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April 21, 2008

James R. **Burt**le, Chief
Experimental Licensing Branch
Office of Engineering and Technology
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

RE: Reply to Opposition to Informal Objection to Experimental License Application 0051-EX-PL-2008

Dear Mr. Burtle:

AT&T Inc., on behalf of its affiliates, ("**AT&T**") hereby replies to the Opposition filed by Wireless Strategies Inc. ("**WSI**")¹ in response to the Informal Objection filed by **AT&T**² to the above-captioned experimental **application**.³ **AT&T** reiterates its request that the Commission condition any grant of experimental authority to WSI on full compliance with the fixed microwave prior coordination requirements of the Commission's rules and that WSI be required to define its proposed experiment more clearly. As discussed below, nothing in **WSI's** Opposition allays **AT&T's** concerns that the proposed experimental testing, without proper coordination, could adversely affect essential **traffic** carried on **AT&T's** fixed microwave network.

Part 101 Prior Coordination. **AT&T** urges OET to condition any grant of experimental authority to WSI on complete compliance with the bilateral prior coordination requirements of Section 101.103(d) of the Commission's **rules**.⁴ Bilateral prior coordination consists of two separate elements – notification and response – both of which would enable **AT&T** and other parties to utilize recognized interference analysis tools to consider the effects of WSI's proposed **tests**.⁵ Given the

¹ See WSI Opposition to **AT&T** Informal Objection to Experimental License Application, 0051-EX-PL-2008 (filed April, 11, 2008) ("**WSI Opposition**").

² See **AT&T** Informal Objection to Experimental License Application, 0051-EX-PL-2008 (filed Apr. 2, 2008) ("**AT&T Informal Objection**").

³ **AT&T** submits this reply pursuant to Sections 1.41 and 5.95 of the Commission's rules. 47 C.F.R. §§1.41, 5.95.

⁴ See 47 C.F.R. §101.103(d).

⁵ As **AT&T** explained in its Informal Objection, coordination zone analysis shows that, within **WSI's** proposed band of operation, **AT&T** has licenses in the coordination zone authorizing operation on 176 **frequencies from** 75 sites within 125 miles of the filed coordinates and on 394

critical nature of much of the **communications** carried over **AT&T's** and other licensees' fixed microwave systems, bilateral prior coordination is **essential**.⁶

Even WSI acknowledges the need to research whether its proposed **experimental** frequency usage could interfere with existing licensees, permittees, and **applicants**.⁷ However, in lieu of the Commission's well-established bilateral prior coordination process, WSI wants to commission a unilateral "**study**."⁸ But WSI does not describe the methodology or subjects of inquiry for its proposed "**study**."⁹ Nor does WSI explain why a unilateral "**study**" – that does not allow licensees, permittees, and applicants to analyze and comment on potential interference – is a preferable, or even acceptable, alternative to bilateral prior coordination. Accordingly, OET should condition any grant of experimental authority to WSI on full compliance with the prior coordination requirements of Section **101.103(d)**. This condition is the only way to protect **AT&T** and other licensees and applicants from interference from **WSI's** proposed tests.¹⁰

Part 5 Experimental Licensing Requirements. **WSI's** application fails to provide sufficient **information** to comply with the detailed filing requirements for experimental license applications contained in Part 5 of the Commission's rules. Specifically, Section **5.55(c)** requires that each application for experimental authority be "specific and complete with regard to station location, proposed equipment, power, antenna height, and operating frequency."¹¹ Additionally, Section

frequencies from 136 sites within 250 miles of the filed coordinates. Indeed, **AT&T** is responsible for 17-21% of the total usage by all licensees in the sub-band of the heavily used lower 6 GHz band where WSI proposes to conduct testing. See **AT&T** Informal Objection at 2-3.

⁶ In addition to commercial traffic, **AT&T's** microwave stations carry voice and data traffic from state and local **government/public** safety entities, 911 call traffic, and other similarly urgent communications. See **AT&T** Informal Objection at 3.

⁷ See WSI Opposition at 3-4.

⁸ WSI submits, without evidence, that its "study" will determine whether the interference received at any existing or presently proposed victim receiver **from** any "Distributed Radiating Element" ("DRE") will always be less than the interference received at any existing or proposed receiver from its "Smart Antenna System." See WSI Opposition at 3-4.

⁹ Section **101.103(d)** does not contemplate the completion of a vague "**study**" or any other unilateral action that would enable a fixed microwave system to initiate operations. See 47 C.F.R. §101.103(d).

¹⁰ **WSI** inaccurately states that in "**AT&T's** summary they agree that the licensed path will not cause interference." WSI Opposition at 3. **AT&T** never made this statement. In fact, **AT&T** strongly believes that **WSI's** proposal, in its current **form**, likely could cause **harmful** interference.

¹¹ 47 C.F.R. §5.55(c).

5.63(a) requires that each application contain a supplemental narrative statement "describing in detail" the program of research and experimentation proposed, the specific objectives sought to be accomplished, and how the program of experimentation has a reasonable promise of contribution to the development of the radio art.¹² Here, this information would enable the Commission, **AT&T**, and other potentially affected parties to assess the interference effects of WSI's proposed experimentation on existing and **future** microwave stations.

