions.

²⁷ U.S. Cellular Comments at 5.

²⁸ See Notice, ¶ 19 (discussing $43 + 10 \log (P)$ dB attenuation factor applied to legacy MSS/ATC operations).

A. Performance Requirements Should Reflect the Practical Realities of Deploying New Service in a Newly-Configured Band.

While performance requirements may play a role in promoting expeditious deployment, unrealistic requirements will prove counterproductive to that goal. The Commission's proposed performance requirements, and the few proposals seeking even more aggressive benchmarks, do not account for certain market realities.²⁹ As a result, these proposals are more likely to hinder, rather than expedite, the deployment of AWS-4 service.

These aggressive performance requirement proposals would not allow AWS-4 licensees adequate time to complete standardization and equipment development. These proposals disregard the fact that, due to the shift of the 2 GHz uplink band and the change in the OOB limits needed to facilitate efficient and interference-free AWS-4 operations, significant standards work must precede network deployment. Standardization and equipment development for AWS-4 can be expected to take as long as three years, yet some proposals would require AWS-4 licensees to cover 35 percent of the total AWS-4 population within two years.³⁰ Such unrealistic requirements only set the stage for the new AWS-4 service to fail.

²⁹ See, e.g., Comments of RCA – The Competitive Carriers Association at 6, WT Docket Nos. 12-70, 04-356, ET Docket No. 10-142 (filed May 17, 2012) (“RCA Comments”) (supporting the Commission’s proposed performance requirements); T-Mobile USA Comments at 8-14 (proposing stricter performance requirements); MetroPCS Comments at 26, n.69 (suggesting that the Commission’s proposed requirements are not stringent enough).

³⁰ T-Mobile USA Comments at 10.

B. Proposed License Conditions Are Economically Inefficient, Anticompetitive, And Unsupported By The Record.

The Commission should reject proposed AWS-4 license conditions regarding wholesaling,³¹ roaming,³² secondary market transactions,³³ and other issues.³⁴ Such proposals are unwarranted and economically inefficient. The mandatory wholesaling conditions proposed by some commenters would be unprecedented, as no other CMRS licensee is obligated to offer wholesale agreements.³⁵ There is no justification for the Commission to single out AWS-4 licensees for disparate treatment in this way. Roaming conditions are similarly unnecessary as the Commission has already adopted rules to address roaming concerns, most recently in its *Data*

³¹ See, e.g., RCA Comments at 6-7; Comments of New America Foundation, Public Knowledge and Consumers Union at 8-13, WT Docket Nos. 12-70, 04-356, ET Docket No. 10-142 (filed May 17, 2012) (“Public Interest Organizations Comments”) (proposing conditions on wholesale leasing and roaming); T-Mobile USA Comments at 15-17 (proposing conditions on wholesale leasing and the requirement of Commission approval for wholesale agreements).

³² See, e.g., Comments of NTCA at 3, WT Docket Nos. 12-70, 04-356, ET Docket No. 10-142 (filed May 17, 2012) (proposing a condition requiring licensees to offer reciprocal voice and data roaming to small, rural mobile wireless providers); Public Interest Organizations Comments at 8-13 (proposing conditions on wholesale leasing and roaming); RCA Comments at 6-7 (proposing conditions on roaming access).

³³ See, e.g., Public Interest Organizations Comments at 19 (proposing a five-year phase-out upon the transfer, sale or substantial lease of an AWS-4 license to one of the two largest CMRS and mobile broadband carriers); RCA Comments at 7 (proposing a requirement preventing AWS-4 licensees from entering into agreements with AT&T and Verizon Wireless without prior Commission approval).

³⁴ See, e.g., Comments of Council Tree Investors, Inc. at 14-15, WT Docket Nos. 12-70, 04-356, ET Docket No. 10-142 (filed May 17, 2012) (arguing for spectrum aggregation limits to AWS-4 spectrum); Public Interest Organizations Comments at 13-17 (proposing a “use it or share it” condition).

³⁵ The only remotely comparable situation to the wholesaling conditions proposed in this proceeding is the condition in the Harbinger/SkyTerra transaction requiring wholesale access. That condition, however, is distinct because the LightSquared business model was based on wholesaling and the condition merely reflected a voluntary commitment by the licensee. See SkyTerra Communications, Inc., Transferor and Harbinger Capital Partners Funds, Transferee Applications for Consent to Transfer of Control of SkyTerra Subsidiary, LLC, IB Docket No. 08-184, *Memorandum Opinion and Order and Declaratory Ruling*, 25 FCC Rcd 3059, 3096--97 (2010).

Roaming Order.³⁶ These matters are inappropriate for individual license conditions. Finally, just as AT&T argued in opposition to similar conditions in the *Harbinger-SkyTerra Order*, conditions on secondary market transactions are unsupported by record and bear no relation to the Commission's goal of an efficient and widespread deployment of mobile broadband service in the AWS-4 band.³⁷ These conditions purport to address problems that do not exist and will only impede the deployment of mobile broadband service in the AWS-4 band. The Commission should reject such anticompetitive proposals.³⁸

³⁶ See Reexamination of Roaming Obligations Of Commercial Mobile Radio Service Providers and Other Providers of Mobile Data Services, WT Docket No. 05-265, *Second Report and Order*, 26 FCC Rcd 5411 (2011) (“*Data Roaming Order*”); see also 47 C.F.R. § 20.12.

³⁷ See Petition for Reconsideration of AT&T Inc., IB Docket No. 08-184 (filed Mar. 31, 2010) (explaining why operational license restrictions placed on the post-transaction entity were anticompetitive and unsupported by the record).

³⁸ The proposed conditions are also unlawful. Because Commission adoption of the proposed conditions would result in disparate treatment of similarly-situated licensees and lacks any record basis, such action would be arbitrary and capricious. See *Burlington Northern and Santa Fe Railway Company v. Surface Transportation Board*, 403 F.3d 771, 776-77 (D.C. Cir. 2005) (“An agency must provide an adequate explanation to justify treating similarly situated parties differently. Where an agency applies different standards to similarly situated entities and fails to support this disparate treatment with a reasoned explanation and substantial evidence in the record, its action is arbitrary and capricious and cannot be upheld.” (citations omitted)); see also *In the Matter of Implementation of Section 6602(B) of the Omnibus Budget Reconciliation Act of 1993*, WT Docket No. 06-17, 21 FCC Rcd 10947, ¶ 6 (2006) (“In 1993, Congress created the statutory classification of Commercial Mobile Services to promote the consistent regulation of mobile radio services that are similar in nature.”).

IV. CONCLUSION

The record demonstrates widespread support for repurposing the 2 GHz MSS band for terrestrial mobile broadband use. Transitioning the 2 GHz MSS band to terrestrial use would be a significant step in addressing the looming spectrum crisis. In establishing a new AWS-4 service, the Commission should adopt service rules and a band plan that promote expeditious deployment of a robust mobile broadband service. Moreover, the Commission should reject proposed license conditions that would frustrate these objectives.

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June 1, 2012