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VIA ECFS

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: *Amendment of Part 27 of the Commission's Rules to Govern the Operation of Wireless Communications Services in the 2.3 GHz Band, WT Docket No. 07-293; IB Docket No. 95-91; GEN Docket No. 90-357*
WRITTEN EX PARTE PRESENTATION

Dear Ms. Dortch:

AT&T Inc. and Sirius XM Radio Inc. jointly submitted last Friday a package of compromise proposals to resolve open issues on reconsideration in the above-captioned dockets. Attached is a blog posting on that filing that has been posted on the AT&T Public Policy Blog Site at <http://attpublicpolicy.com/wireless/breaking-down-barriers-in-the-wcs-band/>. A copy of this posting was shared on Friday, June 15 with Renee Wentzel, Legal Advisor to the Chairman, Rick Kaplan, Chief, and Tom Peters of the Wireless Telecommunications Bureau, and Julius Knapp, Chief, and Ron Repasi of the Office of Engineering and Technology.

In accordance with Commission rules, this letter is being filed electronically with your office for inclusion in the public record.

Sincerely,

Joan Marsh

Attachment

cc: Renee Wentzel
Rick Kaplan
Tom Peters
Julius Knapp
Ron Repasi

Breaking Down Barriers in the WCS band

By Joan Marsh

The history of the 2.3 GHz WCS spectrum band is a tortured one. The Commission originally auctioned 128 licenses in April 1997 and from the very beginning, concerns were raised about whether WCS licensees could peacefully co-exist with neighboring licensees in the SDARS band. The years following the auction saw Further Notices and significant FCC Staff efforts, including face-to-face meetings with the SDARS and WCS licensees, to try to resolve disputes and establish fair and clear WCS service rules that would allow the band to develop while respecting the legitimate expectations of satellite radio to operate without their customers receiving interference.

In May 2010, in an attempt to overcome the disputes, the FCC issued a new Report and Order on the WCS band. That Order was promptly challenged in multiple Petitions for Reconsideration, including one filed by AT&T. Our concern, quite simply, was that the newly-adopted service rules did not permit the deployment of an efficient mobile broadband service in the band, something that AT&T deemed vital for the spectrum to be fully and effectively utilized.

To be fair, striking the right balance in the rules was far from easy. The WCS licensees' views on potential service deployment were changing over time as new mobile broadband technologies came to the fore. The SDARS licensees, for their part, didn't object to the development of broadband WCS, but they were growing their business while enduring years of uncertainty about whether proposed changes to the WCS rules would pose new threats to over 22 million satellite radio customers. The FCC Staff stood in the middle, trying to achieve a delicate balance that met the often conflicting demands by licensees in both bands.

It's time for the era of dispute and uncertainty to come to an end.

On Friday, AT&T and Sirius XM filed a joint proposal with the FCC that is designed to bridge differences to reach an accommodation in the WCS band. The effort to reach this accommodation was significant, and required concessions on both sides. But this proposal, if accepted, will enable the adoption of technical rules satisfactory to both interests and should enable licensees in the 2.3 GHz WCS band to deploy the most efficient new mobile broadband technologies, including LTE, while not posing an unreasonable interference threat to satellite radio reception.

The compromise package that AT&T and Sirius XM have developed will not only resolve open issues, but it will advance the FCC's goals of maximizing spectrum efficiency and making mobile broadband services in the WCS band possible. This in turn will help address long-term wireless data capacity concerns that could put U.S. competitiveness and opportunity at risk.

To be sure, neither party to this proposal got everything it had asked for and perhaps wanted. But both AT&T and Sirius XM are confident that they have developed a set of technical rules that will allow each service to flourish while ending the uncertainty that has plagued both bands for far too long. We are hopeful that the Commission will agree.