However, WSI's experimental application does not provide the information required by Part 5.¹³ Nor does **WSI's** Opposition offer new **information** that would satisfy the Part 5 filing requirements.¹⁴ Instead, WSI simply argues that its failure to provide the "specific and complete" technical and operational details required by Section **5.55(c)** is acceptable because OET "**frequently** grants experimental authority in instances in which the transmission **parameters** are not just one set of **fixed** parameters, but parameters that may **vary**."¹⁵ But WSI's assertion is misleading. Although OET sometimes grants experimental authority where "transmission **parameters** are not just one set of **fixed** parameters," in such instances the experimental application contains the other sets of transmission parameters, or, with respect to mobile testing, the transmission parameters of the tested mobile device are known. This information allows the Commission and the public to make informed decisions about proposed testing.

WSI also is unable to justify its failure to provide a sufficiently detailed supplemental narrative statement as required by Section **5.63(a)**. Rather, WSI asserts that its meetings at the

¹² 47 C.F.R. §**5.63(a)**.

¹³ As **AT&T** explained in its **Informal** Objection, WSI's experimental transmissions apparently could occur anywhere in Baltimore, **Jessup** and White Marsh, MD and some **undefined** area described by WSI as the "**interference** contour" of the authorization stations. But Section **5.55(c)** requires that WSI provide the locations of each transmission as part of the application (**AT&T** notes that WSI has applied to use up to 16 transmitters in its proposed experiment). **See** 47 C.F.R. §**5.55(c)**. Further, WSI has not described its theory of operation, the term "Distributed Radiating Element" is not explained or defined, and the term "concurrently coordinated" is explained only as the use of multiple frequencies on a single polarization. **See AT&T Informal Objection** at 3-4.

¹⁴ WSI explains that "the operational area for smart area systems with **DREs** is limited to less than 0.3% of the coordination contour area around a licensed path." **See** WSI Opposition at n. 3. But this statement **provides** no insight into where WSI **actually** plans to deploy and operate its experimental transmitters (**DREs**) and links. In fact, based on information in WSI's experimental application, **AT&T** calculates that the proposed experiments, at a minimum, could take place anywhere within a **159** square mile operational area surrounding the set of coordinates provided by WSI.

¹⁵ WSI Opposition at 2.

Commission¹⁶ and its filings in other proceedings are an adequate alternative to the Part 5 application **requirements**.¹⁷ In fact, **WSI** apparently believes that the submission of Part 5 information is a “**needless regulatory hoop[]**.”¹⁸ **AT&T** strongly disagrees that the information **WSI** revealed in this experimental licensing proceeding provides OET and the public with **sufficient** information to evaluate WSI's proposal. Moreover, WSI's statements conflict with the **fundamental** notion that Commission proceedings, including experimental licensing proceedings, should be transparent and open to the public.

Finally, **AT&T** disagrees with WSI's unsupported assertion that granting WSI's experimental application would be consistent with **OET's** previous decision to grant Diversified Communications' experimental license **application**.¹⁹ Simply put, OET subjected Diversified Communications to a vast number of conditions that WSI has not **accepted**.²⁰

For the reasons detailed herein, **AT&T** urges the Commission to require WSI to follow well-established prior coordination procedures before initiating any experimental testing. Moreover, the

¹⁶ Although OET may have participated in meetings with WSI, the public did not.

¹⁷ Notably, WSI's experimental application does not reference WSI's other filings or meetings with the Commission.

¹⁸ WSI Opposition at 3.

¹⁹ See *Diversified Communications Engineering, Inc.*, Memorandum Opinion and Order, FCC 00-30 (2000).

²⁰ As the Commission explained, “[Diversified Communications'] conditions include a limitation on the occupied bandwidth that Diversified is permitted to use, a requirement that Diversified file a progress report every six months **from** date of grant, and requirements that Diversified (a) **publish** a notice in the newspaper circulated in the area of the test that describes the test, the dates and times of testing, the potential for interference to be caused to DBS subscribers, and provides a phone number for **DBS** subscribers to call in case of interference; (b) provide timely copies of the notice via certified mail to all DBS licensees with operations covering the United States in the 12.2 - 12.7 **GHz** band; and (c) suspend testing immediately, if a DBS subscriber complains of interference because of the testing, until the complaint can be investigated and resolved, and immediately notify the Commission and the DBS licensee of the complaint; if the complaint cannot be satisfactorily resolved, testing shall not continue.” *Id.* at n. 11.

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Commission should not take action on **WSI's** experimental request until WSI appropriately supplements its request with technical data and descriptions required by the Commission's rules.

Sincerely,



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CERTIFICATE OF SERVICE

I, Shandee R. **Parran**, hereby certify that on this **21st** day of April 2008, a copy of **AT&T Inc.'s** Reply to Opposition filed by Wireless Strategies Inc. in file no. 0051-EX-PL-2008 was served via hand delivery (where indicated), US Mail (where indicated) and electronic mail to the following:

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